AN ORDINANCE ordering the improvement of an area of the north part of the City by constructing and installing eight and twelve inch sanitary sewer lines in the vicinity of 84th Avenue South (East Valley Highway) from approximately South 218th Street to approximately South 212th Street; establishing Local Improvement District No. 267; providing the method of assessment in the District; providing that payment for the improvement be made by special assessments upon the property in the District, payable by the mode "payment by bonds," and by such other moneys as may become available therefor; and providing for the issuance and sale of local improvement district warrants redeemable in cash and local improvement district bonds.

WHEREAS, by Resolution No. 709, adopted December 6, 1971, the City Council declared its intention to order the improvement of an area of the north part of the City by constructing and installing eight and twelve inch sanitary sewer lines in the vicinity of 84th Avenue South (East Valley Highway) from approximately South 218th Street to approximately South 212th Street, and fixed January 3, 1972, at 7:00 o'clock p.m. (PST) in the Council Chambers of the City Hall as the time and place for hearing all matters relating to that proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, the City Engineer caused an estimate to be made of the cost and expenses of the proposed improvement and certified that estimate to the City Council, together with all papers and information in his possession touching the proposed improvement, a description of the boundaries of the District, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding or unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate, including 25% of the actual
valuation of the improvements in the proposed district, according to the valuation last placed upon it for the purpose of general taxation; and

WHEREAS, that estimate is accompanied by a diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property which will be specially benefited by the proposed improvement, and the estimated amount of the cost and expense thereof to be borne by each lot, tract, and parcel of land or other property; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the City Council on the date and at the time above mentioned, and was continued to January 17, 1972, for the hearing of more views of property owners, and all written protests filed with the City Council on or before January 3, 1972 were duly considered and overruled, except that the City Council deemed it appropriate to change the location of the improvement because such change would not affect the purpose thereof nor the benefits conferred thereby, and all persons appearing at the hearing were heard; and

WHEREAS, the City Council has determined it to be in the best interests of the City that the improvement as hereinafter described be carried out and that a local improvement district be created in connection therewith; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO ORDAIN as follows:

Section 1. The improvement described in Exhibit B attached hereto and by this reference made a part hereof is hereby ordered. The improvement shall be carried out pursuant to the plans and specifications prepared by the City Engineer. The City Council reserves the right to make such alterations in the improvement as may be deemed appropriate so long as such changes do not result in a change in purpose of the improvement.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 267 of the City of Kent, Washington," which District is described in Exhibit A attached hereto and by this reference made a part hereof.
Section 3. The estimated cost and expense of the improvement is hereby declared to be $168,400.00. Not to exceed the total cost and expense of the improvement (but no more than $192,671.88) shall be borne by and assessed against the property specially benefited by that improvement included in the local improvement district herein established embracing as near as may be all property specially benefited by the improvement. In the event the City shall receive moneys from the United States of America or the State of Washington, or shall have committed available moneys of the City for financing a portion of the improvement, then the amount to be assessed against the property in the local improvement district shall be reduced by the amount of such moneys received or committed, except to the extent such moneys are needed to pay any costs and expenses of the improvement in excess of $192,671.88.

Section 4. In accordance with the provisions of RCW 35.44.047, the City may use any method or combination of methods to compute assessments which may be deemed to fairly reflect the special benefits to the properties being assessed.

Section 5. Local improvement district warrants shall be issued in payment of that portion of the cost and expense of the improvement herein ordered to be assessed, such warrants to be payable out of the "Local Improvement Fund, District No. 267," hereinafter created and referred to as the "Local Improvement Fund," to bear interest from the date thereof at a rate to be hereafter fixed by ordinance and to be redeemed in cash, and/or by local improvement district bonds, herein authorized to be issued, such interest-bearing warrants to be hereafter referred to as "revenue warrants." The City is authorized to issue local improvement district bonds for the district which shall bear interest at a rate to be hereafter fixed by ordinance, shall be payable on or before ________ years from the date of issuance, the life of the improvement ordered being not less than the term of the bonds, and shall be issued in exchange for and in redemption of any and all revenue warrants issued hereunder and not redeemed in cash within a period of not to exceed sixty days after the first publication by the City.
Treasurer of notice that the assessment roll for Local Improvement District No. 267 is in her hands for collection. The bonds shall be redeemed by the collection of special assessments to be levied and assessed upon the property within the district, payable in ___/____ equal annual installments, with interest at a rate to be hereafter fixed by ordinance, under the mode of "payment by bonds," as defined by law and the ordinances of the City. In the case of default in the payment of any assessment when the same shall become due, there shall be added interest at a rate to be hereafter fixed by ordinance and a penalty which shall also be collected. The exact form, amount, date, interest rate and denominations of the revenue warrants and local improvement district bonds shall be hereafter fixed by ordinance of the City Council. The warrants and bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. All the work necessary to be done in connection with the making of the improvement shall be done by and made by contract upon competitive bids and the City shall have and reserves the right to reject any and all bids. The call for bids for work authorized pursuant to this ordinance shall include a statement that payment for the work will be made in cash warrants drawn upon the Local Improvement Fund.

Section 7. There is hereby created and established in the office of the City Treasurer of the City of Kent, for the district, a special fund heretofore designated and referred to as the Local Improvement Fund, District No. 267, into which fund shall be deposited City moneys available for the improvement and the proceeds from the sale of revenue warrants drawn against the fund which may be issued and sold by the City and collections pertaining to assessments, and against which fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvement, and against which fund cash warrants shall be issued in payment of all other items of expense in connection with the improvement.
PASSED by the City Council and APPROVED by the Mayor of the City of Kent, Washington, at a regular open public meeting thereof, this 7th day of February, 1972.

Mayor

ATTEST:

City Clerk

FORM APPROVED:

City Attorney

Published the 13th day of Feb 1972
Those portions of Section 12, T22N, R 4E., W.M., and Section 7, T22N, R 5E., W.M., in King County, Washington defined as follows: Beginning at the intersection of the east line extended north of Tract 11, Kent Five Acre Tracts as recorded in Vol. 10, Page 19, records of King County, Washington, with the intersection of the south line of the N 1/2 of the NE 1/4 in said Section 12 being the True Point of Beginning of property herein described; thence south along said extended line and said east line of Tract 11 to the NE corner of Tract 10 in said Kent Five Acre Tracts; thence south along the east line of said Tract 10 to the SE corner thereof; Also being the SW corner of Tract 8 in said Kent Five Acre Tracts; thence east along the south line of Tracts 8, 6, and 3 in said Kent Five Acre Tracts to a point which lies 170 feet west of SE corner of said Tract 3; thence north 100 feet; thence east parallel with south line of said Tract 3, a distance of 200 feet to the centerline of 84th Avenue So. (AKA) East Valley Highway; thence north along the centerline of said Avenue to a point which lies 90 feet north of and 30 feet west of the SW corner of Tract 9, Shinn's Cloverdale Addition, as recorded in Vol. 6, Page 52, records of King County, Washington; thence east parallel with the south line of said Tract 9, a distance of 288 feet; thence north at right angles to last described line to the north line of said Tract 9; Also being the south line of Tract 10 of said Shinn's Cloverdale Addition; thence east along the south line of said Tract 10, a distance of 18 feet; thence north parallel with said centerline a distance of 498.78 feet; thence east parallel with the south line of Government Lot 2 in said Section 7 to the east line of said lot; thence north along the east line of said lot, a distance of 124.55 feet; thence west parallel with the south line of said lot, a distance of 432.30 feet; thence north parallel with the east line of said lot, a distance of 403.73 feet; thence east parallel with the north line of said Government Lot to the east line of said lot; thence north along said east line to the NE corner of said lot; thence west along the north line of said lot to the NW corner of said lot; thence continuing west along the south line of the north 1/4 of the NE 1/4 of said Section 12 to the True Point of Beginning, Except any portions thereof lying within public rights-of-way.
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<thead>
<tr>
<th>SIZE</th>
<th>ON</th>
<th>FROM</th>
<th>TO</th>
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<tbody>
<tr>
<td>12&quot;</td>
<td>W. Side of EVH</td>
<td>Immediately south of the intersection of S. 218th Street &amp; EVH.</td>
<td>926.50' North from said Beginning (Call PT &quot;A&quot;)</td>
</tr>
<tr>
<td>8&quot;</td>
<td>Crossing EVH</td>
<td>PT &quot;A&quot;</td>
<td>70' East</td>
</tr>
<tr>
<td>12&quot;</td>
<td>W. Side of EVH</td>
<td>PT &quot;A&quot;</td>
<td>269' North (Call PT &quot;B&quot;)</td>
</tr>
<tr>
<td>8&quot;</td>
<td>Crossing EVH</td>
<td>PT &quot;B&quot;</td>
<td>70' East (Call PT &quot;C&quot;)</td>
</tr>
<tr>
<td>8&quot;</td>
<td>E. Side of EVH</td>
<td>PT &quot;C&quot;</td>
<td>481.5' North (Call PT &quot;D&quot;)</td>
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<tr>
<td>8&quot;</td>
<td>Crossing EVH</td>
<td>PT &quot;D&quot;</td>
<td>70' West</td>
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I, MARIE JENSEN, Clerk of the City of Kent, Washington, hereby certify that the attached ordinance is a true and correct copy of the original ordinance passed on the 7th day of February, 1972, as that ordinance appears on the Minute Book of the City.

DATED this 7th day of February, 1972.

[Signature]

MARIE JENSEN, City Clerk