ORDINANCE NO. 2155

AN ORDINANCE of the City of Kent, Washington, ordering the improvement of a portion of the City by the construction and installation of 6 inch and 8 inch sanitary sewers together with necessary appurtenances thereto in the area bounded generally by Military Road South on the west, 43rd Avenue South on the east, a point approximately 100 feet north of South 239th Street on the north, and a point approximately 250 feet south of South 243rd Street on the south; all in accordance with Resolution 859 of the City Council; establishing Local Improvement District No. 285; 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 859, adopted February 20, 1979, the City Council declared its intention to order the improvement of a portion of the City by the construction and installation of 6 inch and 8 inch sanitary sewers together with necessary appurtenances thereto in the area bounded generally by Military Road South on the west, 43rd Avenue South on the east, a point approximately 100 feet north of South 239th Street on the north, and a point approximately 250 feet south of South 243rd Street on the south all within the City of Kent, and fixed April 2, 1979 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 pro-
posed 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 April 2, 1979, and all persons having been heard, and written protests having been received, duly noted and entered into the record of the meeting; 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 FOLLOVv:.

Section 1. The City Council of the City of Kent, Washington, hereby orders the improvement of a portion of the City by the construction and installation of 6 inch and 8 inch sanitary sewers as more fully described in Exhibit "B" attached hereto and by this reference made a part hereof.

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. 285 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 Four Hundred Sixteen Thousand, Six Hundred Twelve and 79/100 Dollars ($416,612.79), Sixteen Thousand, One Hundred Four and 31/100 Dollars ($16,104.31) of which shall be borne by the City of Kent, and the balance of Four Hundred Thousand, Five Hundred Eight and 48/100 Dollars ($400,508.48) 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 improvements herein ordered to be assessed, such warrants to be payable out of the "Local Improvement Funds, District No. 285", 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. 285 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 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 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. 285, 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
I hereby certify that this is a true copy of Ordinance No. 2155, 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"

L.I.D. 285 BOUNDARY DESCRIPTION

That portion of the South half of Section 15 and that portion of the North half of Section 22 all in Township 22 North, Range 4 East, W.M. in King County, Washington and those portions of Suburban View Addition according to plat recorded in Volume 50, pages 92 and 93; and those portions of Valley Vista according to plat recorded in Volume 56 of Plats pages 42 through 49; and Valley Vista No. 2 according to plat recorded in Volume 57 of Plats page 36; and West Crest according to plat recorded in Volume 79 of Plats page 87; and West Crest No. 2 according to plat recorded in Volume 86 of Plats, page 50; and Sky Hill according to plat recorded in Volume 62, page 32 records of said county more particularly described as follows:

Beginning at the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 22; thence North along the East line of said subdivision a distance of 261 feet, more or less, to the Southeast corner of Lot 8, of said Sky Hill Addition being the True Point of Beginning of the herein described tracts; thence North 89° 52'20" West a distance of 1173.14 feet to a point which lies 100 feet East of the East margin of 36th Avenue South (aka Military Road); thence North parallel with said East margin a distance of 70 feet; thence North 89° 52'20" West a distance of 100 feet to said East margin; thence North along said East margin a distance of 988.69 feet more or less, to the Northwest corner of Lot 1, Block 1, of said Valley Vista Addition; thence North 89° 35'23" East along the North line of said Valley Vista Addition a distance of 700 feet to the Northeast corner of Lot 3, Block 7 of said Valley Vista; thence South 0° 24'37" East along the East line of said Lot 3 a distance of 17.29 feet to the most northerly corner of Lot 4 of said Block 7; thence South 52° 59'22" East along the northeasterly line of said Lot 4 projected southeasterly to the southeasterly margin of 41st Avenue South; thence northeasterly and northerly along said southeasterly margin a distance of 858.66 feet, more or less, to the Northwest corner of Lot 7, Block 1, said Suburban View Addition; thence North 89° 10'48" West along the North line of said Lot 7 projected East to a point on the East line of Government Lot 11 in said Section 15; thence South along said East line of said Government Lot a distance of 380 feet, more or less, to the Southeast corner of said Government Lot; said corner also being a point on the North line of Lot 1, Block 1 of said Valley Vista No. 2; thence East along the North line of said Lot 1 to the Northeast corner thereof and the westerly margin of 43rd Avenue South; thence southerly and westerly along said margin a distance of 603.69 feet, more or less, to a point of intersection with the East line of Lot 4, Block 6 of said plat of Valley Vista projected northeasterly; thence...
South 23° 14'40" West along said line a distance of 155.7 feet, more or less, to the southeasterly corner of said Lot 4; thence North 69° 37'10" West along the southerly line of said Lot 4 to the southwesterly corner thereof; thence south 0° 29'31" West along the East line of Lot 11 in said Block 6 of Valley Vista extended southerly a distance of 190.12 feet, more or less, to a point on the South margin of S. 242nd Street and the North line of Lot 9, Block 6 of said plat of Valley Vista; thence West along said North line to a point on a curve which is a distance of 64.15 feet West of the Northeast corner of said lot; thence on a curve to the left having a radius of 20 feet an arc distance of 33.87 feet to a point of tangency; thence South along the West line of said Lot 9 a distance of 97.47 feet to the Southwest corner thereof, said corner also being the Northwest corner of said plat of West Crest 2; thence East along the North line of said plat a distance of 288.53 feet to the Northeast corner of said plat; thence South 1° 25'35" West along the East line of said plat to the Southeast corner thereof and the Northeast corner of Lot 8 of said Sky Hill Addition; thence South 01° 24'18" East along the East line of said Lot 8 to the Southeast corner thereof and the True Point of Beginning of the herein described tract; TOGETHER WITH Lots 8 and 20 of Blecker's Valley View Addition according to plat recorded in Volume 60 of plats, page 40 records of King County, Washington and that portion of 43rd Avenue South lying adjacent thereto and between the East-West extensions of the North and South lines of said Lots 8 and 20.
LEGAL DESCRIPTION

See Exhibit "A" attached and made a part thereto.

IMPROVEMENT

SANITARY SEWER

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<th>SIZE</th>
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| 8"   | 43rd Avenue | 42nd Place | A point approximately 300 feet southerly from 42nd Place and designated as Point "A"
| 8"   | Easement  | Point "A" | A point approximately 175 feet west of 43rd Avenue and designated as Point "B"
| 8"   | Easement  | Point "B" | A point approximately 230 feet south of Point "B" and designated as Point "C"
| 8"   | Easement  | Point "C" | A point approximately 80 feet west of Point "C" and designated as Point "D"
| 8"   | Easement  | Point "D" | A point approximately 270 feet south of Point "D" and designated as Point "E"
| 6"   | Easement  | Point "E" | A point approximately 90 feet west of Point "E"
| 8"   | Easement  | Point "E" | 239th Street and designated as Point "F"
| 8"   | Easement  | 239nd Street Point "F" | A point southwesterly 120 feet and designated as Point "G"
| 8"   | Easement  | Point "G" | 41st Avenue
| 8"   | 41st Avenue | S. 243rd Street | S. 241st Street
| 8"   | 241st Street | 41st Avenue | Military Road
**Size** | **On** | **From** | **To** |
---|---|---|---|
8" | S. 242nd Street | 41st Avenue | Military Road |
8" | S. 243rd Street | 41st Avenue | Military Road |
6" | Easement | A point on S. 243rd Street 130 feet east of 39th Avenue | A point approximately 100 feet north. |
8" | Easement | A point on S. 243rd Street approximately 30 feet west of 39th Avenue | A point approximately 100 feet south. |
6" | 39th Avenue | S. 243rd Street | A point approximately 100 feet north. |
6" | Easement | A point on S. 243rd Street approximately 120 feet west of 39th Avenue | A point approximately 165 feet south. |
8" | S. 239th Street | Point "F" | Approximately 180 feet northerly. |

**Total Project Cost:** $416,612.79

**Hearing Date on Preliminary Assessment Roll:** April 2, 1979