AN ORDINANCE of the City of Kent, Washington approving and confirming the assessments and assessment roll of Local Improvement District 313 which has been created and established for the purpose of construction and installation of certain improvements to the Central Business District of the City of Kent; all as provided by Ordinance 2430; and levying and assessing the amount thereof against the several lots, tracts, parcels of land and other properties shown on the roll.

WHEREAS, the assessment roll levying the special assessment against the properties located in Local Improvement District 313 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 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 6th day of January, 1986 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 comments and correspondence was received and considered, and the Council having closed the hearing; and

WHEREAS, the City Council finds that the lots, tracts, parcels of land and other properties within L.I.D. 313 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. Assessment Roll Confirmed. The assessment and assessment roll of Local Improvement District 313 which has
been created and established for the purposes of construction and installation of certain improvements to the Central Business District of the City of Kent; all as provided by Ordinance 2430; and levying and assessing the amount thereof against the several lots, tracts, parcels of land and other properties shown on the roll; be and the same is hereby in all things and respects approved and confirmed in the total amount of $440,509.89.

Section 2. Findings.

2.1 Patricia Crockett appeared to protest the assessment on her property, and to request a continuance to prepare an appraisal of the before and after valuation of the property. Having determined that the L.I.D. was created pursuant to Ordinance 2430, adopted on October 17, 1983, and that the assessment on the property had not changed, and that an inadequate showing for a continuance was made, the Council took no action on the requested continuance thereby denying the request. The Council further finds that the opinion presented in support of a reduced assessment is unsupported by adequate evidence, and that the property is specially benefited by the improvements, in at least the amount charged against the same, and the assessment is in proportion to the several assessments appearing on the roll.

2.2 Each of the other lots, tracts, parcels of land and/or properties shown upon the roll is hereby found and determined and declared to be specially benefited by the improvements, in at least the amount charged against the same, and the assessments appearing against the same is in proportion to the several assessments appearing upon the roll.

Section 3. Assessment Levied. 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. Assessment - Collection and Payment. The assessment roll as approved and confirmed herein shall be filed with the Finance Director of the City of Kent for collection, and the Finance Director is hereby authorized and directed to publish notice as required by law stating that the roll is in his 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 L.I.D. bonds for L.I.D. 313. 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 Finance Director of notice that the assessment roll is in his 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. Following the creation of the L.I.D., but prior to this confirmation of the final assessment role, assessed parcels 31, 32 and 37 became subject to bankruptcy proceedings in Case No. 85-05040, United States Bankruptcy Court For the Western District of Washington. To the extent that the assessed amount of $44,492.74 for parcels 31, 32 and 37 is uncollectable as a result of the referenced bankruptcy proceeding, the City of Kent shall be responsible for such an amount upon exhaustion of all other collection alternatives.

Section 6. The Director of Finance may designate the Supervisor of Treasury Accounting or such other person to carry out the provisions of this ordinance and Ordinance 2430, or such
other provisions of law necessary to effectuate the purposes of this ordinance, and to carry out L.I.D. 313.

Section 7. 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.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN D'JULIO, CITY ATTORNEY

PASSED the 3 day of Jul, 1986.
APPROVED the 4 day of Jul, 1986.
PUBLISHED the 7 day of Jul, 1986.

I hereby certify that this is a true copy of Ordinance No. 86-05, 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

3200-130