AN ORDINANCE ordering the construction and installation of certain sanitary sewer improvements on S. 180th Street within the City all in accordance with Resolution No. 979 of the City Council; establishing Local Improvement District No. 311; 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. 979, adopted October 18, 1982, the City Council declared its intention to order the construction and installation of certain sanitary sewer improvements on S. 180th Street within the City and fixed November 15, 1982, at 7:00 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 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 OF KENT, WASHINGTON DOES 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 sewer improvements on S. 180th Street 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 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. 311 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 $53,182.55, approximately $18,000 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. 311," 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. 311 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. 311."

Section 7. There is created and established in the office of the Treasurer of the City for Local Improvement District No. 311 a special fund to be known and designated as "Local Improvement Fund District No. 311," 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. Effective Date. 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:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the ___ day of April, 1983.
APPROVED the ___ day of April, 1983.
PUBLISHED the ___ day of April, 1983.
I hereby certify that this is a true copy of Ordinance No. 2397, 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)
MARIE JENSEN, CITY CLERK
EXHIBIT "A"
L.I.D. 311
S. 180th Street Sanitary Sewer
(72nd Ave. to 450 feet east)

BOUNDARY LEGAL DESCRIPTION

The North 120.00 feet of the following described property:

That portion of the Henry Adams D.C. #43 lying within the Northwest quarter of 36-23-4 lying south of South 180th Street, west of P.S.P.&L right of way and lying east of 72nd Avenue South EXCEPT the west 60.00 feet thereof (9-10-82)
EXHIBIT B

L.I.D. 311
S. 180th Street Sanitary Sewer
(72nd Ave. to 450 feet east)

LEGAL DESCRIPTION

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

SANITARY SEWER IMPROVEMENTS

Description: Includes the installation of sanitary sewer mains with side sewers and related appurtenances.

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<thead>
<tr>
<th>SIZE</th>
<th>ON</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>8&quot;</td>
<td>S. 180th St.</td>
<td>347 feet west of 72nd Avenue S.</td>
<td>428 feet east of 72nd Ave S.</td>
</tr>
<tr>
<td>8&quot;</td>
<td>Easement</td>
<td>S. 180th Street at 428 feet east of 72nd Avenue S.</td>
<td>155 feet north to existing manhole</td>
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