AN ORDINANCE of the City of Kent, Washington, ordering the improvement of a part of the City by the widening and reconstructing of 196th Street from West Valley Highway to Russell Road No. 8 and Russell Road No. 8 from South 196th Street to a point approximately 475 feet south of 58th Place South with 44 foot wide asphalt pavement, concrete curb and gutter, concrete sidewalks, storm drainage and street lighting, together with 10 inch sanitary sewer and 12 inch water mains and necessary appurtenances thereto throughout the project area, including stubs to adjacent properties, all in accordance with Resolution 900 of the Kent City Council; establishing Local Improvement District 291; providing that payment for the costs of the improvements be made by special assessments upon the property in the district, payable by the mode "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 900 adopted July 7, 1980, the Kent City Council declared its intention to order the improvement of a portion of the City by the widening and reconstructing of South 196th Street from West Valley Highway to Russell Road No. 8 and Russell Road No. 8 from South 196th Street to a point approximately 475 feet south of 58th Place South with 44 foot wide asphalt pavement, concrete curb and gutter, concrete sidewalks, storm drainage and street lighting, together with 10 inch sanitary sewer and 12 inch water mains and necessary appurtenances thereto throughout the project area including stubs to adjacent properties and fixed August 4, 1980 at 8 o'clock p.m. in the Council Chambers of 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 matter provided by law, and the hearing was held by the City Council on August 4, 1980, and continued further hearing to September 2, 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 ASFOLLOWS:

Section 1. The City Council of the City of Kent, Washington hereby orders the improvement of a portion of the City by the widening and reconstructing of South 196th Street and Russell Road No. 8 together with installation of sanitary sewer and water mains and necessary appurtenances 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. 291 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 Two Million, One Hundred Sixty-One Thousand, Nine Hundred Dollars ($2,161,900) 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. 291", 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 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. 291 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 denomination 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. 291, 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 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 3 day of September, 1980.
APPROVED the 4 day of September, 1980.
PUBLISHED the 7 day of September, 1980.

I hereby certify that this is a true copy of Ordinance No. 2257, 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
CITY OF KENT
L.I.D. #291

That portion of the North 1/2 of Section 2, Township 22 North, Range 4 East, W.M., and of the South 1/2 of Section 35, Township 23 North, Range 4 East, W.M., described as follows:

Beginning at the Southeast corner of the said North 1/2 of Section 2;
Thence North 88°58'52" West along the South line of the said North 1/2 a distance of 180.05 feet;
Thence North 00°00'44" East 149.60 feet;
Thence North 89°59'16" West 210.00 feet;
Thence South 00°00'44" West 145.91 feet to an intersection with the said South line of the North 1/2;
Thence Westerly along said South line to its intersection with the line of Ordinary High Water along the right bank of the Green River (White River);
Thence Northerly along said line of Ordinary High Water to its intersection with the Westerly extension of the North line of Lot 12, Block 1, of Southcenter Corporate Park, according to plat thereof recorded in volume 114 of plats, pages 36 through 42, records of King County, Washington;
Thence Easterly along said North line and its Westerly and Easterly extensions to its intersection with the centerline of 62nd Avenue South;
Thence Northerly along said centerline to its intersection with the Westerly extension of the North line of Lot 5, Block 4, said Southcenter Corporate Park;
Thence Easterly along said North line and its Westerly extension and the North line of Lot 2, said Block 4 and its Easterly extension to its intersection with the centerline of 64th Avenue South;
Thence Southerly along said centerline to its intersection with the Westerly extension of the North line of Lot 3, Block 3, said Southcenter Corporate Park;
Thence Easterly along said North line and its Westerly extension to its intersection with the West line of Lot 2 said Block 3;
Thence Northerly along said West line to the Northwest corner of said Lot 2;

Thence Easterly along the North line of said Lot 2 and its Easterly extension to its intersection with the centerline of 66th Avenue South;

Thence Southerly along said centerline to its intersection with the centerline of the unnamed street between Lot 2 and Lot 5, Block 2, said Southcenter Corporate Park;

Thence Easterly along said centerline to its intersection with the Westerly extension of the North line of Lot 4, said Block 2;

Thence Easterly along said North line and its Westerly and Easterly extensions to its intersection with the centerline of SR 181 (also known as West Valley Highway & 68th Avenue South);

Thence Southerly along said centerline to the Southeast corner of the North 1/2 of said Section 2 and the Point of Beginning.
L.I.D. 291
SO. 196th STREET-RUSSELL ROAD STREET IMPROVEMENTS

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

STREET IMPROVEMENTS
Description: The project consists of widening and reconstruction of the existing roadway. New improvements to consist of 44-foot wide asphalt pavement, concrete curb and gutter, concrete sidewalks, storm drainage and street lighting.

<table>
<thead>
<tr>
<th>ON</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>So. 196th Street</td>
<td>West Valley Highway</td>
<td>Russell Road, No. 8</td>
</tr>
<tr>
<td>Russell Road, No. 8</td>
<td>So. 196th Street</td>
<td>Approximately 475' South</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of 58th Place South</td>
</tr>
</tbody>
</table>

SANITARY SEWER
Description: Includes sewer construction throughout the project area, including stubs to adjacent properties.

<table>
<thead>
<tr>
<th>SIZE</th>
<th>ON</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>10&quot;</td>
<td>So. 196th Street</td>
<td>West Valley Highway</td>
<td>Russell Road, No. 8</td>
</tr>
<tr>
<td>10&quot;</td>
<td>Russell Road, No. 8</td>
<td>So. 196th Street</td>
<td>58th Place South</td>
</tr>
</tbody>
</table>

WATER MAIN
Description: Includes installation of a water main throughout the project area, including stubs to adjacent properties.

<table>
<thead>
<tr>
<th>SIZE</th>
<th>ON</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>12&quot;</td>
<td>So. 196th Street</td>
<td>66th Avenue South</td>
<td>Russell Road, No. 8</td>
</tr>
<tr>
<td>12&quot;</td>
<td>Russell Road, No. 8</td>
<td>So. 196th Street</td>
<td>Approximately 480' South</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>of 58th Place South</td>
</tr>
</tbody>
</table>

TOTAL PROJECT COST: $2,161,900
TOTAL L.I.D. COST: $2,161,900
HEARING DATE ON PRELIMINARY ASSESSMENT ROLL: August 4, 1980
Dear Mr. Dorkin:

With regard to our meeting on October 31, 1980, I have discussed our mutual differences in connection with L.I.D. No. 291 with Mr. H. F. Hansen, Executive Vice President, Upland Industries Corporation.

In this regard, I am willing to recommend management approval on behalf of Union Pacific Land Resources Corporation (UPLRC) to enter into an agreement with The Boeing Company (Boeing), which would provide for the payment of a portion of Boeing's assessment by UPLRC, subject to the following revised terms and conditions:

1. UPLRC would pay to Boeing that portion of Boeing's assessment for L.I.D. 291 equal to the actual cost to construct Boeing's portion of the sanitary sewer and water line improvements. The amount to be paid by UPLRC to Boeing will be determined upon completion of construction, according to final bid quantities paid to the contractor.

2. Within 30 days of the time the final assessment roll is created and approved by the Kent City Council, UPLRC will pay to Boeing the amount set forth in Paragraph 1 above.

3. In the event Boeing ever constructs improvements requiring either water or sewer service (regardless of whether or not said service connects to the L.I.D. improvements), sells, or otherwise disposes of that land covered by L.I.D. 291, Boeing will immediately reimburse UPLRC the entire amount referred to in Paragraph 1 above.
4. Boeing's obligations under the terms of the agreement will be deemed a covenant running with the land in perpetuity and binding on any successors or assigns.

5. UPLRC's offer herein, if not accepted by The Boeing Company prior to 5:00 p.m. November 3, 1980, will terminate.

If the provisions as detailed herein are acceptable, please arrange to have the appropriate individual endorse the copy of this letter in the space provided and return to me and I will arrange for preparation of a formal agreement to cover. Thank you for your assistance.

Very truly yours,

R. D. Uhrich

The terms and conditions of Boeing's participation in L.I.D. 291 are approved this 3 day of November, 1980.

The Boeing Company

By H. L. Blangy
Title Mgr. Real Property

RDU:lrw

cc: Kent City Council
Mr. Denver Grigsby
Mr. Forrest G. Coffey
Mr. Don E. Wickstrom