AN ORDINANCE establishing Consolidated Local Improvement District No. 257 et al. and "Consolidated Local Improvement Fund, District No. 257 et al."; and fixing the amount, form, date, interest rate, maturity and denominations of the Consolidated Local Improvement District No. 257 et al. Bonds and directing the issuance and sale thereof to Foster & Marshall Inc., Seattle, Washington.

WHEREAS, Chapter 44, Laws of the State of Washington, 1967, Ex. Ses. (RCW 35.45.160), authorizes the establishment of consolidated local improvement districts for the purpose of issuing bonds only and provides that if the governing body of any municipality orders the creation of such consolidated local improvement districts, the moneys received from the installment payment of the principal of and interest on assessments levied within original local assessment districts shall be deposited in a consolidated local improvement district bond redemption fund to be used to redeem outstanding consolidated local improvement district bonds; and

WHEREAS, the City heretofore pursuant to Ordinance No. 1643, passed by the City Council and approved by the Mayor on February 2, 1970, issued and sold to the "Kent Firemens Relief and Pension Fund" of the City an installment note payable from the "Local Improvement Fund, District No. 257," which installment note was issued in the original amount of $21,252.20 representing the balance of the cost and expense of Local Improvement District No. 257 which was to be borne by the property owners thereof, such installment note and the assessment installments to bear interest at the rate of 7% per annum, and there is presently an unpaid principal balance on such installment note of $6,347.90, and such installment note is dated February 1, 1970, and becomes finally due on February 1, 1982; and
WHEREAS, the City heretofore pursuant to Ordinance No. 1657, passed by the City Council and approved by the Mayor on April 20, 1970, issued and sold to the "Kent Firemen's Relief and Pension Fund" of the City an installment note payable from the "Local Improvement Fund, District No. 258," which installment note was issued in the original amount of $37,120.30 representing the balance of the cost and expense of Local Improvement District No. 258 which was to be borne by the property owners thereof, such installment note and the assessment installments to bear interest at the rate of 8% per annum, and there is presently an unpaid principal balance on such installment note of $16,566.16, and such installment note is dated April 15, 1970, and becomes finally due on April 15, 1982; and

WHEREAS, Chapter 258, Laws of the State of Washington, 1969, 1st Ex. Ses. (RCW 35.45.155), authorizes a city or town having issued one or more installment notes to refund all of such notes or the principal thereof by the issuance of local improvement district bonds under the terms and conditions set forth in such statute; NOW, THEREFORE,

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

Section 1. For the purpose of issuing bonds only, Local Improvement District No. 257 established by Ordinance No. 1532, passed by the City Council and approved by the Mayor on September 3, 1968, Local Improvement District No. 258 established by Ordinance No. 1541, passed by the City Council and approved by the Mayor on October 21, 1968, and Local Improvement District No. 275 established by Ordinance No. 1823, passed by the City Council and approved by the Mayor on April 2, 1973, are hereby consolidated into a consolidated local improvement district to be known and designated as Consolidated Local Improvement District No. 257 et al.

Section 2. There is hereby created and established in the office of the Treasurer of the City of Kent for Consolidated Local Improvement District No. 257 et al.
Improvement District No. 257 et al. a special consolidated local improvement district fund to be known and designated as "Consolidated Local Improvement Fund, District No. 257 et al." After the redemption of the outstanding installment notes of Local Improvement Districts Nos. 257 and 258, all collections pertaining to assessments on the assessment rolls of Local Improvement District No. 257 and Local Improvement District No. 258 and all collections pertaining to assessments on the assessment roll of Local Improvement District No. 275 shall, when hereafter received, be deposited in the "Consolidated Local Improvement Fund, District No. 257 et al," to be used to redeem outstanding Consolidated Local Improvement District No. 257 et al. Bonds.

Section 3. The total remaining principal balance on the installment note of Local Improvement District No. 257 is $6,347.90, and the total remaining principal balance on the installment note of Local Improvement District No. 258 is $16,566.16. The total amount of the assessment roll in Local Improvement District No. 275 created under Ordinance No. 1823 was $23,205.00. The 30-day period for making cash payment of assessments without interest in the district expired on ________, 1974, and no assessments were paid in cash during such period, leaving the entire amount of assessments unpaid on the assessment roll in the sum of $23,205.00. Consolidated local improvement district bonds of Consolidated Local Improvement District No. 257 et al. shall, therefore, be issued in the total principal sum of $46,119.06. Bond No. 1 shall be in the denomination of $1,119.06, and the remaining bonds numbered 2 to 46, inclusive, shall be in the denomination of $1,000.00 each. The bonds shall all be dated December 1, 1974, and shall be payable on December 1, 1986, with the right reserved to the City to redeem the bonds prior to
maturity on any interest payment date, in numerical order, lowest numbers first, whenever there shall be sufficient money in the "Consolidated Local Improvement Fund, District No. 257 et al.," created herein, to pay the bonds so called and all earlier numbered bonds over and above the amount required for the payment of the interest on all unpaid bonds; provided, however, that the City covenants to redeem and pay not less than the sum of $6,347.90 of such bonds by no later than February 1, 1982, and not less than an additional amount of $16,566.16 of such bonds by no later than April 15, 1982. Notice of such call shall be published once in the official newspaper of the City not less than ten nor more than twenty days prior to the call date, and upon such date the interest on bonds so called shall cease and each and every coupon representing interest not accrued on such date shall be void. The bonds shall bear interest at the rate of 8.25% per annum, payable annually, beginning December 1, 1975, to be represented by interest coupons to maturity attached to each bond.

Section 4. Each of the bonds and interest coupons attached thereto shall be in substantially the following form:

No. _____  $1,000.00

($1,119.06 on Bond No. 1)

UNITED STATES OF AMERICA

STATE OF WASHINGTON

CONSOLIDATED LOCAL IMPROVEMENT BOND

OF

CITY OF KENT

CONSOLIDATED LOCAL IMPROVEMENT DISTRICT NO. 257 ET AL.

8.25% 

N.B. The laws of the State of Washington under which this bond is issued contain the following section (RCW 35.45.070):

"Neither the holder nor owner of any bond, interest coupon, or warrant issued against a local improvement fund shall have any claim therefor against the city or town by which it is issued, except for payment from the special assessments made for the improvement for which the bond or warrant was issued and except also for payment from the local improvement guaranty fund of the city or town as to bonds issued after the creation of a local improvement guaranty fund of that city or town. The city or town shall not be liable to
the holder or owner of any bond, interest coupon, or warrant for any loss to the local improvement guaranty fund occurring in the lawful operation thereof. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond."

THE CITY OF KENT, WASHINGTON, a municipal corporation of the State of Washington, hereby promises to pay to Foster & Marshall Inc., Seattle, Washington, or bearer, the sum of

ONE THOUSAND DOLLARS ($1,119.06 on Bond No. 1)

in lawful money of the United States of America, with interest thereon at the rate of 8.25% per annum, payable annually out of the consolidated fund established by Ordinance No. 1532 of the City and known as "Consolidated Local Improvement Fund, District No. 257 et al.," and not otherwise, except from the guaranty fund, as herein provided. Both principal of and interest on this bond are payable at the office of the Treasurer of the City.

Coupons are hereto attached for each installment of interest to accrue hereon, and interest shall be paid only on presentation and surrender of such coupons to the City Treasurer.

The City Council of the City, as agent of such Consolidated Local Improvement District No. 257 et al., established by Ordinance No. 1532, has caused this bond to be issued in the name of the City as the bond of such consolidated local improvement district, the bonds or the proceeds thereof to be used (a) to refund an installment note heretofore issued for Local Improvement District No. 257 originally issued to pay so much of the cost and expense of certain improvements as provided by Ordinance No. 1532 establishing Local Improvement District No. 257, (b) to refund an installment note heretofore issued for Local Improvement District No. 258 originally issued to pay so much of the cost and expense of certain improvements as provided by Ordinance No. 1541 establishing Local Improvement District No. 258, and (c) to pay so much of the cost and expense of certain improvements as provided by Ordinance No. 1823 establishing Local Improvement District No. 275, all as is levied and assessed against the properties included in the consolidated local improvement district and benefited by those improvements, and the "Consolidated Local Improvement Fund, District No. 257 et al.," has been established by ordinance for that purpose. The holder or holders of this bond shall look only to that fund and to the Local Improvement Guaranty Fund of the City for the payment of either the principal of or the interest on this bond.

This bond is one of a consolidated issue of 46 bonds aggregating in all the principal sum of $46,119.06, issued for Consolidated Local Improvement District No. 257 et al., all of which bonds are subject to the same terms and conditions as herein expressed.
This bond is payable on December 1, 1986, but is subject to call by the City Treasurer for prior redemption whenever there shall be sufficient money in the "Consolidated Local Improvement Fund, District No. 257 et al.," to pay the same and all unpaid bonds of the issue of which this bond is one, which are prior to this bond, in numerical order, over and above amounts sufficient for the payment of the interest on all unpaid bonds of this issue; provided, however, that the City covenants to redeem and pay not less than the sum of $6,347.90 of such bonds by no later than February 1, 1982, and not less than an additional amount of $16,566.16 of such bonds by no later than April 15, 1982. The call for payment of this bond, or any bond of this issue of which this is one, shall be made by the City Treasurer by publishing the same once in the official newspaper of the City not less than ten nor more than twenty days prior to the call date, and when such call is made for the payment of this bond, it will be paid on the date the next interest coupon thereon shall become due after that call and upon that day interest upon this bond shall cease and any remaining coupons shall be void.

IT IS HEREBY CERTIFIED, Recited and Declared that all acts, conditions and things required to be done precedent to and in the levying of such special taxes or assessments and the issuing of these bonds have been properly done, have happened and have been performed in regular and due form, as required by law; and that these bonds have not been issued in an amount in excess of the cost of the improvement.

IN WITNESS WHEREOF, the City of Kent, Washington, has caused this bond to be signed by the facsimile signature of its Mayor and attested by the manual signature of its City Clerk and its corporate seal to be hereto affixed, and the interest coupons attached to be signed with the facsimile signatures of those officials this first day of December, 1974.

CITY OF KENT, WASHINGTON

By (facsimile signature) Mayor

ATTEST:

City Clerk

COUPON FORM

Coupon No. ______

$82.50
($92.32 on Bond No. 1)

On the FIRST DAY OF DECEMBER, 19__, the CITY OF KENT, WASHINGTON, promises to pay to bearer at the office of the City Treasurer the sum shown hereon, this sum being twelve months' interest due that day on Bond No. of the bonds of Consolidated Local Improvement District No. 257 et al. and not otherwise, provided that this
coupon is subject to all terms and conditions contained in the bond to which it is annexed and, if that bond shall be called for payment before maturity hereof, this coupon shall be void.

CITY OF KENT, WASHINGTON

By (facsimile signature)

Mayor

ATTEST:

(facsimile signature)

City Clerk

Section 5. The bonds shall be printed on lithographed forms, shall be signed by the facsimile signature of the Mayor and attested by the manual signature of the City Clerk and shall have the seal of the City of Kent affixed thereto and the coupons shall bear the facsimile signatures of the Mayor and the City Clerk.

Section 6. Foster & Marshall Inc., Seattle, Washington, heretofore offered to purchase all of the consolidated local improvement bonds of Consolidated Local Improvement District No. 257 et al. at a price of par, plus accrued interest from date of issuance to the date of delivery of the bonds to the purchaser, the City to furnish the printed bonds and the approving legal opinion of Roberts, Shefelman, Lawrence, Gay & Moch, municipal bond counsel of Seattle, Washington, at the City's expense. The City Council, deeming that it was in the best interest of the City to accept said offer, duly accepted the same on November 18, 1974, and such acceptance is hereby ratified and confirmed. The bonds shall, therefore, immediately upon their execution, be delivered to Foster & Marshall Inc., Seattle, Washington, upon payment therefor in accordance with said offer.

$6,347.90 of the principal proceeds received from the bonds, representing the unpaid principal amount of the installment note issued in Local Improvement District No. 257, and $16,566.16 of the principal proceeds received from the bonds, representing the unpaid principal amount of the installment note issued in Local Improvement District No. 258, shall be deposited in the "Kent
Firemens Relief and Pension Fund" of the City. There shall also be transferred to the "Kent Firemens Relief and Pension Fund" of the City as a temporary loan from the Local Improvement Guaranty Fund of the City a sum equal to the accrued interest payable on such installment notes from the last dates of payment of interest on such bonds to the date of redemption of such notes, which temporary loan shall be repaid to the Local Improvement Guaranty Fund out of the first collections of assessments hereafter received on the assessment rolls of Local Improvement Districts Nos. 257 and 258. Such moneys so deposited in the "Kent Firemens Relief and Pension Fund" of the City shall be used to redeem and retire such installment notes.

The balance of the principal proceeds received from the bonds shall be deposited in the "Local Improvement Fund, District No. 275," and the accrued interest received shall be deposited in the "Consolidated Local Improvement Fund, District No. 257 et al." 

PASSED by the City Council and APPROVED by the Mayor of the City of Kent, Washington, at a regular open public meeting thereof, this 16th day of December, 1974.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

FORM APPROVED:

[Signature]
City Attorney

PUBLISHED: Dec 22, 1974
I, MARIE JENSEN, City Clerk of the City of Kent, Washington, hereby certify that the attached copy of Ordinance No. 1893 is a true and correct copy of the original ordinance passed on the 16th day of December, 1974, as said ordinance appears on the Minute Book of the City.

DATED this 12th day of December, 1974.

MARIE JENSEN, City Clerk