CITY OF KENT, WASHINGTON
ORDINANCE NO. 2470

AN ORDINANCE ordering the improvement of S. 259th Street and 74th Avenue South by making certain street utility improvements, all in accordance with Resolution No. 1007 of the City Council; establishing Local Improvement District No. 315 and ordering the carrying out of the proposed improvement; providing that payment for the improvement be made in part 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 or other short-term financing and local improvement district bonds.

WHEREAS, by Resolution No. 1007 adopted January 16, 1984, the City Council declared its intention to order the improvement of S. 259th Street and 74th Avenue South, and fixed February 21, 1984, 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, the Director of Public Works 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 proposed Local Improvement District (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 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 objections to the proposed improvement were duly considered and overruled by the City Council, and all persons appearing at such hearing and 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 the 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"), orders the improvement of S. 259th Street and 74th Avenue South, including installation of curbs, sidewalks, street lighting, a water main, sanitary sewer lines and drainage pipes as described in Exhibit A, attached hereto and by this reference incorporated herein.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the City's Director of Public Works 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. 315 of the City of Kent, Washington (the "District"), the boundaries or territorial extent of which District being more
particularly described in Exhibit B, attached hereto and by this reference incorporated herein.

Section 3. The total estimated cost and expense of the improvement is declared to be $1,870,437.26. Approximately $90,009.00 of the cost and expense shall be paid by the City and the balance of such cost and expense shall be borne by and assessed against the property specially benefited by such improvement included in the District embracing as nearly as practicable all property specially benefited by such 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 may be issued in payment of the cost and expense of the improvement herein ordered to be assessed, such warrants to be paid out of the "Local Improvement Fund, District No. 315," hereinafter created and referred to as the "Local Improvement Fund," 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 to be established hereafter by the City Finance Director, as issuing officer, 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." In the alternative, the City hereafter may provide by ordinance for the issuance of other short-term obligations pursuant to Chapter 216, Laws of 1982.

The City is authorized to issue local improvement district bonds for the District which shall bear interest at a rate and to be payable on or before a date to be hereafter fixed by ordinance. The bonds shall be issued in exchange for and/or in redemption of any and all revenue warrants issued hereunder or
other short-term obligations hereafter authorized and not redeemed in cash within twenty days after the expiration of the thirty-day period for the cash payment of assessments without interest on the assessment roll for the District. The bonds shall be redeemed by the collection of special assessments to be levied and assessed against the 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. The exact form, amount, date, interest rate and denominations of such bonds shall be hereafter fixed by ordinance of the City Council. Such bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. In all cases where the work necessary to be done in connection with the making of such improvement is carried out pursuant to contract upon competitive bids, the call for bids shall include a statement that payment for such work will be made in cash warrants drawn upon the "Local Improvement Fund."

Section 7. There is created and established in the office of the Supervisor of Treasury Accounting of the City for the District the Local Improvement Fund, 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. Within fifteen (15) days of the passage of this ordinance, there shall be filed with the City Treasurer the
title of the improvement and District number, a copy of the diagram or print showing the boundaries of the District and the preliminary assessment roll or abstract of such roll showing thereon the lots, tracts and parcels of land that will be specially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract or parcel of land. The City Treasurer shall immediately post the proposed assessment roll upon her index of local improvement assessments against the properties affected by the local improvement.

PASSED by the City Council and APPROVED by the Mayor of the City of Kent, Washington, at a regular open public meeting thereof, this 7 day of May, 1984.

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Published: May 11, 1984

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EXHIBIT A

L.I.D. 315
74th Avenue S. and S. 259th Street Utility Improvements

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

STREET IMPROVEMENTS
S. 259th Street from Puget Power R/W west to 74th Avenue S. and 74th Avenue S. from S. 259th Street north to SR 516. Includes 36 foot street curb to curb, sidewalk (one side) and street lighting. Also includes a new intersection with SR 516 located just east of the SR 167 interchange.

WATER MAIN
Construction of a 10-inch main to complete a loop from U.P. tracks on S. 259th west to 74th Avenue and north to Willis Street. Also included are stubs to properties and fire hydrants as required.

SANITARY SEWER
Construction of 8-inch sanitary sewer lines including stubs to properties on 74th Avenue from Willis Street to S. 259th Street.

DRAINAGE
Construction of a 12-inch to 36-inch piping system on 74th Avenue, S. 259th and on easements leading to storage ponds adjacent to Puget Power R/W. Also includes the construction of the storm water storage pond along the entire east side of the Foster plat. A 54-inch outlet pipe from the storage pond to the river will also be installed.
EXHIBIT B

L.I.D. 315

BOUNDARY LEGAL DESCRIPTION

 Those portions of Sections 24 and 25, Township 22 North, Range 4 East, W.M.; Samuel W. Russell Donation Land Claim No. 41; replat of portions of Waterman's Acre Tracts to Kent, recorded in Volume 12 of Plats, Page 11, King County, Washington, and replat of M.S. Short Plat as recorded under King County Auditor's File No. 7805760980 described as follows:

That portion of Samuel W. Russell Donation Land Claim No. 41 in Sections 24 and 25, Township 22 North, Range 4 East, W.M. in King County, Washington, described as follows:

Commencing at the Northwest corner of said donation land claim; thence South 00° 43' 58" East along the West line of said donation land claim No. 41 and the easterly margin of 74th Avenue South a distance of 456.00 feet to the South line of Crow's First Addition according to the plat thereof recorded in Volume 4 of plats, page 29, records of King County, Washington and the point of beginning; thence North 89° 09' 10" East along said South line a distance of 278.64 feet to the westerly margin of the Seattle Tacoma Interurban Railroad right of way; thence South 05° 13' 30" East along said westerly margin a distance of 2,310.53 feet to the northerly margin of South 259th Street (formerly South 258th Street); thence North 83° 28' 00" West along said northerly margin a distance of 450.12 feet to a point of curvature from which the center bears North 06° 32' 00" East a distance of 15.00 feet; thence northwesterly along a curve to the right through a central angle of 82° 44' 02" an arc distance of 21.66 feet; thence North 00° 43' 59" West along the easterly margin of South 74th Avenue South and also said West line a distance of 2,231.07 feet to the point of beginning;

TOGETHER WITH that portion of Government Lot 6, Section 24, Township 22 North, Range 4 East, W.M. in King County, Washington and of Government Lot 2, Section 25, of said township and range, described as follows:

Commencing at the Northwest corner of Samuel W. Russell Donation Land Claim No. 41, in King County, Washington; thence South 00° 43' 58" East along the westerly margin of said donation land claim and the easterly margin of 74th Avenue South a distance of 422.00 feet; thence North 62° 28' 58" West a distance of 68.11 feet to a point on thew westerly margin of 74th Avenue South and the point of beginning; thence South 00° 43' 58" East along said westerly margin a distance of 2,302.86 feet to the northerly margin of South 259th Street (formerly South 258th Street); thence North 83° 28' 00" West along said northerly margin a distance of 282.70 feet to the easterly margin of primary State Highway No. 5 (S.R. 167); thence North 03° 56' 40" East along said easterly margin a distance of 637.62 feet to the point of curtain from which the center bears North 86° 03' 20" West a distance of 11,110.00 feet; thence continuing along said easterly margin northerly along a curve to the left through a central angle of 05° 43' 30" an arc distance of 1,110.08 feet; thence continuing along said easterly margin North 03° 56' 52" East a distance of 347.14 feet; thence continuing along said easterly margin North 19° 27' 14" East a distance of 500.00 feet more or less to a point from which the point of beginning bears South 00° 43' 58" East; thence South 00° 43' 58" East a distance of 260.00 feet more or less to the point of beginning;
AND TOGETHER WITH that portion of Samuel W. Russell Donation Land Claim No. 41 in Section 25, Township 22 North, Range 4 East, W.M. in King County, Washington, and of Government Lot 2 of said Township and Range, described as follows:

Beginning at the intersection of the easterly margin of primary State Highway No. 5 (S.R. 167) with the southerly margin of South 259th Street (formerly South 258th Street); thence South 83° 28' 00" East along said southerly margin a distance of 816.29 feet to the westerly margin of the Seattle Tacoma Interurban Railroad right of way; thence South 05° 13' 30" East along said westerly margin a distance of 373.49 feet to the southerly boundary of said donation land claim and the mean high waterline of the Green River; thence westerly along said southerly boundary and shoreline as field located in December of 1980 and depicted by the following seven (7) courses:

1. South 68° 47' 53" West a distance of 57.52 feet; (2) South 80° 45' 23" West a distance of 76.70 feet; (3) North 85° 35' 44" West a distance of 53.57 feet; (4) North 81° 01' 35" West a distance of 77.22 feet; (5) North 65° 40' 51" West a distance of 65.34 feet; (6) North 50° 15' 20" West a distance of 131.41 feet; (7) North 51° 25' 51" West a distance of 97.34 feet to the West line of said donation land claim; thence continuing along said shoreline as field located in December of 1980 and depicted by the following six (6) courses: (1) North 51° 25' 51" West a distance of 25.21 feet; (2) North 53° 41' 46" West a distance of 75.16 feet; (3) North 47° 53' 49" West a distance of 77.08 feet; (4) North 48° 50' 31" West a distance of 96.25 feet; (5) North 52° 07' 02" West a distance of 102.11 feet; (6) North 52° 13' 51" West a distance of 69.55 feet to the intersection with the easterly margin of said primary State Highway No. 5; thence North 03° 56' 40" East along said easterly margin a distance of 39.92 feet to the point of beginning.

AND ALSO TOGETHER WITH Willis Street Industrial Park Short Plat recorded under King County #7810170678 EXCEPT any portions of all the above described property lying within any public right of way.
I, MARIE JENSEN, City Clerk of the City of Kent, Washington, certify that the attached copy of Ordinance No. 2470 is a true and correct copy of the original ordinance passed on the 7 day of May, 1984, as that ordinance appears on the Minute Book of the City.

DATED this 10 day of May, 1984.

MARIE JENSEN
City Clerk

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