AN ORDINANCE ordering the street, water main and sanitary sewer improvements to 104th Avenue S.E. (a/k/a Benson Highway) from the S.E. 242nd block to the S.E. 252nd block, both inside and outside of the City, all in accordance with Resolution No. 1088 of the City Council; establishing Local Improvement District No. 321 and ordering the carrying out of the proposed improvement; providing that payment for the improvement be made in part by special assessments upon the property in the District, payable by the mode of "payment by bonds"; and providing for the issuance and sale of local improvement district warrants redeemable in cash or other short-term financing and local improvement district bonds.

WHEREAS, by Resolution No. 1088 adopted January 6, 1986, the City Council declared its intention to order the street, water main and sanitary sewer improvements to 104th Avenue S.E. (a/k/a Benson Highway) from the S.E. 242nd block to the S.E. 252nd block, both inside and outside of the City, and fixed February 3, 1986, at 7:00 p.m., local time, in the Council Chambers of the City Hall as the time and place for hearing all matters relating to the proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, the Director of Public Works caused an estimate to be made of the cost and expense of the proposed improvement and certified that estimate to the City Council, together with all papers and information in his possession touching the proposed improvement, a description of the boundaries of the proposed local improvement 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; and

WHEREAS, that estimate is accompanied by a diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property which will be specially benefited by
the proposed improvement and the estimated cost and expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the City Council on the date and at the time above mentioned, and all objections to the proposed improvement were duly considered and overruled by the City Council, and all persons appearing at such hearing and wishing to be heard were heard; and

WHEREAS, the City Council has determined it to be in the best interests of the City that the improvement as hereinafter described be carried out and that a local improvement district be created in connection therewith; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES ORDAIN as follows:

Section 1. The City Council of the City of Kent, Washington (the "City"), orders the street, water main and sanitary sewer improvements to 104th Avenue S.E. (a/k/a Benson Highway) from the S.E. 242nd block to the S.E. 252nd block as more fully described in Exhibit A attached hereto and by this reference incorporated herein.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the Director of Public Works of the City and may be modified by the City Council as long as such modification does not affect the purpose of the improvement.

Section 2. There is created and established a local improvement district to be called Local Improvement District No. 321 of the City of Kent, Washington (the "District"), the boundaries or territorial extent of which District being more particularly described in Exhibit B attached hereto and by this reference incorporated herein.
Section 3. The total estimated cost and expense of the improvement is declared to be $3,000,000. Approximately $403,125 of the cost and expense shall be borne by and assessed against the property specially benefited by such improvement included in the District embracing as nearly as practicable all property specially benefited by such improvement. The remaining cost and expense shall be paid by the City and State money available therefor.

Section 4. In accordance with the provisions of RCW 35.44.047, the City may use any method or combination of methods to compute assessments which may be deemed to fairly reflect the special benefits to the properties being assessed.

Section 5. Local improvement district warrants may be issued in payment of the cost and expense of the improvement herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund, District No. 321, hereinafter created and referred to as the Local Improvement Fund, and, until the bonds referred to in this section are issued and delivered to the purchaser thereof, to bear interest from the date thereof at a rate to be established hereafter by the City Treasurer, as issuing officer, and to be redeemed in cash and/or by local improvement district bonds herein authorized to be issued, such interest-bearing warrants to be hereafter referred to as "revenue warrants." In the alternative, the City hereafter may provide by ordinance for the issuance of other short-term obligations pursuant to Chapter 39.50 RCW.

The City is authorized to issue local improvement district bonds for the District which shall bear interest at a rate and to be payable on or before a date to be hereafter fixed by ordinance. The bonds shall be issued in exchange for and/or in redemption of any and all revenue warrants issued hereunder or other short-term obligations hereafter authorized and not
redeemed in cash within twenty days after the expiration of the thirty-day period for the cash payment of assessments without interest on the assessment roll for the District. The bonds shall be redeemed by the collection of special assessments to be levied and assessed against the property within the District, payable in annual installments, with interest at a rate to be hereafter fixed by ordinance under the mode of "payment by bonds," as defined by law and the ordinances of the City. The exact form, amount, date, interest rate and denominations of such bonds shall be hereafter fixed by ordinance of the City Council. Such bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. In all cases where the work necessary to be done in connection with the making of such improvement is carried out pursuant to contract upon competitive bids (and the City shall have and reserves the right to reject any and all bids), the call for bids shall include a statement that payment for such work will be made in cash warrants drawn upon the Local Improvement Fund.

Section 7. There is created and established in the office of the City Treasurer for the District the Local Improvement Fund, into which fund shall be deposited the proceeds from the sale of revenue warrants or other short-term obligations drawn against the fund which may be issued and sold by the City and collections pertaining to assessments, and against which fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvement, and against which fund cash warrants shall be issued in payment for all other items of expense in connection with the improvement.

Section 8. Within fifteen (15) days of the passage of this ordinance there shall be filed with the City Treasurer the title
of the improvement and District number, a copy of the diagram or print showing the boundaries of the District and the preliminary assessment roll or abstract of such roll showing thereon the lots, tracts and parcels of land that will be specially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract or parcel of land. The City Treasurer immediately shall post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

Section 9. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Kent, Washington, at a regular open public meeting thereof, this 18th day of February, 1986.

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney
EXHIBIT A
L.I.D. 321
104th Avenue S.E. Street Improvements
(S.E. 242nd Block to S.E. 252nd Block)

STREET IMPROVEMENTS

The improvement of 104th Ave. S.E. (aka Benson Highway) from the S.E. 242nd block to the S.E. 252nd block includes a 5 lane roadway with two-way turn lane, sidewalks, curb and gutter, drainage, undergrounding of electrical facilities and street lighting. Also included is a traffic signal at the intersection of S.E. 248th Street. S.E. 248th will be realigned for approximately 675 feet east and west of 104th Avenue S.E.

That portion of the improvements south of South 248th Street will be partially funded by the L.I.D. properties south of South 248th Street (i.e. those properties within the City limits).

WATERMAIN

Includes the installation of 8-inch stubs from the existing main to the right-of-way at various points within the project limits and extension of the water main on the side streets to the limits of the new street construction. Also all water services within the project limits currently connected to the East Hill Community Well Company main will be replaced and connected to the City of Kent main.

The cost of the 8-inch water stubs are being assessed totally under the L.I.D. to benefiting properties whether inside or outside of the City limits.

SANITARY SEWER

Inside City:
From S.E. 248th Street to the south the existing sanitary sewer shall be stubbed out (6-inch stubs) to all unserviced properties within the street construction limits. A main line extension will also be constructed at South 248th Street to provide service to the property at the southeast corner of 104th Avenue S.E. and S.E. 248th Street.

Outside City:
North of S.E. 248th Street a new 8-inch sanitary sewer and 6-inch stubs shall be constructed to provide sanitary sewer to all unserviced properties within the project limits.
EXHIBIT "B"
L.I.D. Boundary Legal Description
(Inside of City Limits)
L.I.D. 321

That portion of the following described property lying south of South 248th Street

That portion of the west half of Section 20 Township 22, Range 5 East, W.M. of King County Washington described as follows:

Beginning at the northeast corner of Tract 13 of R.O. Smith's Orchard Tracts Addition to Kent as recorded in Volume 12, Plats Page 27, Records of King County Washington being TRUE POINT OF BEGINNING of property herein described; THENCE south along the east line of said Tract 13 a distance of 120 feet; THENCE west parallel with the north line of said Tract 13 to the west line thereof; THENCE south along the west line of said Tract 13 a distance of 180 feet; THENCE east parallel with the north line of said Tract 13 a distance of 104 feet; THENCE south parallel with the west line of said Tract 13 a distance of 100 feet; THENCE south parallel with the east line of said Tract 13 a distance of 99 feet to the north margin of S.E. 244th Street (aka Berton Street); THENCE west along said north margin a distance of 54 feet; THENCE south to a point on the south margin of said S.E. 244th Street which lies 154 feet west of the northeast corner of Tract 20 of said Tracts; THENCE continuing south parallel with the west line of said Tract 20 a distance of 229 feet; THENCE west parallel with the north line of said Tract 20 a distance of 150 feet to the west line of said Tract 20; THENCE south along the west line of said Tract 20 to the southwest corner thereof, also being the northwest corner of the plat of R.J. Bower's Addition as recorded in Volume 51, Plats, Page 29, Records of King County Washington; THENCE continuing south along the west line of said plat and the west line of Tract 29 of said tracts to the southwest corner of said Tract 29; THENCE continuing south a distance of 60 feet to the south margin of S.E. 248th Street; THENCE east along the south margin of S.E. 248th Street to a point which lies 286 feet west of the east line of the northwest quarter of the southwest quarter of said section; THENCE south parallel with the east line of the northwest quarter of the southwest quarter of said section a distance of 655 feet; THENCE south 88°13'58" west a distance of 332.47 feet; THENCE south 00°22'28" east a distance of 24 feet; THENCE south 89°36'42" west a distance of 9 feet to the west line of the east half of the northeast quarter of the southwest quarter of said section; THENCE south along the west line of said east half to the southwest corner thereof, also being the northwest corner of the east half of the southwest quarter of the southwest quarter of said section; THENCE south along the west line of the east half of the southwest quarter of the southwest quarter of said section a distance of 174.29 feet; THENCE east parallel with the north line of the east half of the southwest quarter of the southwest quarter of said section to the east line thereof; THENCE north along the east line of the east half of the southwest quarter of the southwest quarter of said section to the northeast corner thereof, also being the southwest corner of the northeast quarter of the southwest quarter of said section; THENCE
east along the south line of the northeast quarter of the southwest quarter to the southeast corner thereof; THENCE north along the east line of the south half of the northeast quarter of the southwest quarter of said section to the northeast corner thereof; THENCE west along the north line of the south half of the northeast quarter of the southwest quarter of said section to the southeast corner of the northwest quarter of the northeast quarter of the southwest quarter of said section; THENCE north along the east line of the northwest quarter of the northeast quarter of the southwest quarter of said section a distance of 326.01 feet; THENCE west parallel with the north line of the southwest quarter of said section a distance of 180 feet; THENCE north parallel with the east line of the northwest quarter of the northeast quarter of the southwest quarter of said section to the south margin of S.E. 248th Street; THENCE west along the south margin of S.E. 248th Street to a point of intersection with the southerly prolongation of the east line of Tract 28 of said tracts; THENCE north to the southeast corner of said Tract 28; THENCE continuing north along the east line of said Tract 28 to the northeast corner thereof also being the southeast corner of Tract 21 of said tracts; THENCE continuing north along the east line of said Tract 21 a distance of 132 feet; THENCE east parallel with the south line of Tract 22 of said tracts a distance of 104 feet; THENCE north parallel with the east line of said Tract 22 a distance of 101 feet; THENCE east parallel with the south line of said Tract 22 to the east line thereof; THENCE north along the east line of said Tract 22 a distance of 105.4 feet; THENCE west parallel with the north line of said Tract 22 a distance of 150 feet; THENCE north parallel with the east line of said Tract 22 a distance of 26.6 feet; THENCE west parallel with the north line of said Tracts 22 and 21 to a point which lies 140 feet east of the east margin of 104th Avenue S.E.; THENCE north parallel with the centerline of said 104th Avenue S.E. to the north margin of S.E. 244th Street; THENCE west along the north margin of S.E. 244th Street to a point which lies 90 feet east of the east margin of 104th Avenue S.E.; THENCE north parallel with the east margin of 104th Avenue S.E. a distance of 123.5 feet; THENCE east parallel with the south line of Tract 12 of said tracts to the east line of said Tract 12; THENCE north along the east line of said Tract 12 to the northeast corner thereof; THENCE west along the north line of said tract and its westerly prolongation to the TRUE POINT OF BEGINNING.

EXCEPT any portions thereof lying within public right of way.
EXHIBIT "B"
L.I.D. Boundary Legal Description
(Outside of City Limits)
L.I.D. 321

That portion of the following described property lying north of South 248th Street

That portion of the west half of Section 20 Township 22, Range 5 East, W.M. of King County Washington described as follows:

Beginning at the northeast corner of Tract 13 of R.O. Smith's Orchard Tracts Addition to Kent as recorded in Volume 12, Plats Page 27, Records of King County Washington being TRUE POINT OF BEGINNING of property herein described; THENCE south along the east line of said Tract 13 a distance of 120 feet; THENCE west parallel with the north line of said Tract 13 to the west line thereof; THENCE south along the west line of said Tract 13 a distance of 180 feet; THENCE east parallel with the north line of said Tract 13 a distance of 104 feet; THENCE south parallel with the west line of said Tract 13 a distance of 230 feet; THENCE east parallel with the south line of said Tract 13 a distance of 100 feet; THENCE south parallel with the east line of said Tract 13 a distance of 99 feet to the north margin of S.E. 244th Street (aka Berton Street); THENCE west along said north margin a distance of 54 feet; THENCE south to a point on the south margin of said S.E. 244th Street which lies 154 feet west of the northeast corner of Tract 20 of said Tracts; THENCE continuing south parallel with the west line of said Tract 20 a distance of 229 feet; THENCE west parallel with the north line of said Tract 20 a distance of 150 feet to the west line of said Tract 20; THENCE south along the west line of said Tract 20 to the southwest corner thereof, also being the northwest corner of the plat of R.J. Bower's Addition as recorded in Volume 51, Plats, Page 29, Records of King County Washington; THENCE continuing south along the west line of said plat and the west line of Tract 29 of said tracts to the southwest corner of said Tract 29; THENCE continuing south a distance of 60 feet to the south margin of S.E. 248th Street; THENCE east along the south margin of S.E. 248th Street to a point which lies 286 feet west of the east line of the northwest quarter of the southwest quarter of said section; THENCE south parallel with the east line of the northwest quarter of the southwest quarter of said section a distance of 655 feet; THENCE south 88°13'58'' west a distance of 332.47 feet; THENCE south 00°22'28'' east a distance of 24 feet; THENCE south 89°36'42'' west a distance of 9 feet to the west line of the east half of the northwest quarter of the southwest quarter of said section; THENCE south along the west line of said east half to the southwest corner thereof, also being the northwest corner of the east half of the southwest quarter of the southwest quarter of said section; THENCE south along the west line of the east half of the southwest quarter of the southwest quarter of said section a distance of 174.29 feet; THENCE east parallel with the north line of the east half of the southwest quarter of the southwest quarter of said section to the east line thereof; THENCE north along the east line of the east half of the southwest quarter of the southwest quarter of said section to the northeast corner thereof, also being the southwest corner of the northeast quarter of the southwest quarter of said section; THENCE
L.I.D. 321  
Boundary Legal Description  
(Outside of City Limits)  
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east along the south line of the northeast quarter of the southwest quarter to the southeast corner thereof; THENCE north along the east line of the south half of the northeast quarter of the southwest quarter of said section to the northeast corner thereof; THENCE east parallel with the south line of the southwest quarter of said section a distance of 326.01 feet; THENCE west parallel with the north line of the southwest quarter of said section a distance of 180 feet; THENCE north parallel with the east line of the northeast quarter of the southwest quarter of said section to the south margin of S.E. 248th Street; THENCE west along the south margin of S.E. 248th Street to a point of intersection with the southerly prolongation of the east line of Tract 28 of said tracts; THENCE north to the southeast corner of said Tract 28; THENCE continuing north along the east line of said Tract 28 to the northeast corner thereof also being the southeast corner of Tract 21 of said tracts; THENCE continuing north along the east line of said Tract 21 a distance of 132 feet; THENCE east parallel with the south line of Tract 22 of said tracts a distance of 104 feet; THENCE north parallel with the east line of said Tract 22 to the east line thereof; THENCE north along the east line of said Tract 22 a distance of 105.4 feet; THENCE west parallel with the north line of said Tract 22 a distance of 150 feet; THENCE north parallel with the east line of said Tract 22 a distance of 26.6 feet; THENCE west parallel with the north line of said Tracts 22 and 21 to a point which lies 140 feet east of the east margin of 104th Avenue S.E.; THENCE north parallel with the centerline of said 104th Avenue S.E. to the north margin of S.E. 244th Street; THENCE west along the north margin of S.E. 244th Street to a point which lies 90 feet east of the east margin of 104th Avenue S.E.; THENCE north parallel with the east margin of 104th Avenue S.E. a distance of 123.5 feet; THENCE east parallel with the south line of Tract 12 of said tracts to the east line of said Tract 12; THENCE north along the east line of said Tract 12 to the northeast corner thereof; THENCE west along the north line of said tract and its westerly prolongation to the TRUE POINT OF BEGINNING.

EXCEPT any portions thereof lying within public right of way.
I, MARIE JENSEN, City Clerk of the City of Kent, Washington, certify that the attached copy of Ordinance No. 2610 is a true and correct copy of the original ordinance passed on the 18th day of February, 1986, as that ordinance appears on the Minute Book of the City.

DATED this 26th day of February, 1986.

[Signature]

MARIE JENSEN, City Clerk

2364k