AN ORDINANCE ordering the road and sanitary sewer improvements to James Street from Washington Avenue to near Russell Road within the City, all in accordance with Resolution No. 1093 of the City Council; establishing Local Improvement District No. 320 and ordering the carrying out of the proposed improvement; providing that payment for the improvement be made 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. 1093 adopted February 3, 1986, the City Council declared its intention to order the road and sanitary sewer improvements to James Street from Washington Avenue to near Russell Road within the City, and fixed March 17, 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 road and sanitary sewer improvements to James Street from Washington Avenue to near Russell Road within the City, 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. 320 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 $718,618. The entire 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.

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 reflect fairly 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. 320, 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 Finance Director or his designee, 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 Finance Director 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 Finance Director 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 Finance Director 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 7th day of April, 1986.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2435k
EXHIBIT A

LID #320
James Street Improvement
(Washington Ave to Near Russell Road)

ROADWAY IMPROVEMENTS

Description:

1. North Washington to 64th Avenue
   R/W Width: 60'
   Roadway Width: 44' curb to curb
   Sidewalks: 7' width both sides
   Lanes: 1 - 12' 2 way turn lane (center
          2 - 11' through lanes
          2 - 5' bike lanes
   Also Included: curb and gutter
                  street trees
                  street lighting
                  storm drainage system

2. 64th Avenue to 1700 Feet West
   R/W Width: 60'
   Roadway Width: Standard Section 36' curb to curb
                  at turn pockets 44'
   Sidewalks: 7' width both sides
   Lanes: 2 - 13' through lanes
          2 - 5' bike lanes
   Note: At turn pockets width and lanes are the same as east of 64th.
   Turn Pockets: to north at 64th Avenue
                 to south at park entrance
   Landscaping: The taper areas between 36' and 44' sections will be
                constructed as landscaped medians or islands.
   Also Included: curb and gutter
                  street trees
                  street lighting
                  storm drainage system
                  open drainage ditch (to be future box culvert
                                      under proposed L.I.D. 306)

SANITARY SEWER IMPROVEMENTS:

Description:

The sanitary sewer is being stubbed to the north at 64th Avenue to
provide access to unserviced property to eliminate the possibility of
cutting the newly constructed road at some point in the future. The
stub is 8" and will end at the right of way line.
EXHIBIT B

LID 320
JAMES ST. IMPROVEMENT
West Valley Highway to near Russell Road

Boundary Legal Description

That portion of Tract 6 Meekers Supplemental Plat to the Town of Kent as recorded in Volume 5 of Plats page 96 King County, Washington. Beginning at the original Southwest corner of said Tract 6; thence East along the South line thereof to a point on the West margin of West Valley Highway (aka) No. Washington Street; thence Northerly along the West margin of said West Valley Highway a distance of 117.01 feet; thence N 88°24'47" W a distance of 127.66 feet; thence North a distance of 85.20 feet; thence N 88°24'47" W to a point on the West line of said Lot 6; thence South along said West line to the Southwest corner of said Tract 6 AND Tract 7 in said plat except the East 1 acre of North 4 acres AND ALSO Tract 8 in said plat AND ALSO that portion of Tract 10 in said plat lying North of a line beginning on East line 121.55 feet South of the Northeast corner; thence to a point on the West line 136.05 feet south of the Northwest corner. AND ALSO the Southwest quarter of the Southeast quarter in Section 14 Township 22 North Range 4 East W.M., King Co., Washington AND ALSO that portion of the South half of the Southwest quarter in said Section 14 lying Easterly of Russell Road and north of James Street AND ALSO Lots 1 thru 4 Lakes S.P. #83-7, Recording #8505210917 AND ALSO Beginning 2031.9 feet West of the Northeast corner of said Section 23; thence West 700 feet; thence South 510 feet; thence Southeasterly to a point 1030 feet South of Beginning; thence North 1000 feet to beginning AND ALSO a portion of Lot 1 Western Estates Short Plat #80-9 lying Northwesterly of a line beginning at the Northeast corner of said Lot 1; thence Southwesterly to a point on the South line of said Lot 1 which lies 530 feet West of Southeast corner of said Lot 1 AND ALSO a portion of Lot 2 and 3 of Kent West Short Plat #75-15 lying Northerly of the following described line. Beginning at the Northwest corner of said Lot 2; thence Southeasterly to a point on the east line of said Lot 3 which lies 450 feet South of the Northeast corner of said Lot 2 AND ALSO Lot 1 of Kent West Short Plat #75-15 AND ALSO a portion of Tract 10 in said Meekers Plat lying Northerly of the following described line. Beginning 136.05 feet South of the Northwest corner of said Tract 10; thence East 390 feet; thence Northeasterly to a point on the East line of said Tract 10 which lies 30 feet South of the Northeast corner of said Tract 10 EXCEPT ANY PORTIONS THEREOF LYING WITHIN PUBLIC RIGHT-OF-WAY.