AN ORDINANCE ordering the improvement of 77th Avenue South from S. 212th Street to S. 202nd Street and S. 206th Street from 77th Avenue South to the west end at the railroad tracks, including water and sewer improvements, all in accordance with Resolution No. 1223 of the City Council; establishing Local Improvement District No. 335 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. 1223 adopted December 19, 1989, the City Council declared its intention to order the improvement of 77th Avenue South from S. 212th Street to S. 202nd Street and S. 206th Street from 77th Avenue South to the west end at the railroad tracks, and fixed February 6, 1990, 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 improvement of 77th Avenue South from S. 212th Street to S. 202nd Street and S. 206th Street from 77th Avenue South to the west end at the railroad tracks as 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. 335 of the City of Kent, Washington (the "District"), the boundaries or territorial extent of the District being more particularly described in Exhibit B attached hereto and by this reference incorporated herein.

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Section 3. The total estimated cost and expense of the improvement is declared to be $1,261,704.10. The entire cost and expense 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 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. 335, 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, 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 hereafter shall be 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. The Local Improvement Fund for the District is created and established in the office of the City Finance Director. 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 the collections of special assessments, interest and penalties thereon shall be deposited in the Local Improvement Fund. Cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvement and cash warrants in payment for all other items of expense in connection with the improvement shall be issued against the Local Improvement Fund.

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.

ATTEST:

BRENDA JACOBER, DEPUTY CITY CLERK

PREPARED BY:

FOSTER PEPPER & SHEFELMAN

Passed the 20 day of February, 1990.
Approved the 21 day of February, 1990.
Published the 23 day of February, 1990.

I certify that this is a true copy of Ordinance No. 2899 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, DEPUTY CITY CLERK
EXHIBIT "A"

LID 335

77TH AVENUE S. AND S. 206TH STREET IMPROVEMENT
(S. 212TH ST. TO S. 202ND ST.)

LEGAL DESCRIPTION

See Exhibit "B" attached and made a part hereto.

STREET IMPROVEMENTS

The project is the improvement of 77th Avenue South from S. 212th Street to S. 202nd Street and S. 206th Street from 77th Avenue South to the west end at the railroad tracks.

The project includes the following improvements:

1. Curb and gutter
2. Cement concrete sidewalks except along the railroad right-of-way
3. Widened roadway, 36 feet between curbs
4. Storm drainage system
5. Street lighting (installed on Puget Power poles)
6. Street trees
7. Channelization and traffic signing
8. Traffic signal at the intersection of S. 212th Street and 77th Avenue South

It should be noted that the roadway has already been improved at the northwest corner of 77th Avenue South and S. 206th Street. Therefore, this portion of the roadway is not included in the project.

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.

TOTAL PROJECT COST: $1,261,704.10
LID SHARE: $1,261,704.10
EXHIBIT "B"

LID 335
77TH AVENUE S. AND S. 206TH STREET IMPROVEMENT
(S. 212TH ST. TO S. 202ND ST.)
LEGAL DESCRIPTION

That portion of Section 1, Township 22 North, Range 4 and Section 12, Township 22 North, Range 4 East W.M., King County, Washington described as follows:

Portion of said Section 1 lying Easterly of C.M. and St. Paul Railroad also known as Union Pacific Railroad and Westerly of Burlington Northern Railroad;

AND ALSO

That portion of the Northeast quarter of the Northwest quarter AND the Northwest quarter of the Northeast quarter of said Section 12 lying Easterly of C.M. & St. Paul Railroad also known as Union Pacific Railroad, Westerly of Burlington Northern Railroad and North of the North margin of South 212th Street;

EXCEPT that portion of said Section 12 described as follows:

That portion of the Northeast quarter of the Northwest quarter of East of C.M. and St. Paul Railroad right-of-way beginning at a point 30 feet North of Centerline of O'Brien Road S. 212th Street and 53 feet East of centerline of C.M. & St. Paul Railroad main line; thence N 01°01'22" East 425.51 feet; thence West 10 feet; thence N 01°01'22" East 29.49 feet; thence S 88°58'38" East 207.10 feet; thence S 28°28'00" East 26.33 feet; thence S 01°01'22" West 443.40 feet; thence N 85°55'38" West 210.15 feet to beginning less road;

AND ALSO EXCEPT

The South 209 feet of the West 104.5 feet of the East 209 feet of the Northeast quarter of the Northwest quarter less road;

AND ALSO EXCEPT

The East 104.5 feet of the South 209 feet of the Northeast quarter of the Northwest quarter less the East 10 feet;

AND ALSO EXCEPT

That portion of undesigned Tract, Town of Van lying West of Front Street West 50 feet of South 200 feet of the Northwest quarter of the Northeast quarter of Section 12 Township 22 North Range 4 East lying Easterly of C.M. and St. Paul Railroad main line and the East 10 feet of the South 209 feet of the Northwest quarter of the Northeast quarter of said section, less County road;

AND ALSO EXCEPT

That portion of undesigned Tract, Town of Van West of Front Street, the East 70 feet of the West 120 feet of the South 200 feet of the Northwest quarter of the Northeast quarter of Section 12, Township 22 North, Range 4 East, less County road;

AND ALSO EXCEPT

That portion of undesigned Tract, Town of Van West of 77th Avenue South (Front Street); beginning 120 feet East of the Southwest corner of the Northeast quarter of the Northeast quarter of Section 12, Township 22 North, Range 4 East; thence North 150 feet; thence East 120 feet; thence South 150 feet; thence West 120 feet to the True Point of Beginning less, County Road;

AND ALSO EXCEPT

That portion of undesigned Tract, Town of Van West of Front Street; beginning 240 feet East of the Southwest corner of the Northwest quarter of the Northeast quarter of Section 22, Range 4 East; thence North 150 feet; thence West to the West line of Front Street in Town of Van; thence Southerly to the South line of the Northwest quarter of the Northeast quarter; thence West to Beginning, less County Road, less Easterly 60 feet measured parallel to Front Street, less street.

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