ORDINANCE NO. 2485

AN ORDINANCE ordering the construction and installation of certain street, water, and sanitary sewer improvements on North Central Avenue from James Street to South 228th Street, within the City of Kent, all in accordance with Resolution No. 1021 of the Kent City Council; establishing Local Improvement District No. 318; providing that payment for the improvements shall be made by special assessments upon the property in the district, payable by the mode of "payment by bonds" or "note in lieu of bonds;" and providing for the issuance and sale of Local Improvement District warrants or bond anticipation notes redeemable in cash and Local Improvement District bonds or note in lieu of bonds.

WHEREAS, by Resolution No. 1021, adopted August 6, 1984, the City Council declared its intention to order the construction and installation of certain street, water, and sanitary sewer improvements on North Central Avenue from James Street to South 228th Street, including installation of roadway, sidewalks, curb and gutters, drainage, landscaping, undergrounding of electrical facilities, street lighting, replacement of watermains and stubs and extension of sewer system with stubs within the City as described in Exhibit B, and fixed July 16, 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 improvements and all objections thereto and for determining the method of payment for the improvements; and

WHEREAS, the 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 improvement should be borne by the property within the 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 percent 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 July 16, 1984, then continued to August 6, 1984, 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 interest 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 street, water, and sanitary sewer improvements on North Central Avenue from James Street to South 228th 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 therefore prepared by the City Engineer, and may be modified by the City Council so long as such modification does not effect the purpose of the improvement.

Section 2. There is created and established a Local Improvement District to be called Local Improvement District No. 318 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 $2,308,518.02, of which approximately $1,702,932.91 shall be paid by the City and the balance thereof 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.

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 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. 318," 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 and in 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 with 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 "payments by bonds." As defined by law and the ordinance 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 hereafter determines.

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 reserve the right to reject any and all bids. The call for bids for work authorized pursuant to this ordinance shall include a statement that the payment for such work will be made in cash warrants drawn upon the "Local Improvement Fund District No. 318."

Section 7. There is created and established in the office of the Treasurer of the City for Local Improvement District No. 318, a special fund to be known and designated as "Local Improvement Fund District No. 318," 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 funds 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:

ISABEL HOGAN, MAYOR

BETTY GRAY, DEPUTY CITY CLERK
APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 6th day of August, 1984.
APPROVED the 7th day of August, 1984.
PUBLISHED the 12th day of August, 1984.

I hereby certify that this is a true copy of Ordinance No. 2485, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BETTY GRAY, DEPUTY CITY CLERK

(SEAL)
EXHIBIT "A"
L.I.D.318
BOUNDARY LEGAL DESCRIPTION

Those portions of Section 13 Township 22 N Range 4 East and Section 18 Township 22 N Range 5 E W.M. King County Washington described as follows:

Beginning at the Northwest corner of Government Lot 4 in said Section 18 being the True Point of Beginning of the property herein described; thence Southerly along the West line thereof to a point which lies 978.47 North of the Southwest corner of said lot; thence West to a point which lies 581.60 feet East of Central Avenue; thence South 118.00 feet; thence West 220.00 feet; thence South 59.00 feet; thence West 29.81 feet; thence South to a point on the North line of Walmsleys Addition to Kent in Volume 45, Page 15 King County Washington; thence West along the North line thereof 30 feet; thence South along the West line of State Street to the Southeast corner of Lot 1 Block 4 in said addition; thence West along the South line thereof 63.05 feet; thence South to a point on the Northerly right-of-way margin of James Street; thence in a general westerly direction along said North margin to a point which lies 245.04 feet East of the East line of Northern Pacific Railroad; thence North 366.00 feet; thence West to a point on said East railroad line; thence North along said East railroad line to a point on the North line of the Southeast quarter of said Section 13; thence East along the North line thereof to a point which lies 426.51 feet West of the Northeast corner of said Southeast quarter; thence North 3°27'41" W 402.13 feet; thence South 89°50'18" W to a point on the Southeasterly margin of P.S.H. #5; thence Northeasterly along said margin to a point of intersection with the East line of the West 30.00 feet of said Section 18 thence South along said East line to a point of intersection with the Southerly margin of South 228th St.; thence Northeasterly along said Southerly margin to a point which lies 172.00 feet from the East line of said West 30.00 feet when measured at right angles thereto; thence South 1°07'42" W 181.82 feet; thence S 89°45'41" E 197.00 feet; thence S 1°07'42" W 316.68 feet; thence N 89°45'41" E to a point on the East line of Government Lot #2 in said Section 18; thence South along the East line thereof to the Southeast corner of said Lot 2; thence East along the North line of the Southwest corner of said Section 18 to the Northeast corner thereof; thence South along the East line thereof to the Southeast corner of the Northeast corner of the Southwest quarter of the Northeast quarter of the Southwest quarter; thence West 60.00 feet; thence West to the Northwest corner of the South 60.00 feet of the Southwest quarter of the Northeast quarter of the Southwest quarter; thence South 60 feet to the Northeast corner of Government Lot #4 in said Section 18; thence West to the Northwest corner of said Lot #4 to the True Point of Beginning.

Note: Subject to revision upon examination of record Title.
EXHIBIT "B"
L.I.D. 318
North Central Avenue Street Improvement
James Street to S. 228th Street

LEGAL DESCRIPTION

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

STREET IMPROVEMENTS

North Central Avenue from James Street to S. 228th Street. Includes 58 foot roadway (curb to curb), sidewalks, curb and gutter, drainage, landscaping, undergrounding of electrical facilities and street lighting.

WATERMAIN

Replacement and upsizing of existing watermains and stubs to unserviced properties within the street construction limits.

SANITARY SEWER

Extensions of the sewer system with stubs to unserviced properties within the street construction limits.