AN ORDINANCE of the City of Kent, Washington, ordering the improvement of a portion of the City by the construction and improvement of 108th Avenue SE from SE 240th Street to approximately 100 feet north of SE 236th Place by the construction of a 36 foot wide street with asphalt pavement, concrete curb and gutter, storm drainage and street lighting and by the widening of SE 240th Street to provide a left turn pocket at 108th Avenue SE; all in accordance with Resolution 852 of the City Council; establishing Local Improvement District No. 290; 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 852, adopted November 20, 1978, the City Council declared its intention to order the improvement of a portion of the City by the construction and improvement of 108th Avenue SE from SE 240th Street to approximately 100 feet north of SE 236th Place by the construction of a 36 foot wide street with asphalt pavement, concrete curb and gutter, storm drainage and street lighting and by the widening of SE 240th Street to provide a left turn pocket at 108th Avenue SE all within the City of Kent, and fixed December 18, 1978 at 8 o'clock p.m. in the Council Chambers in the City Hall as the time and place for hearing of 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 assessment outstanding or unpaid against the property 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 the 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 December 18, 1978, and no persons appeared at the hearing and 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 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 City Council of the City of Kent, Washington orders improvement of a portion of the City by the construction and installation of asphaltic pavement street, concrete curb and gutters, storm drainage and street lighting and a left turn pocket as more fully described in Exhibit "B" attached hereto and by this reference made a part hereof.

All the foregoing shall be in accordance with the plans and specifications therefore 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. 290 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 $113,786.00 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 special­
ly 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 improvements
herein ordered to be assessed, such warrants to be payable out of
the "Local Improvement Funds, District No. 290", hereinafter creat­
ed and referred to as the "Local Improvement Fund", to bear inter­
est from the date thereof at a rate to be hereafter fixed by ordi­
nance 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 au­
thorized 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 im­
provement 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 publi­
cation by the Supervisor of Treasury Accounting of notice that
the assessment roll for Local Improvement District No. 290 is in
her hand for collection. The bonds or note in lieu of bonds shall
be redeemed by the collection of special assessment 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, un­
der 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 be­
come 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. 290, 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 2 day of January, 1979.
APPROVED the 3 day of January, 1979.
PUBLISHED the 5 day of January, 1979.

I hereby certify that this is a true copy of Ordinance No. 2139, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as here-on indicated.

Marie Jensen, City Clerk
(SEAL)
108TH AVENUE STREET IMPROVEMENT
PROPOSED L.I.D. 290

All that portion of the South half of Section 17, Township 22 North, Range 5 East W.M. in King County, Washington, described as follows:

Beginning at the South quarter corner of said Section 17; thence North along the North-South centerline of said Section a distance of 30 feet to a point on the North margin of S.E. 240th Street said point being the True Point of Beginning of the herein described property; thence West along said North margin a distance of 319.24 feet; thence North parallel to the said North-South centerline of Section 17 a distance of 428.93 feet, more or less, to a point which is South 00° 04'58" East a distance of 243.94 feet from the North-South centerline of S.E. 238th Street; thence South 89° 42'53" East a distance of 320 feet, more or less, to the said North-South centerline of Section 17; thence North along said centerline a distance of 858.94 feet, more or less, to the Northwest Corner of the Southwest quarter of the Southeast quarter of said Section 17; thence South 89° 39'46" East along the North line of said Southwest quarter of the Southeast quarter to a point which is a distance of 570 feet West of the Northeast corner of said Southwest quarter of the Southeast quarter; thence South parallel with the East line of said Southwest quarter of the Southeast quarter to a point on the North margin of S.E. 240th Street; thence West along said North margin to the North-South centerline of said Section 17; thence South along said centerline a distance of 20 feet, more or less, to the True Point of Beginning of the herein described property.
DATA SHEET

L.I.D. 290 - 108th Avenue Street Improvement
240th Street to 236th Place

LEGAL DESCRIPTION

See Exhibit "A" attached and made a part hereto

IMPROVEMENT

STREET

Description: 36-foot wide street with asphalt pavement, conc., curb and gutter, storm drainage and street lighting.

ON FROM TO
108th Avenue 240th Street Approximately 100 feet north of 236th Place

Description: Street widening for left turn pocket with asphalt pavement.

ON AT
240th Street 108th Avenue

TOTAL COST: $113,786

HEARING DATE: December 18, 1978