ORDINANCE NO. 1836

AN ORDINANCE of the City of Kent, Washington ordering the improvement of a portion outside the City by the acquisition, purchase, construction and installation of a sanitary sewer to run from S. E. 256th to S. E. 258th on 116th Avenue S. E., and on S. E. 258th from 116th Avenue S. E. to a point 160 feet east of 116th Avenue S. E., all in accordance with Resolution No. 746 of the City Council, establishing Local Improvement District No. 276; providing the method of assessment in the District; providing that payment for the costs of the improvement be made by special assessments upon the property in the District, payable by the mode of "payment by bonds", or "note in lieu of bonds"; and providing for the issuance and sale of Local Improvement District warrants redeemable in cash and Local Improvement District Bonds or Note in Lieu of Bonds.

WHEREAS, by Resolution No. 746, adopted June 18, 1973, the City Council declared its intention to order the improvement of a portion outside the City by the construction and installation of an 8 inch sanitary sewer to run from S. E. 256th to S. E. 258th on 116th Avenue S. E., and on S. E. 258th from 116th Avenue S. E. to a point 160 feet east of 116th Avenue S. E., all in accordance with Resolution 746, and fixed July 16, 1973, at 8:00 o'clock p.m. in the Council Chambers in the City Hall as the time and place for hearing all matters relating to the proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, the City Engineer of the City of Kent caused an estimate to be made of the cost and expense 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 at such hearing no written protests were received; 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 HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Kent, Washington, hereby orders the improvement of a portion outside the City by the construction and installation of an 8 inch sanitary sewer to run from S. E. 256th to S. E. 258th on 116th Avenue S. E. and on S. E. 258th from 116th Avenue S. E. to a point 160 feet east of 116th Avenue S. E., as described in Exhibit B attached hereto and by this reference made a part herein, which shall include all manholes, joints, fillings and appurtenances.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the City's Consulting Engineer.
The City reserves the right to make changes in such improvement as long as such changes do not materially affect the purpose of the improvement.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 276 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 total estimated cost and expense of that improvement is hereby declared to be $30,300.00 which shall be borne by and assessed against the property specially benefited by the improvement to be included in a local improvement district to be established embracing as near as may be all property specially benefited by the improvement.

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 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. 276", 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 not to exceed 8% per annum and to be redeemed in cash, and/or by local improvement district bonds, or note in lieu of 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 or note in lieu of bonds for the District which shall bear interest at a rate to be hereafter fixed by ordinance, shall be payable on or before twelve (12) 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 an in redemption of any and
all revenue warrants issued hereunder and not redeemed in cash within a period of not to exceed sixty (60) days after the first publication by the City Treasurer of notice that the assessment roll for Local Improvement District No. 276 is in her hands for collection. The bonds or note in lieu of bonds shall be redeemed by the collection of special assessments to be levied and assessed against the property within the District, payable in ten (10) equal annual installments, with interest at a rate to be hereafter fixed by ordinance, not exceeding 8-1/2% per annum, under the mode of "payment by bonds", or "note in lieu of 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 not to exceed 8-1/2% per annum and a penalty of 6% 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 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. 276, into which fund shall be deposited 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.

Section 8. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 6 day of August, 1973.

APPROVED the 7 day of August, 1973.

PUBLISHED the 10 day of August, 1973.

I hereby certify that this is a true copy of Ordinance No. 1835, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK
EXHIBIT "A"

FINAL LEGAL DESCRIPTION FOR SANITARY SEWER IMPROVEMENT IN

VICINITY OF S. E. 256th and 116th S. E.

Lots 1 through 9, Sunset Manor recorded in Volume 72 of Plats, Page 93, King County, Washington AND ALSO the south 480 feet of the east 130 feet of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 29, Township 22 North, Range 5 E.W.M. EXCEPT any public rights-of-way therein.
EXHIBIT "B"

PROPOSED SANITARY SEWER
IN VICINITY OF S. E. 256th and 116th S. E. STREETS

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<thead>
<tr>
<th>SIZE</th>
<th>ON</th>
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<th>TO</th>
</tr>
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<tbody>
<tr>
<td>8&quot;</td>
<td>116th Ave. S. E.</td>
<td>S. E. 256th Street</td>
<td>S. E. 258th St.</td>
</tr>
<tr>
<td>8&quot;</td>
<td>S. E. 258th Street</td>
<td>116th Ave. S. E.</td>
<td>160' East</td>
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TOTAL: $ 30,300.00

HEARING DATE: July 16, 1973