ORDINANCE NO. 2151

AN ORDINANCE of the City of Kent, Washington, ordering the improvement of a portion of the City by the improvement of 84th Avenue South from South 212th Street to South 192nd Street by the construction of a 59 foot wide street with asphalt pavement, concrete curb and gutter, storm drainage, sidewalks and underground power; all in accordance with Resolution 860 of the City Council; establishing Local Improvement District No. 288; 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 860 adopted March 19, 1979, the City Council declared its intention to order the improvement of a portion of the City by the improvement of 84th Avenue South from South 212th Street to South 192nd Street by the construction of a 59 foot wide street with asphalt pavement, concrete curb and gutter, storm drainage, sidewalks and underground power all within the City of Kent, and fixed March 19, 1979 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 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 March 19, 1979, and all persons having been heard, and all written protests having been received and noted and included in the record of the hearing; 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 hereby orders the improvement of a portion of the City by the improvement of 84th Avenue South from South 212th Street to South 192nd Street by the construction of a 59 foot wide street with asphalt pavement, concrete curb and gutter, storm drainage, sidewalks and underground power.

All of 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. 288 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 Two Million Eight Hun-
red Twenty Three Thousand, Nine Hundred Sixty-Nine ($2,823,969.00) Dollars, Four Hundred Eighteen Thousand, Ninety-Two ($418,092.00) Dollars of which shall be borne by and assessed against the properties 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 improvements herein ordered to be assessed, such warrants to be payable out of the "Local Improvement Funds, District No. 288", 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 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. 288 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, 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. 288, 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 April, 1979.
APPROVED the 3 day of April, 1979.
PUBLISHED the 6 day of April, 1979.

I hereby certify that this is a true copy of Ordinance No. 2151, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Seal]
MARIE JENSEN, CITY CLERK
EXHIBIT "A"

I.I.D. 288

PERIMETER DESCRIPTION

All that portion of the East half of Sections 1 and 12, Township 22 North, Range 4 East, W.M.; and Government Lot 1, in the North-west quarter of Section 7, Township 22 North, Range 5 East, W.M. and Government Lots 4, 5, 6 and 7 in the West half of Section 6, Township 22 North, Range 5 East, W.M. and that portion of the Southwest quarter of Section 31, Township 23 North Range 5 East, W.M. in King County, Washington more particularly described as follows:

Beginning at the Southwest corner of Government Lot 1 in said Section 7; thence North along the West line thereof a distance of 431.50 feet to the TRUE POINT OF BEGINNING of the herein described tract; thence East parallel to the South line of said Government Lot 1 a distance of 337.50 feet; thence North parallel to the West line of said Government Lot 1 a distance of 915.13 feet, more or less, to the centerline of S. 208th Street; thence West along said centerline a distance of 34.6 feet, more or less, to a point which is 302.40 feet East of the Northwest corner of said Government Lot 1; thence North 0° 54' 55" East a distance of 770.05 feet; thence East parallel to the South line of Government Lot 7 in the Southwest quarter of Section 6, Township 22 North Range 5 East, W.M. a distance of 44.10 feet, more or less to a point which is 337.50 feet East of the West line of said Government Lot 7, said point also being 500 feet East of the easterly margin of 84th Avenue South; thence North parallel to said easterly margin a distance of 4564.31 feet, more or less to a point on the North line of Government Lot 4 of said Section 6; thence continuing North parallel to the West line of the Southwest quarter of Section 31, Township 23 North, Range 5 East, W.M. a distance of 135 feet, more or less, to a point on the South line of the King County Drainage Ditch, District No. 1 which is 300 feet East of the easterly margin of 84th Avenue South; thence northerly and westerly along said South line of said drainage ditch to a point which is 256.30 feet East of said easterly margin of 84th Avenue South; thence South, parallel to said easterly margin to a point which is 76.26 North of the South line of said Section 31; thence West parallel to said South line of said subdivision a distance of 256.30 feet to said easterly margin of 84th Avenue South; thence West parallel to the South line of the Southwest quarter of Section 36, Township 23 North Range 4 East, W.M. to the West line of said subdivision; thence continuing West parallel to the South line of the Southeast quarter of Section 36, Township 23 North Range 4 East, W.M. a distance of 54.26 feet to a point on the West margin of 84th Avenue South; thence North along said West margin a distance of 9.74 feet, more or less, to a point which lies 86.00 feet North of the South line of said Southeast quarter when measured along the West margin of 84th Avenue South; thence North 35° 12' 18" West to a point when measured at right angles from said West margin of 84th Avenue South lies 7.50 feet West of said West margin; thence northwesterly along a line which would intersect the South bank of Spring Brook at a point which is 243 feet West of the West margin of 84th Avenue South if extended northwesterly; thence northwesterly parallel to the South line of the King County Drainage Ditch District No. 1 to a point which is 300 feet West of the westerly margin of 84th Avenue South; thence South parallel to said westerly margin of 84th Avenue South a distance of 421 feet, more or less to the South line of said Section 36; thence continuing South parallel to the westerly margin of 84th Avenue South a distance of 1383.26 feet, more or less to the South margin of S. 196th Street; thence West along said South margin a distance of 5.96 feet, more or less,
to a point which is 411.11 feet East of the West line of the Southeast quarter of the Northeast quarter of Section 1, Township 22 North, Range 4 East, W.M.; thence South along the West line of said West 411.11 feet of said subdivision a distance of 365 feet; thence East along the South line of the North 395 feet of said subdivision to a point which lies 300 feet West of the West margin of 84th Avenue South; thence South parallel to said West margin a distance of 540 feet, more or less, to a point which lies 280 feet North of the South line of the Northeast quarter of said Section 1; thence East parallel to said South line of said subdivision to a point which lies 438.54 feet East of the West line of said Southeast quarter of the Northeast quarter of said Section 1; thence South parallel to said West line a distance of 280 feet, more or less, to the South line of the Northeast quarter said Section 1; thence East along said South line a distance of 10.50 feet, more or less, to a point which lies 337.50 feet West of the Southeast corner of said Northeast quarter; thence South parallel to said West margin of 84th Avenue South a distance of 629.82 feet, more or less, to the North line of the South half of the West margin of the Northeast quarter of said Section 1; thence South parallel to said North line of the South half to a point which is 674 feet East of the West line of said Northeast quarter of the Southeast quarter of Section 1; thence South parallel to said West line of said subdivision a distance of 310 feet; thence West parallel to the North line of said subdivision to a point which is 300 feet West of said West margin of 84th Avenue South; thence South parallel to said Westerly margin of 84th Avenue South a distance of 682.52 feet; thence East parallel to the North line of said subdivision to a point which is 330 feet West of the East line of said Southeast quarter of Section 1; thence South parallel to said East line a distance of 264 feet; thence West parallel to said North line of said subdivision a distance of 7.50 feet, more or less, to a point which is 300 feet West of the West margin of 84th Avenue South; thence South parallel to said West margin a distance of 721.13 feet, more or less, to the North line of the Northeast quarter of Section 12 Township 22 Range 4 East, W.M.; thence Continuing South parallel to said West margin of 84th Avenue South a distance of 870.99 feet; thence South 89° 04'38" East a distance of 357.50 feet, more or less, to the West line of Government Lot 1 of Section 7, Township 22 North, Range 5 East, W.M; thence South along said West line of said Government Lot 1 a distance of 17 feet, more or less to the TRUE POINT OF BEGINNING of the herein described tract.