ORDINANCE NO. 2280

AN ORDINANCE of the City of Kent, Washington, ordering the improvement of a portion of the City by the construction and installation of sanitary sewers together with necessary appurtenances thereto on 113th Avenue from SE 256th Street to a point 575 feet north of SE 256th Street and on easements westerly of 113th Avenue SE and northerly of SE 254th Street, all in accordance with Resolution 916 of the Kent City Council; establishing Local Improvement District #305; providing that payment for the costs of the improvement may be made by special assessments upon the property in the district, payable by the mode of "payment in 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 916 adopted February 2, 1981, the Kent City Council declared its intention to order the improvement of a portion of the City by the construction and installation of sanitary sewers together with necessary appurtenances thereto on 113th Avenue SE from SE 256th Street to a point 575 feet North of SE 256th Street and on easements westerly of 113th Avenue SE and northerly of SE 254th Street and fixed March 2, 1981 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 March 2, 1981, 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 by the construction and installation of sanitary sewers together with necessary appurtenances thereto on 113th Avenue SE and on easements westerly of 113th Avenue SE and northerly of SE 254th Street 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 therefor prepared by the City 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. 305 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 Eighty Three Thousand, Two Hundred Seventy-Six Dollars and 27/100 ($83,276.27) 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. 305", 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 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. 305 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. 305, 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.

ATTEST:

ISABEL HOGAN, MAYOR

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 16 day of March, 1981.
APPROVED the 17 day of March, 1981.
PUBLISHED the 19 day of March, 1981.
I hereby certify that this is a true copy of Ordinance No. 2280, 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
That portion of the West half of the Southeast quarter of Southeast quarter of Section 20, Township 22 North, Range 5 East, W.M.; in King County, Washington; described as follows:

Beginning at the Northwest corner of said subdivision; said point being the True Point of Beginning of the property herein described; thence Southerly along the Westerly line of said subdivision to the Northwest corner of the Southwest quarter of the Southeast quarter of the Southeast quarter; thence Easterly along the Northerly line thereof a distance of 198.00 feet; thence Southerly parallel to the Westerly line thereof to a point on the Northerly margin of Southeast 256th Street lying a distance of 198.00 feet Easterly of the Westerly line thereof; thence Easterly along the Northerly margin of S.E. 256th Street to a point of intersection with the Southerly extension of the Easterly line of lot 5, Jacobsen's 3rd Addition, according to Plat recorded in Volume 78 of Plats, page 75, Records of King County, Washington; thence North 10°-03' - 28" East along said Southerly extension and the Easterly lines of Lots 5 through 9 of said plat to the Northeast corner of Lot 9; thence Westerly along the Southerly line of the Southeast quarter of the Northwest quarter of the Southeast quarter of the Southwest corner thereof; thence Northerly along the Westerly line thereof to the Northwest corner thereof; thence Easterly along the Northerly line thereof to a point which lies a distance of 320.00 feet Westerly of the Northeast corner thereof; thence Northerly parallel to the Easterly line of the Northwest quarter of the Southwest corner thereof to a distance of 217.00 feet; thence Easterly parallel to the Northerly line thereof a distance of 320.00 feet to a point on the east line thereof; thence Northerly along the Easterly line thereof a distance of 111.77 feet to the Northeast corner thereof; thence Westerly along the Northerly line thereof a distance of 654.93 feet more or less to the True Point of Beginning.
LEGAL DESCRIPTION
See Exhibit "A" attached and made part thereof.

SANITARY SEWER

<table>
<thead>
<tr>
<th>SIZE</th>
<th>LOCATION</th>
<th>FROM</th>
<th>TO</th>
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<tbody>
<tr>
<td>8&quot;</td>
<td>113th Ave. SE</td>
<td>SE 256th St.</td>
<td>575 ft. North</td>
</tr>
<tr>
<td>8&quot;</td>
<td>Easement, Between Lots 3 &amp; 4, King County Short Plat SP876004, located in SE 1/4 20-22-5</td>
<td>Westerly boundary of said lots</td>
<td>Easterly boundary of said lots</td>
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<tr>
<td>8&quot;</td>
<td>Easement, Westerly boundary of N 1/2 of SW 1/4 of NW 1/4 of SE 1/4 of SE 1/4 of Section 20-22-5</td>
<td>Northerly boundary of said lot</td>
<td>Southerly boundary of said lot</td>
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TOTAL PROJECT COST: $83,276.27
LID SHARE: $83,276.27
HEARING DATE ON PRELIMINARY ASSESSMENT ROLL: MARCH 2, 1981