AN ORDINANCE ordering the street, water main and sanitary sewer improvements on 76th Avenue S. from S. 212th Street to approximately the S. 220th block within the City, all in accordance with Resolution No. 1114 of the City Council; establishing Local Improvement District No. 325 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. 1114 adopted October 20, 1986, the City Council declared its intention to order the street, water main and sanitary sewer improvements on 76th Avenue S. from S. 212th to approximately the S. 220th block within the City, and fixed November 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
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 on 76th Avenue S. from S. 212th Street to approximately the S. 220th block within the City, as more fully described in Exhibit A attached hereto and by this reference made a part hereof.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the City Engineer 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. 325 of the City of Kent, Washington (the "District"), the boundaries or territorial extent of which District is more particularly described in Exhibit B attached hereto and by this reference made a part hereof.

Section 3. The total estimated cost and expense of the improvement is declared to be $805,200.28. Approximately
$33,819.50 of such cost and expense shall be paid by the City and the balance thereof shall be borne by and assessed against the property specially benefited by such improvement included in the District, which embraces 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. 325, 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 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 without interest of
assessments 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 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 it or them in connection with the improvement and to such contractor or contractors or others 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 shall immediately post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the 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.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

BILL H. WILLIAMSON,
ACTING CITY ATTORNEY

PASSED the 1st day of Dec., 1986.
APPROVED the 3rd day of Dec., 1986.
PUBLISHED the 5th day of Dec., 1986.

I hereby certify that this is a true and correct copy of Ordinance No. 2623, 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

(Seal)

2714k
STREET IMPROVEMENTS
The project is the improvement of 76th Avenue S. from S. 212th Street to approximately the S. 220th block including a 44 foot wide roadway, sidewalks, curb and gutter, drainage, street lighting and landscaping. Approximately the south 1320 feet shall be a half street improvement only with the improvements being constructed on the east side only. The project shall connect S. 212th St. to the north end of the currently fully improved portion of 76th Ave. South near the S. 220th block at the south boundary of the L.I.D.

WATER MAIN
Includes the installation of stubs from the existing water main to the right of way line at various points within the project limits.

SANITARY SEWER
Includes the installation of stubs from the existing sanitary sewer main to the right of way line at various points within the project limits.

EXHIBIT A
BOUNDARY LEGAL DESCRIPTION

L.I.D. 325
76th Avenue South Street Improvement
(S. 212th to S. 220th)

That portion of Section 12, Township 22 North, Range 4 East W.M., King County, Washington described as follows:

That portion of the Southwest quarter of the Northeast quarter of said section lying south of S. 212th Street, east of 76th Avenue South (aka 4th Avenue North) and west of N.P.R.R. right of way LESS the east 60 feet of the north 120 feet thereof; AND LESS BAAP on the westerly line of said right of way 175 feet southerly of the south margin of South 212th Street; THENCE southerly 220 feet; THENCE westerly at right angles 25 feet; THENCE northerly parallel with said right of way 220 feet; THENCE easterly at right angles 25 feet to beginning

AND that portion of the Southeast quarter of the Northwest quarter of said section lying south of South 212th Street, west of 76th Avenue South (aka 4th Avenue North) and easterly of the following described line; BAAP on the south line of the Southeast quarter of the Northwest quarter of said section North 88°25'49" west 697.53 feet from the southeast corner thereof; being TRUE POINT OF BEGINNING of line herein described; THENCE north 0°59'08" east 68.63 feet; THENCE on a curve to the right with a central angle of North 22°55'40" east, a radius of 400.26 feet, an arch length of 155.53 feet to POT; THENCE north 45°11'26" east 145.80 feet; THENCE south 88°25'49" east to a point which lies 340.02 feet west of the west margin of 76th Avenue South; THENCE north 00°59'03" east 700.04 feet; THENCE north BC'25'49" west 30 feet; THENCE north 00°59'03" east 175.53 feet; THENCE south 85°58'50" east 177.80 feet; THENCE north 04°01'10" east 30 feet to TERMINUS of line herein described;

AND ALSO, that portion of the Northwest quarter of the Southeast quarter of said Section 12 lying west of the N.P.R.R. right of way; LESS any portion lying within public right of way.

EXHIBIT B