CITY OF KENT, WASHINGTON

ORDINANCE NO. 2735

AN ORDINANCE ordering the widening and improvement of West Valley Highway from South 189th Street to South 212th Street, all in accordance with Resolution No. 1139 of the City Council; establishing Local Improvement District No. 328 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. 1139 adopted July 21, 1987, the City Council declared its intention to order the widening and improvement of West Valley Highway from South 189th Street to South 212th Street, and fixed July 21, 1987, 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 no objections to the proposed improvement were received 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 widening and improvement of West Valley Highway from South 189th Street to South 212th Street which will include additional paving width to accommodate more lanes, including turn lanes, overlay of the existing pavement, drainage curb and gutter, sidewalk, landscaping, illumination, signal improvements, some undergrounding of electrical facilities and utility extensions, and relocations as required.

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. 328 of the City of Kent, Washington (the "District"), the boundaries or territorial extent of which District is more particularly described in Exhibit A attached hereto and by this reference incorporated herein.
Section 3. The total estimated cost and expense of the improvement is declared to be $5,731,188. Approximately $572,839 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. 328, 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 hereafter shall 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 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 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 shall immediately 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.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

Passed the 4th day of August, 1987.
Approved the 5th day of August, 1987.
Published the 7th day of August, 1987.

I certify this is a true copy of Ordinance No. 2735 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)
Those portions of Sections 1, 2, 11 and 12, Township 22 North Range 4 East W.M., King County Washington AND Sections 35 and 36, Township 23 North, Range 4 East, W.M. King County, Washington, described as follows:

Beginning at the intersection of the North margin of S. 212th Street with the East margin of Russell Rd. S., being the True Point of Beginning of property herein described; thence in an Easterly direction along said North margin to an intersection with the Southwest corner of Daon Addition, Volume 116, pages 57 - 59, records of King County, Washington; thence North along the West line of said plat to a point which lies 130 feet North of the Southwest corner of Lot 5 of said plat; thence East parallel with said North margin to the West margin of 72nd Ave S.; thence North along said West margin to the Southeast corner of Greenriver Corporate Park One Short Plat (AKA SP 84-4); thence Northerly along the South line of said short plat to the Southeast corner of Lot 2 of said short plat; thence North along the East line of said Lot 2 to the Northeast corner thereof; also being the South margin of S. 204th St.; thence continuing North along the East line of said Lot 2 produced North to the North margin of S. 204th St.; thence East along the North margin of S. 204th St. to the Southwest corner of Greenriver Corporate Park Three (AKA SP 86-5); thence Northerly along the West line of said SP 86-5 to the Northwest corner thereof, also being the South line of the Northwest quarter of said Section 1; thence East along the South line of the Northwest quarter of said Section 1 to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 1; thence North along the East line of the Southwest quarter of the Northwest quarter of said Section 1 to the South-east corner of the unrecorded plat of Kent Acres; thence West along the South line of said unrecorded plat to the Southwest corner of Lot 4 of said unrecorded plat, also being the Southwest corner of Century Short Plat, Recording #780824 0873 (AKA SPC 78-6); thence North along the West line of said SPC 78-6 and its Northerly prolongation to the North margin of South 196th St.; thence West along the North margin of South 196th St. to the Southwest corner of Warn Industries #2 Short Plat, Recording #8209220393 (AKA SPC 82-7) as approved under Lot Line Adjustment dated 10/8/84; thence Northerly, Westerly, Northerly, Easterly, Northerly along the West line of said SPC 82-7 to the Northwest corner thereof; also being the Southwest corner of Tract 9 of the unrecorded plat of Highway Home Garden Tracts; thence East along the South line of Tracts 9, 8, 7, 6, 5, 4, and 3 of said tracts to the West margin of P.S.E. right of way; thence North along the West margin of P.S.E. right of way to the Southeast corner of the plat of Orillia Garden Tracts, recorded in Volume 26, page 7, records of King County, Washington; thence West along the South line of Orillia Garden Tracts and its Westerly prolongation to a point of intersection with the
Kent City limit line as defined under Ordinance #1013; thence Southwesterly along said Ordinance to a point of intersection with the Kent City limit line as defined under Ordinance #2114; thence West along said Ordinance #2114 to a point of intersection with the North line of the plat of Southcenter Corporate Park as recorded under Volume 114, pages 36 - 42 records of King County, Washington; thence West, Southwesterly, Northwesterly, Southwesterly, Southerly, Southwesterly to the Northeast corner of Lot 14 Block 1, of said Southcenter Corporate Park; thence South along the East line of said Lot 14 and its Southerly prolongation to the North line of Block 6 of said Southcenter Corporate Park; thence East along the North line of said Block 6 to a point which lies 210 feet West of the West margin of 62nd Ave S.; thence South parallel with the West margin of 62nd Avenue S. to a point of intersection with the centerline of a 30 foot railroad right of way easement as shown in Block 6 and Block 5, of said Southcenter Corporate Park; thence S 88°59'42" East along said centerline a distance of 225 feet plus or minus to a point of tangency with a curve concave to the Northwest; thence in a Northerly direction along said curve with a radius of 459.28 feet to a point which lies 50 feet South of the South margin of S. 194th St.; thence S 1°00'18" West to the South line of Lot 4 Block 5 of said Southcenter Corporate Park; thence East along the South line of Lot 4 of said Block 5 to Southeast corner thereof; thence South along the West line of Lot 3 of said Block 5 to the Southwest corner thereof; thence East along the South line of said Lot 3 to the Southeast corner thereof; thence Northerly along the East line of said Lot 3 to the Southwest corner of Lot 2 of said Block 5; thence Easterly along the South line of Lot 2 of said Block 5 to the West margin of 66th Ave So.; thence South along the West margin of 66th Ave So. and its Southerly prolongation to the South margin of S. 196th St.; thence West along the South margin of S. 196th St. to the West line of the Northeast quarter of said Section 2; thence South along the West line of the Northeast quarter of said Section 2 to the Southwest corner thereof also being the Northwest corner of Southwest quarter of said Section 2; thence West along the North line of the Southwest quarter of said Section 2 to the East margin of Russell Road; thence in a Southerly direction along the East margin of Russell Road to the True Point of Beginning Except any portion lying within public right-of-way.