ORDINANCE NO. 2548

AN ORDINANCE of the City of Kent, Washington approving and confirming the assessments and assessment roll of Local Improvement District No. 314 which has been created and established for the purposes of improving a portion of the City of Kent by the installation of water mains on 104th Avenue S.E., S.E. 272nd Street, and S.E. 270 Place, all as provided by Ordinance 2441; and levying and assessing the amount thereof against the several lots, tracts, parcels of land and other properties shown on the roll.

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

Section 1. FINDINGS AND CONCLUSIONS.

1.1 The assessment roll levying the special assessment against the properties located in Local Improvement District No. 314 has been filed with the Clerk of the City of Kent as provided by law.

1.2 Notice of the time and place of hearing thereon and of making objections and protests to the roll was duly published at and for the time and in the manner provided by law, fixing a time and place of hearing thereof for the eighteenth day of March, 1985 at the hour of 7:00 p.m. in the Council Chambers of the City Hall in the City of Kent, Washington and further notice thereof was duly mailed by the City Clerk to each property owner shown on the roll.

1.3 At the time and place fixed and designated in that notice, the hearing was duly held and written and verbal comments were received and considered by the City Council and the hearing was closed.

1.4 The Council continued its deliberations until the next regular City Council meeting on Monday, April 1, 1985, at which time the City Council further considered the written and verbal comments of the public hearing of March 18, 1985, and additional matters brought before it.
1.5 Having considered the protests filed, and having reviewed the record, the Council determines that Assessment/parcel No. 30 and Assessment/parcel No. 10 are specially benefited in at least the amount assessed. Neither protest provides any fact or foundation for the challenge to the assessment. The potential for subdivision resulting from the availability of public water supply contributes substantially to the value of the properties. The remaining lots, tracts, parcels of land and other properties are also specially benefited by the improvements in at least the amount charged against the same.

Section 2. ASSESSMENT ROLL CONFIRMED. The assessments and assessment roll of Local Improvement District No. 314 which has been created and established for the purposes of improving a portion of the City of Kent by the installation of water mains on 104th Avenue S.E., S.E. 272nd Street, and S.E. 270th Place, all as provided by Ordinance 2441, as the same now stands; be and the same is hereby in all things and respects approved and confirmed in the total amount of $84,744.00.

Section 3. SPECIAL BENEFIT - LEVY OF ASSESSMENT. Each of the lots, tracts, parcels of land and/or properties shown upon the roll is hereby determined and declared to be specially benefited by the improvements in at least the amount charged against the same and the assessment appearing against the same is in proportion to the several assessments appearing upon the roll. There is hereby levied and assessed against each lot, tract, parcel of land and other property appearing upon the roll the amount finally charged against the same thereon.

Section 4. PAYMENT - COLLECTION. The assessment roll as approved and confirmed shall be filed with the Supervisor of Treasury Accounting of the City of Kent for collection, and the Supervisor of Treasury Accounting is hereby authorized and directed to publish notice as required by law stating roll is in her hands for collection and a payment of any assessment thereof or any portion of that assessment can be made at any time within thirty (30) days from the date of the first publication of the notice without penalty, interest or cost, and that thereafter the sum remaining unpaid may be paid in ten (10) equal installments with interest at an estimated rate of 11 percent per
annum, with the exact interest rate to be fixed in the ordinance authorizing issuance and sale of the LID bonds for LID 314. The first installments of assessments on the assessment roll shall become due and payable during the thirty (30) day period succeeding the date one (1) year after the date of the first publication by the Supervisor of Treasury Accounting of notice that the assessment roll is in her hands for collection and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of the assessment remains unpaid after the first thirty (30) day period, interest upon the whole unpaid sum shall be charged at the rate as determined above, and each year thereafter one of the installments, together with interest due on the whole unpaid balance, shall be collected. Any installment not paid prior to the expiration of the thirty (30) day period during which sum installment is due and payable shall thereupon become delinquent. All delinquent installments shall be subject to a charge of interest at the rate as determined above and for an additional charge of 9 percent penalty levied upon both principal and interest due upon such installment or installments. The collection of such delinquent installments will be enforced in the manner provided by law.

Section 5. AGRICULTURAL EXEMPTION. Assessment/parcel No. 16 as filed with the City Clerk is classified as open space and is subject to the farm and agricultural land exemption from special benefit assessments. The special benefit will be deferred unless the exemption is waived. No request having been filed with the City prior to this confirmation of the final assessment roll, the assessment in the amount of $11,097.22 is deferred. Unencumbered and unexpended funds in the water utility are transferred from the water utility unencumbered fund balance to provide for and pay the deferred assessment herein. The special benefit exemption and payment shall be governed by Chapter 84.34 RCW. When the parcel is withdrawn from the farm and agricultural land classification or otherwise changes in use from farm and agricultural land, then the provisions of Chapter 84.34 RCW shall govern the collection of the assessment from said parcel.

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 ____ , 1985.
APPROVED the ___ day of ____ , 1985.
PUBLISHED the ___ day of ____ , 1985.

I hereby certify that this is a true copy of Ordinance No. 85, 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

(SEAL)