CITY OF KENT, WASHINGTON

ORDINANCE NO. 2363

AN ORDINANCE ordering the construction and installation of certain street, water and sanitary sewer improvements on SE 260th Street from 104th Avenue SE to 108th Avenue SE within the City all in accordance with Resolution No. 951 of the City Council; establishing Local Improvement District No. 308; providing that payment for the improvement be made by special assessments upon the property in the district, payable by the mode of "payment by bonds;" and providing for the issuance and sale of local improvement district warrants redeemable in cash and local improvement district bonds.

WHEREAS, by Resolution No. 951, adopted February 16, 1982, the City Council declared its intention to order the construction and installation of certain street, water and sanitary sewer improvements on SE 260th Street from 104th Avenue SE to 108th Avenue SE within the City and fixed March 15, 1982, at 8:00 p.m., local time, 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, Public Works Director of the City 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 improvements should be borne by the property within the proposed improvement district, a statement in detail of the local improvement assessments outstanding or unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate, including 25% of the actual valuation of the improvements 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 a 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 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 the date and at the time above mentioned, and all written protests filed with the City Council on or before that date were duly considered and overruled and all persons appearing at such hearing wishing to be heard were heard; and

WHEREAS, the City Council has determined it to be in the best interests 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 (the "City"), hereby orders the improvement of a portion of the City by the construction and installation of certain street, water and sewer improvements on SE 260th Street from 104th Avenue SE to 108th Avenue SE more full 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 therefor prepared by the City Engineer, and may be modified by the City Council as long as such modification does not affect the purpose of the improvement.

Section 2. There is created and established a local improvement district to be called Local Improvement District No. 308 of the City, which district is more particularly described in Exhibit A, attached hereto and by this reference incorporated herein.
Section 3. The total estimated cost and expense of the improvement is declared to be $837,043, approximately $824,060 of which expense shall be borne by and assessed against the property specially benefited by such improvement included in the local improvement district herein established embracing as near as may be all property specially benefited by such improvement. The remainder of the cost of the improvement shall be paid by the City from other money legally available therefor.

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 reflect fairly 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 Fund, District No. 308," hereinafter created and, until the bonds referred to in this section are issued and delivered to the purchaser thereof, to bear interest from the date thereof at a rate not in excess of 16% per annum to be hereafter fixed by the Director of Finance and to be redeemed in cash and/or by local improvement district 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 for the district which shall bear interest at a rate to be hereafter fixed by ordinance, shall be payable on or before a date to be determined later by the City Council, 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 days after the first publication by the City Treasurer of notice that the assessment roll for Local
Improvement District No. 308 is in her hands for collection. The bonds shall be redeemed by the collection of special assessments to be levied and assessed against property within the district, payable in annual installments, with interest at a rate to be hereafter fixed by ordinance under the mode of "payment by 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 and a penalty at a rate to be hereafter fixed by ordinance. The exact form, amount, date, interest rate and denominations of such warrants and bonds shall be hereafter fixed by ordinance of the City Council. Such warrants and bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. All the work necessary to be done in connection with the making of such improvement shall be done 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 such work will be made in cash warrants drawn upon the "Local Improvement Fund, District No. 308."

Section 7. There is created and established in the office of the Treasurer of the City for Local Improvement District No. 308 a special fund to be known and designated as "Local Improvement Fund, District No. 308," 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 for all other items of expense in connection with the improvement.
Section 8. This ordinance shall take effect from and after its passage and five (5) days following its publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Kent, Washington, at a regular open public meeting thereof, this 2nd day of August, 1982.

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

PUBLISHED THE 6th DAY OF AUGUST, 1982
EXHIBIT "A"
LID 308
SE 260th STREET IMPROVEMENTS
104th AVE SE to 108th AVE SE
LID BOUNDARY LEGAL DESCRIPTION

That portion of the East half of the Northwest quarter of Section 29, Township 22 N, Range 5 E, W.M. in King County, Washington described as follows:

Beginning at the intersection of the South line of the Northeast quarter of said Northwest quarter and the Westerly margin of 108th Ave. S.E., this being the True Point of Beginning, thence Northerly along said Westerly margin a distance of 130.00 feet, thence Westerly parallel to the South line of the Northeast quarter of said Northwest quarter a distance of 130.00 feet, thence Northerly parallel to the Westerly margin of 108th Ave. S.E. a distance of 370.00 feet, thence Northeasterly to a point lying 116.00 feet West of the Westerly margin of 108th Avenue S.E. and 30.00 feet Southerly of the centerline of Kent-Kangley Road when measured at right angles, thence Northwesterly parallel with the centerline of Kent-Kangley Road to the Easterly line of the Westerly 808.00 feet of the Northeast quarter of the Northwest quarter of said Section, thence Southerly along the Easterly line of said Westerly 808.00 feet to the Northerly line of the Southerly 434.45 feet of the Northeast quarter of the Northwest quarter of said Section, thence Westerly along said Northerly line a distance of 208.00 feet, thence Northerly along the Easterly line of the West 600.00 feet of the Northeast quarter of the Northwest quarter of said section to a point lying 50.57 feet south of a point lying on said Easterly line and 50.00 feet Southwesterly of the centerline of Kent-Kangley Road when measured at right angles, thence Westerly parallel with the Southerly line of said subdivision, a distance of 129.40 feet, thence Northerly parallel to the Easterly line of the West 600.00 feet of said subdivision to a point lying 50.00 feet Southwesterly of the centerline of Kent-Kangley Road when measured at right angles, thence Northwesterly parallel with the centerline of Kent-Kangley Road to the Easterly line of the West 300.00 feet of said subdivision thence Southerly along the Easterly line of said West 300.00 feet to the Southerly line of the North 878.00 feet of the Northwest quarter of said section, thence Westerly along the Southerly line of said North 878.00 feet to the Easterly margin of 104th Ave. S.E., thence Southerly along the Easterly margin of said 104th Ave. S.E. to the South line of the Northeast quarter of said Northwest quarter thence Easterly and Southerly along the Easterly margin of 104th Ave. S.E. to the Southerly line of the North half of the Southeast quarter of the Northwest quarter of said Section, thence Easterly along the Southerly line of the North half of the Southeast quarter of the Northwest quarter of said Section, to the East line of the West half of the Southeast quarter of the Northwest quarter of said section,
thence North along the Easterly line of the West half of the Southeast quarter of the Northwest quarter a distance of 165.00 feet, thence Easterly along the Northerly line of the Southerly 165.00 feet to the Westerly margin of 108th Ave. S.E. thence Northerly along the Westerly margin of 108th Ave. S.E. to the True Point of Beginning.

EXCEPT any portion therein lying within Public Rights of Way.
LEGAL DESCRIPTION:

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

STREET IMPROVEMENTS

Description: Constructing a street 36' wide curb to curb to include asphalt pavement, concrete curb and gutter, channelization, concrete sidewalks, storm drainage, street lighting and landscaping.

ON FROM TO
SE 260TH Street 104TH Ave. S.E. 108TH Ave. S.E.

SANITARY SEWER

Description: Includes constructing a sanitary sewer and related appurtenances including side sewers.

SIZE ON FROM TO
8" SE 260TH St. Approximately 104th Ave. S.E. 108th Ave. S.E.

WATER MAIN

Description: Includes constructing a water main and related appurtenances including stubs to properties.

SIZE ON FROM TO
8" SE 260TH ST. 104TH Ave. S.E. 108TH Ave. S.E.
8" 108th Ave S.E. SE 260th Ave. St. 375' North