ORDINANCE NO. 2565

AN ORDINANCE of the City of Kent, approving and confirming the assessments and the assessment roll of Local Improvement District 308 which has been created and established for the purposes of construction and installation of certain street, water and sanitary sewer improvements on S.E. 260th Street from 104th Avenue, S.E. to 108th Avenue, S.E.; all as provided by Ordinance 2363; and levying and assessing the amount thereof against several lots, tracts, parcels of land and the properties shown on the roll.

WHEREAS, the assessment roll levying the special assessments against the properties located in Local Improvement District No. 308 has been filed with the Clerk of the City of Kent as provided by law; and

WHEREAS, notice of the time and place of hearing thereon and of making objections and protests as 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 20th day of May, 1985 at the hour of 7 o'clock 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; and

WHEREAS, at the time and place fixed and designated in that notice the hearing was duly held and written protests were received concerning Parcel 6 (Lien) and Parcel 8 (Murphy), and the Council having considered the protests and having closed the hearing and directed the preparation of this ordinance; and

WHEREAS, the Council finds that the lots, tracts, parcels of land and other properties within L.I.D. 308 are specially benefited by the improvements in at least the amount charged against the same; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:
Section 1. The assessments and assessment roll of Local Improvement District No. 308 which has been created and established for the purposes of construction and installation of certain street, water and sanitary sewer improvements on S.E. 260th Street, from 104th Avenue, S.E. to 108th Avenue, S.E. be and the same is hereby in all things and respects approved and confirmed in the total amount of $447,043.18.

Section 2. Findings.

2.1. Evidence sufficient to overcome the presumption of special benefit of the improvement of South 260th Street, including the installation of water and sanitary sewer mains, storm drainage, utility stubs, undergrounding, street lighting and landscaping, was not presented to the City Council.

2.2. The properties which were subject to protest, parcels 6 and 8, are not developed to their highest and best use as provided for in the current zoning of the property. Development to the highest and best use would require the improvements provided by this LID. Parcels 6 and 8 are benefited by the improvements in at least the amount charged against said parcels.

2.3. Each of the lots, tracts, parcels of land and other 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 3. 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 that the 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 308. 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 such 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 4. 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

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY
PASSED the \( \frac{3}{4} \) day of June, 1985.
APPROVED the \( \frac{4}{7} \) day of June, 1985.
PUBLISHED the \( \frac{7}{9} \) day of June, 1985.

I hereby certify that this is a true copy of Ordinance No. 2565, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK