ORDINANCE NO. 2011

AN ORDINANCE of the City of Kent, Washington, ordering the improvement of a portion of the City by the construction and installation of asphaltic concrete surface on 104th Avenue South East to provide four through traffic lanes with a fifth lane to provide a two-way left turn lane and channelization, together with the construction and installation of curbs and gutters, sidewalks, storm drains, illumination and underground power, all in accordance with Resolution No. 816 of the City Council; establishing Local Improvement District No. 281; 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. 816, adopted December 20, 1976, the City Council declared its intention to order the improvement of a portion of the City by construction and installation of asphaltic concrete surface on 104th Avenue South East to provide four through traffic lanes with a fifth lane to provide a two-way left turn lane and channelization, together with the construction and installation of curbs and gutters, sidewalks, storm drains, illumination and underground power, and fixed January 17, 1977 at 8 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 ag-
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 interest of the City that the improvement as herein-after 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 City Council of the City of Kent, Washington, hereby orders improvement of a portion of the City by the construction and installation of asphaltic concrete surface on 104th Avenue South East to provide four through traffic lanes with a fifth lane to provide a two-way left turn lane and channelization, together with the construction and installation of curbs and gutters, sidewalks, storm drains, illumination and underground power as described in Exhibit A attached hereto and by this reference made a part herein.

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. 281 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 $786,269.00, $47,135.00 of 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. 281", 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 case, 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 and 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 Supervisor of Treasury Accounting of notice that the assessment roll for Local Improvement District No. 281 is in her hand 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 of 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 Supervisor of Treasury Accounting of the City of Kent, for the District, a special fund heretofore designated and referred to as the Local Improvement Fund, District No. 281, 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

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ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 7th day of February, 1977.

APPROVED the 8th day of February, 1977.

PUBLISHED the 10th day of February, 1977.

I hereby certify that this is a true copy of Ordinance No. 2011, 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
That portion of the southwest quarter of Section 20, Township 22 North, Range 5 East, W.M., King County, Washington, described as follows: Beginning at the southeast corner of the southwest quarter of the southwest quarter of said Section being true point of beginning of property herein described; thence west along the south line of said subdivision a distance of 191 feet; thence north parallel with the east line of the southwest quarter of the southwest quarter of said section; also being the centerline of 104th Avenue SE to the north line of the south 471.54 feet of the southwest quarter of the southwest quarter of said Section; thence west parallel with the south line of said subdivision a distance of 9 feet; thence north parallel with said centerline to the north line of the south 751.54 feet of the southwest quarter of the southwest quarter of said section; thence east parallel with the south line of said subdivision a distance of 9 feet; thence north parallel with said centerline a distance of 140 feet; thence east parallel with the north line of the southwest quarter of the southwest quarter of said section a distance of 191 feet to said centerline; thence north along said centerline to the northeast corner of the southwest quarter of the southwest quarter of said section, also being the northwest corner of the southeast quarter of the southwest quarter of said section; thence east along the north line of the southwest quarter of said section a distance of 187 feet; thence south parallel with said center line a distance of 506.08 feet; thence east parallel with the north line of the southeast quarter of the southwest quarter of said section a distance of 13 feet; thence south parallel with said centerline to a point which lies 200 feet north of the south line of the southwest quarter of the southwest quarter of said section; thence west parallel with the south line of the southeast quarter of the southwest quarter of said section a distance of 15 feet; thence south parallel with said centerline to the south line of the southwest quarter of said section; thence west along the south line of the northeast quarter of the northwest quarter of said section; thence south parallel with said centerline a distance of 187 feet; thence south 76°10'00" east to a point which lies 187 feet east of the west line of the northeast quarter of the northwest quarter of said Section 29, also being the centerline of 104th Avenue SE when measured at right angles; thence south parallel with said centerline to a point which lies 538 feet south of the north line of said Section 29; thence east parallel with the north line of said Section 29 a distance of 5 feet; thence south parallel with said centerline to a point which lies 578 feet south of the north line of said Section 29; thence west along the south line of the northeast quarter of the northwest quarter of said Section 29 a distance of 187 feet; thence north parallel with said centerline to a point which lies 155 feet south of the north line of said Section 29; thence east parallel with the north line of said Section 29 a distance of 2 feet; thence north parallel with said centerline to the north line of said Section 29; thence east along the north line of said Section 29 to true point of beginning; LESS any public road and/or right-of-way.

EXHIBIT A