ORDINANCE NO. 2341

AN ORDINANCE of the City of Kent, Washington, ordering the improvement of a portion of the City of Kent by the reconstruction of Smith Street from Fourth Avenue to Lincoln Avenue and Lincoln Avenue from Smith Street to a point 385 feet north of Smith Street, by the installation of asphalt pavement, concrete curb and gutter, sidewalks, storm drainage and retention, undergrounding of electrical facilities, street lighting, landscaping and various water service stubs, all in accordance with Resolution 901 of the Kent City Council; establishing Local Improvement District No. 304; 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 of and sale of local improvement district warrants redeemable in cash and local improvement district bonds or note in lieu of bonds.

WHEREAS, by Resolution 901 adopted July 7, 1980, the Kent City Council declared its intention to order the improvement of a portion of the City of Kent by the reconstruction of Smith Street from Fourth Avenue to Lincoln Avenue and Lincoln Avenue from Smith Street to a point 385 feet north of Smith Street, by the installation of asphalt pavement, concrete curb and gutter, sidewalks, storm drainage and retention, undergrounding of electrical facilities, street lighting, landscaping and various water service stubs, and fixed August 4, 1980 at 8 o'clock p.m. in the Council Chambers of the Kent 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 matter provided by law, and the hearing was held by the City Council on August 4, 1980, and all persons present having been heard and all protests having been received and considered; and

WHEREAS, the City Council has determined it to be in the public interest 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 of Kent by the reconstruction of Smith Street and Lincoln Avenue 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. 304 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 the improvement is hereby declared to be Five Hundred Sixty-Seven Thousand, Seven Hundred Ninety-One ($567,791.00) Dollars 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 improvements herein ordered to be assessed, such warrants to be payable out of the "Local Improvement Funds, District No. 304", 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 the limit which by law the City may legally pay 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 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. 304 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 to exceed the limit which by law the City may legally pay 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 the limit which by law the City may legally collect and a penalty of 8% which shall also be collected. The exact form, amount, date interest rate and denominations of the revenue warrants and local improvement dis-
strict 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. 304, into which funds 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 collection 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.

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 18th day of August, 1980.
APPROVED the 19th day of August, 1980.
PUBLISHED the 24th day of August, 1980.

I hereby certify that this is a true copy of Ordinance No. 234, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MABLE JENSEN, CITY CLERK
Those portions of the Northwest quarter and Northeast quarter of Section 24, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of Lot 1, Block 1 of Guiberson's Addition as recorded in Volume 14 of Plats, Page 49 in King County, Washington, thence Southerly along the Westerly margin of said Lot 1 to the Southwest corner of said lot, thence Easterly along the Southerly boundary of said lot to the Southwest corner of Lot 2 of said Block 1, thence Easterly along the Southerly boundary of said Lot 2, to the Westerly margin of Madison Avenue, thence Easterly along the Easterly extension of the Southerly boundary of said Lot 2 to the Southwest corner of Lot 1, Block 2 of said Guiberson's Addition, thence Easterly along the Southerly margin of Lot 1, of said Block 2 to the Southwest corner of Lot 2, Block 2 of said Guiberson's Addition, thence Easterly along the Southerly boundary of said Lot 2, Block 2, to the Southeast corner of said Lot 2, Block 2, thence Easterly along the Easterly extension of the Southerly boundary of said Lot 2, Block 2, to the Westerly margin of the Seattle Tacoma Interurban Railway, thence Southerly along the Westerly margin of said Railway to a point lying 150.00 feet Southerly of the Southerly margin of Smith Street, thence Easterly parallel to the Southerly margin of Smith Street to the Easterly boundary of the Northwest quarter of said section, thence Easterly 150.00 feet Southerly and parallel to the South margin of Smith Street to the Easterly margin of Fourth Avenue, thence Northerly along the Westerly margin of Fourth Avenue to a point lying 150.00 feet Northerly of the North margin of Smith Street, thence Westerly parallel to the North margin of Smith Street to a point lying 150.00 feet Easterly of the Westerly margin of Lincoln Avenue, thence Northerly parallel to the Easterly margin of Lincoln Avenue a distance of 205.00 feet, thence Westerly parallel to the Northerly margin of Smith Street to the Westerly margin of Lincoln Avenue, thence Southerly along the Westerly margin of Lincoln Avenue to the Northerly boundary of the South half of Lot 17 of Meeker's Supplemental Plat First Addition to Kent as recorded in Volume 5 of Plats, Page 96 in King County, Washington, thence Westerly along the Northerly boundary of the South half of said Lot 17 to the Easterly margin of SR 167, thence Southerly along the Easterly margin of SR 167 to the Southerly margin of Smith Street, thence Easterly along the Southerly margin of Smith Street to the POINT OF BEGINNING.
L.I.D. 304
SMITH STREET IMPROVEMENTS
(FOURTH AVENUE TO LINCOLN AVENUE)

LEGAL DESCRIPTION

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

STREET IMPROVEMENTS

Description: The project consists of reconstructing the street to 40-foot wide (24 feet on Lincoln Avenue) asphalt pavement, concrete curb and gutter, sidewalks, storm drainage and retention, undergrounding of electrical facilities, street lighting, landscaping and various water service stubs throughout the project area.

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<th>ON</th>
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<tr>
<td>Smith Street</td>
<td>Fourth Avenue</td>
<td>Lincoln Avenue</td>
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<tr>
<td>Lincoln Avenue</td>
<td>Smith Street</td>
<td>385 feet North of Smith Street</td>
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TOTAL PROJECT COST: $567,791.00
L.I.D. SHARE: $567,791.00

HEARING DATE ON PRELIMINARY ASSESSMENT ROLL: August 4, 1980