CITY OF KENT, WASHINGTON

ORDINANCE NO. 2977

AN ORDINANCE ordering the widening and improvement of the East Valley Highway from South 192nd Street to South 180th Street, all in accordance with Resolution No. 1273 of the City Council; establishing Local Improvement District No. 336 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"; authorizing interfund loans; 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. 1273 adopted March 5, 1991, the City Council declared its intention to order the widening and improvement of the East Valley Highway from South 192nd Street to South 180th Street, and fixed April 2, 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 comments thereon and 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 the East Valley Highway from South 192nd Street to South 180th Street, 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. 336 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.

Section 3. The total estimated cost and expense of the improvement is declared to be $3,530,637. Approximately $1,250,000 of that cost and expense shall be paid from City funds and State grant proceeds and the balance thereof shall be borne by and assessed against the property specially benefited by such improvements to be 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 improvements
herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund, District No. 336, 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, including the interfund loans, 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. For the purpose of paying all or a part of the costs of carrying out the improvements with the District pending the receipt of the proceeds of the issuance and sale of the bonds or short-term obligations referred to in Section 5, interfund loans from the General Fund, Water Fund and/or Sewer Fund to the Local Improvement Fund in the maximum aggregate amount of $2,280,637 are authorized and approved, those loans to be repaid on or before the issuance of such bonds or obligations from the proceeds thereof. Each of the interfund loans shall bear interest at a variable rate, adjusted the fifteenth and last day of each month, equal to the interest rate of the State of Washington Local Government Investment Pool on the fifteenth and last day of each month. The initial interest rate on the date of each interfund loan shall be determined as of the last preceding interest payment adjustment date.

Section 7. 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 8. 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 9. 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 10. 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:

BRENDA JACOBER, ACTING CITY CLERK

PREPARED BY:

FOSTER PEPPER & SHEFELMAN

By

Passed the 2 day of April, 1991.
Approved the 3 day of April, 1991.
Published the 5 day of April, 1991.

I certify that this is a true copy of Ordinance No. 2977 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, ACTING CITY CLERK

SLH-248*
EXHIBIT A

LID No. 336 Project Description

This road improvement project is a widening of the existing 2-lane East Valley Highway arterial to a 5-lane wide arterial roadway. The project will include 2 northbound lanes, 2 southbound lanes and a two-way left turn lane as a center lane. The road improvements include curb, gutter and sidewalks continuously along the length of the project. Bioswales and a new storm drain system also will be included, replacing the existing open ditches along the roadway. A street light illumination system will be installed. The project also will include the undergrounding of existing overhead power distribution lines and telephone lines. Street trees will be planted in planter areas behind the curb line.
EXHIBIT B

CITY OF KENT L.I.D. NO. 336
LEGAL DESCRIPTION

That portion of the West 1/2 of Section 31, Township 23 North, Range 5 East, W.M., and of the NW 1/4 of Section 6, Township 22 North, Range 5 East, W.M., and of the S.E. 1/4 of Section 36, Township 23 North, Range 4 East, W.M., described as follows:

BEGINNING at the Southwest corner of the NW 1/4 of said Section 31;

Thence Northerly along the West line thereof to its intersection with the North line of the South 310 feet of the said NW 1/4;

Thence Easterly along said North line to its intersection with the West line of the S.E. 1/4 of the said NW 1/4;

Thence Northerly along said West line to its intersection with the South line of the North 247.80 feet of the said S.E. 1/4 of the NW 1/4;

Thence Easterly along said South line to its intersection with the Westerly margin of the East Valley Highway as conveyed to the State of Washington by deed recorded under Auditor's File No. 3960406;

Thence Southeasterly, at right angles to said Westerly margin, to an intersection with the Easterly margin of the East Valley Highway as conveyed to King County by deed recorded under Auditor's File No. 1132967;

Thence Southwesterly along said Easterly margin to a point which is 350 feet Southwesterly (as measured along said Easterly margin) of the South line of the North 50 feet of the said SE 1/4 of the NW 1/4;

Thence Southeasterly, at right angles to said Easterly margin, to an intersection with the North line of the South 1/2 of the said SE 1/4 of the NW 1/4;

Thence Easterly along said North line to its intersection with the Westerly margin of SR 167 (Prim. State Hwy No. 5);

Thence Southerly along said Westerly margin to its intersection with the North line of the South 1800 feet of the NW 1/4 of said Section 6;

Thence Westerly along said North line to its intersection with the Easterly margin of a strip of land 25 feet in width condemned by the Commissioners of King County Drainage District No. 1, by decree entered in King County Superior Court Cause No. 32912;

Thence Northerly along said Easterly margin to its intersection with the South line of the SW 1/4 of said Section 31;

Thence Westerly along said South line to its intersection with the centerline of a stream known as Spring Brook (also known as Big Slough);

Thence Northwesterly along said centerline to its intersection with the following described line "A".

[Line "A": Commencing at the Southwest corner of said Section 31; thence North along a line parallel with the centerline of a 20 foot pavement 76.26 feet to the Point of Beginning; thence East 256.30 feet; thence North 4° 06' 00" East 140.23 feet to the centerline of a stream known as Spring Brook and the Terminus of said line "A" description.]
Thence South 4° 06' 00" West along said line "A" a distance of 140.23 feet;

Thence West along said line "A" a distance of 256.30 feet;

Thence continuing West to an intersection with the East line of Lot 1, of City of Kent Short Plat No. SPC-84-1 (also known as Knudson Industrial park), according to short plat thereof recorded under recording No. 8404180794, records of King County, Washington;

Thence Northerly and Northwesterly along the Easterly line of said Lot 1 to the Southeast corner of Lot 2 said Short Plat No. SPC-84-1;

Thence Westerly along the South line of said Lot 2 to its intersection with the East line of the West 305.47 feet thereof;

Thence Northerly along said East line to its intersection with the South bank of said stream known as Spring Brook;

Thence Easterly along said South bank to its intersection with the West line of the East 255 feet of said Section 36;

Thence Northerly along said West line to its intersection with the South line of the North 420.5 feet of the SE 1/4 of the SE 1/4 of said Section 36;

Thence Westerly along said South line to its intersection with the West line of the East 300 feet of said Section 36;

Thence Northerly along said West line to its intersection with the South line of the NE 1/4 of the SE 1/4 of said Section 36;

Thence Westerly along said South line to its intersection with the Easterly margin of Springbrook County Road No. 373;

Thence Northerly along said Easterly margin to its intersection with the South line of the North 1/2 of the said NE 1/4 of the SE 1/4 of Section 36;

Thence Easterly along said South line to its intersection with the West line of said Section 31;

Thence Northerly along said West line to the Southwest corner of the NW 1/4 of said Section 31 and the POINT OF BEGINNING.