AN ORDINANCE of the City of Kent, Washington, relating to local improvement district and utility local improvement district assessments; adding to the Kent City Code new Sections 3.20.030 to provide for penalties on delinquent installments, 3.20.050 to provide for foreclosure of delinquent assessments, and 3.20.060 relating to the issuance of bonds; renumbering and amending Sections 3.20.04, 3.20.08 and 3.20.12 of the Kent City Code; and repealing Section 3.20.16 of the Kent City Code relating to the form of bonds and coupons.

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

Section 1. Kent City Code ("KCC") 3.20.04 is renumbered and amended as follows.

3.20.((04))010. PROCEDURES RELATING TO ((L.I.D.'S)) LOCAL IMPROVEMENT DISTRICTS and ((U.L.I.D.'S)) UTILITY LOCAL IMPROVEMENT DISTRICTS. A local improvement, the cost of which is to be ((paid)) borne in whole or in part by special assessments on the property benefited thereby, may be ordered only by an ordinance, pursuant ((to)) either to a resolution or petition therefor and in accordance with the provisions of Chapters 35.43 through 35.56 of the Revised Code of Washington ((and all amendments thereto)) as now or hereafter amended.

Section 2. KCC 3.20.08 is renumbered and amended as follows:

3.20.((08))020. POWERS AND DUTIES OF CITY ENGINEER - ASSESSMENT ROLL. The City Engineer is designated as the officer ((to verify)) responsible for determining the sufficiency and accuracy of any petition filed ((to)) to initiate a proceeding for the formation of a local improvement district or utility local improvement district. ((All resolutions or petitions initiating a local improvement shall be referred to the City Engineer and it shall be his duty to make all estimates, diagrams, plans and specifications and other data and submit them to the Council upon the hearing of a resolution and at such other times as may be-
required. Upon the filing of a petition found by the City Engineer to be sufficient or upon the adoption of a resolution initiating a proceeding for the formation of a local improvement district or utility local improvement district, the City Engineer shall cause an estimate to be made of the cost and expense of the proposed improvement and shall certify it to the City Council, together with all papers and information in the City Engineer's possession touching the proposed improvement, a description of the boundaries of the district, and a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district.

The City Engineer shall prepare the final plans and contract documents and shall obtain bids for the construction of the (project) improvement.

As soon as possible after the taking effect of an ordinance ordering the formation of a local improvement district or utility local improvement district and after the cost and expense thereof can be determined, the City Engineer shall make out (an) a preliminary assessment roll and certify the same to the City Council, which preliminary assessment roll shall contain the description of each separate lot, tract, (an) parcel of land or other property to be assessed, the amount to be charged, levied or assessed against the same, and the name of the owner thereof, if known.

Section 3. A new section, KCC 3.20.030, is added to the Kent City Code as follows:

3.20.030. DELINQUENT INSTALLMENTS - PENALTIES. Whenever any installment upon any local improvement district assessment or utility local improvement district assessment shall become delinquent, each of such delinquent installments remaining unpaid at the date of delinquency shall have added thereto a penalty equal to the rate of interest provided by ordinance for the bonds or installment note or notes issued to pay the costs of the improvement in such local improvement district or utility local improvement district plus five percent. When not otherwise provided by ordinance, such delinquent installments shall bear...
interest at the same rate as is provided by ordinance for the final assessment roll for such local improvement district or utility local improvement district or for the bonds or installment note or notes issued in payment or part payment of the cost of the improvement in such local improvement district or utility local improvement district.

Section 4. KCC 3.20.12 is renumbered and amended as follows:

3.20.040. NOTICE OF DELINQUENT ASSESSMENTS. It shall be the duty of the City Treasurer on or before the first day of July of each year, with the assistance and advice of the City Attorney, to prepare and issue a Certificate of all Local Improvement Assessments to notify by certified mail the persons whose names appear on the assessment roll as the owners of property charged with assessments or installments which are more than two years delinquent on the first day of January preceding, or for which the final installment has been delinquent since the first day of January of the preceding year, for the purpose of foreclosing the delinquent assessment or delinquent installment as provided by Chapter 35.50 RCW, and deliver the same to the City Attorney for such proceedings as may be necessary in such proceedings. If the person whose name appears on the tax rolls of the county assessor as the owner of the property, or the address shown for the owner on such rolls, differs from that appearing on the City assessment roll, then the City Treasurer shall also mail a copy of the notice to that person or that address. The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which proceedings to foreclose will be commenced.

Section 5. A new section, KCC 3.20.050, is added to the Kent City Code as follows:

3.20.050. FORECLOSURE OF DELINQUENT ASSESSMENTS. When any local improvement district or utility local improvement district assessment is payable in installments, upon failure to pay any installment due, the assessment shall become immediately
due and payable, and the collection thereof shall be enforced by foreclosure. The payment of all delinquent installments, together with interest, penalty and costs, at any time before the entry of judgment in foreclosure shall extend the time of payment on the remainder of the assessment installments as if there had been no delinquency or foreclosure. Foreclosure proceedings may be commenced at any time prior to August 1st of the year in which, on the first day of January of such year, two installments of any local improvement district or utility local improvement district assessment were delinquent or the final installment was delinquent for more than one year. In case of foreclosure, there shall be added to the costs and expenses provided by Chapter 35.50 RCW, such reasonable attorneys' fees as the court may adjudge to be equitable, and the amount thereof shall be apportioned to each delinquent assessment or installment appearing on that roll. When one or more delinquent installments are paid before the foreclosure proceedings are completed, payment of such costs shall be a prerequisite to the City's dismissal of such proceedings unless otherwise ordered by the court.

Section 6. KCC 3.20.16 is repealed.

Section 7. A new section. KCC 3.20.060, is added to the Kent City Code as follows:

3.20.060. ISSUANCE OF BONDS. All local improvement district and utility local improvement district bonds shall be issued and registered in compliance with the applicable provisions of state and federal law and the ordinances authorizing the issuance and sale of the bonds.

Section 8. This ordinance shall not be construed to affect any existing right acquired under the sections of the Kent City Code repealed, renumbered or amended, nor to affect any proceeding instituted thereunder.

Section 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.
Section 10. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 11. 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.

ISABEL HOGAN, MAYOR

ATTEST:

BETTY GRAY, DEPUTY CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 20th day of __________, 1985.
APPROVED the 23rd day of May, 1985.
PUBLISHED the 26th day of May, 1985.

I hereby certify that this is a true copy of Ordinance No. 2563, 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

02650-060