AN ORDINANCE of the City of Kent, Washington, relating to required public street improvements, adding a new Chapter 4.15, Kent City Code to provide for agreements to assess charges against latecomers in order to reimburse property owners required to make comprehensive public street improvements prior to development.

WHEREAS, the Legislature of the State of Washington has provided in Chapter 126, Laws of 1983 and Chapter 35.72 RCW has authorized the legislative authority of the City to contract with owners of real estate for the construction or improvement of street projects which the owners elect to install as a result of ordinances that require the projects as a prerequisite to further property development; and

WHEREAS, Chapter 35.72 RCW provides standards for such "latecomer" contracts; and

WHEREAS, the City of Kent has utilized "latecomer" agreements in the past to facilitate developments; and

WHEREAS, it is in the best interest of the City and developers to provide for such contracts for street projects; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. A new chapter, Chapter 4.15, Kent City Code, is hereby added as follows:

4.15.010. Latecomer Charges.
A. Reimbursement Agreements Authorized.
   1. The City Council of the City of Kent may, by ordinance, direct the Director of Engineering to enter into an agreement with an applicant for a development or building permit who is required to make public street improvements, upon written request by the applicant. The agreement shall provide for partial reimbursement of the cost of making the above public street improvements via assessments against other property owners who:
a. Are determined to be within the assessment reimbursement area pursuant to 4.15.010 C;
b. Are determined to have a reimbursement share based upon a benefit to the property owner pursuant to 4.15.010 B;
c. Did not contribute a proportionate share of the original cost of the public street improvement; and
d. Subsequently develop their property within the fifteen year period and at the time of development are not required to install similar street improvements because the improvements were already constructed by the applicant in accordance with this chapter.

2. No agreement may encompass a period greater than fifteen years.

3. Street improvements which may be subjects of reimbursement agreements are set forth as follows:
   a. Paved roadways;
   b. Street lighting systems;
   c. Sidewalks and walkways;
   d. Curbs and gutters;
   e. Storm drainage systems;
   f. Traffic controls.

B. Reimbursement Costs - Determination. Reimbursement amounts shall be a pro-rata share of construction and contract administration costs of the project. The Director shall determine the reimbursement share by using a method of cost apportionment which is based upon the benefits of the property owner from such project.

C. Reimbursement Assessment - Procedures. The procedures for assessment reimbursement contracts shall be as follows:

1. An assessment reimbursement area shall be formulated by the Director based upon a determination as to which parcels adjacent to the improvements would require similar street improvements upon development.

2. The preliminary determination of area boundaries and assessments, along with a description of the property owner's rights and options, shall be forwarded by registered mail to the property owners of record within the proposed assessment area. If any property owner requests a
hearing in writing within twenty (20) days of the mailing of the preliminary determination, a hearing shall be held before the City Council, notice of which shall be given to all affected property owners. The City Council's ruling is determinative and final.

3. The contract must be recorded in the King County Auditor's Office within thirty (30) days of the final execution of the agreement.

4. If the contract is so filed, it shall be binding on owners of record within the assessment area who are not party to the contract.

Section 2. 4.15.020 Provisions Not Exclusive. The authority to enter into agreements as provided in this ordinance shall be in addition to the authority of the City pursuant to the police power and other statutes, laws, rules and ordinances; and shall not be deemed exclusive.

Section 3. Any ordinance in conflict herewith is hereby superceded by the provisions of this ordinance.

Section 4. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivisions, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance, or the validity or its application to other persons or circumstances.

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 6. 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 ___, 1984.

APPROVED the ___ day of ___, 1984.

PUBLISHED the ___ day of ___, 1984.

I hereby certify that this is a true copy of Ordinance No. 2532, 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