CITY OF KENT, WASHINGTON

ORDINANCE NO. 3114

AN ORDINANCE ordering sidewalk improvements on West Smith Street from N. Washington Avenue to 64th Avenue South all in accordance with Resolution No. 1351 of the City Council; establishing Local Improvement District No. 342 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. 1351 adopted April 6, 1993, the City Council declared its intention to order sidewalk improvements on West Smith Street from N. Washington Avenue to 64th Avenue South, and fixed May 4, 1993, 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 City’s 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 persons appearing at such hearing and wishing to be heard were heard, and no objections were made; 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 installment of sidewalk improvements on West Smith Street from N. Washington Avenue to 64th Avenue South 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 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. 342 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 $96,926.50. Approximately $30,000.00 of the cost and expense shall be paid by the City and the balance of such 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. 342, 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 authorized by Section 6, 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 within 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 $96,926 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 her 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 and five (5) days following its publication as required by law.

By

DAN KELLEHER, Mayor

ATTEST:

BRENDA JACOBER, City Clerk

APPROVED AS TO FORM:

William O. Darby
Special Counsel and Bond Counsel for the City

Passed the 18 day of May, 1993.
Approved the 19 day of May, 1993.
Published the 21 day of May, 1993.

I certify that this is a true copy of Ordinance No. 3114 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, City Clerk

(SEAL)
EXHIBIT "A"

LID 342
SMITH STREET SIDEWALKS – WASHINGTON AVENUE TO 64TH AVENUE

LEGAL DESCRIPTION

See Exhibit 8 attached and made a part hereto.

STREET IMPROVEMENT

Description: The project consists of the installation of 6.5' wide cement concrete sidewalks on both sides of Smith Street from Washington Avenue to 64th Avenue. The sidewalk will be adjacent to the existing curb with no planter strip. Cement concrete driveway sections will be installed in the sidewalk at existing driveways. Existing utilities and other improvements which would interfere with the sidewalk will be adjusted or relocated. Wheel chair ramps will be installed in the sidewalks at crosswalks. A short rockery may be constructed at the rear of the sidewalk at locations where there is a significant grade change.

ON FROM TO
West Smith Street N. Washington Avenue 64th Avenue South
EXHIBIT "B"

February 11, 1993
BOUNDARY DESCRIPTION FOR
LID 342
SMITH STREET SIDEWALKS
(WASHINGTON AVE TO 64TH AVE)

THOSE PORTIONS OF BLOCKS 9 & 29 DEFINED AS FOLLOWS:
MEEKER SUPL PLAT 1ST ADD TO KENT LOT 4 OF KENT SHORT PLAT
SP 75-15 REC AF #7601220366 SD PLAT DAF POR BLKS 9 & 29
MEEKERS SUPL PLAT OF 1ST ADD TO KENT DAF BEG AT NE COR SD
BLK 9 TH S 00-42-13 W ALG E LN BLK 9 73 FT TO TPOB TH S
00-42-13 W ALG E LN SD BLKS 9 & 29 745.85 FT TO PT WCH
BEARS S 89-17-47 E 24.50 FT FR NE COR TR CONV AF
#7107210071 TH N 89-17-47 W 404.45 FT TH N 00-42-13 E
43.52 FT TH N 89-17-47 W 156 FT TO NW COR SD TR TH S
00-42-13 W 242.75 FT TH S 89-37-13 W 99.37 FT TH S 00-42-13
W 102 FT TH S 24-17-46 W 177.23 FT TH S 89-37-13 W 90 FT
TH S 00-42-13 W 72.29 FT TO SW COR SD TR BEG IN LN OF
SMITH ST TH S 89-37-13 W ALG SD LN 324.62 FT TO POC TO
RGT RAD OF 15 FT TH NWLY ALG ARC OF SD CRV C/A 91-40-58
ARC DIST 24 FT TO E LN OF 64TH AVE S TH N 01-18-11 E ALG
SD LN 1049.03 FT TO ANGLE PT TH CONTG ALG E LN SD 64TH
AVE S N 00-47-27 E 258.93 FT TO POC TO RGT RAD OF 15 FT
TH NWLY ALG ARC OF SD CRV C/A 90-13-17 ARC DIST 23.62 FT
TO S LN JAMES ST TH S 89-59-16 E ALG S LN 915.29 FT TH N
00-42-13 W 3 FT TH S 88-59-16 E 40 FT TH S 00-42-13 W 40
FT TH S 88-59-16 E 33 FT TO TPOB AKA POR SPC 75-15 ALSO

PORTION OF BLOCK 29 DEFINED AS FOLLOWS: MEEKERS SUPL
PLAT 1ST ADD TO KENT POR BEG IN TNSN NLY MGN SHINN ST PROD
W & 24.5 FT W OF E LN BLK 29 TH S 89-39-43 W 650.50 FT TH
N 00-42-13 E 72 FT TH N 89-39-43 E 90 FT TH N 24-17-46 W
177.23 FT TH N 00-42-13 E 102 FT TH N 89-39-43 E 99037 FT
TH N 00-42-13 E 242.75 FT TH S 89-17-47 E 156 FT TH S
00-42-13 W 43.52 FT TH S 89-17-47 E 379.95 FT TO W LN OF E
24.5 FT OF SD BLK TH S 00-42-13 W 525.43 FT TO BEG AND
ALSO

PORTIONS OF BLOCKS 27 & 29 MEEKERS SUPL PLAT 1ST ADD TO
KENT TR 'X' CITY OF KENT SP 80-4 REC AF #8007010620 SD SP
DAF - PARCEL 'A' - TR 27 SD SUBD LESS E 240 FT THOF LESS
ANY PORS LY S OF N MGN OF SMITH ST TCG - PARCEL 'B' - POR
OF TR 29 SD SUBD DAF - BEG AT NE COR OF TR 9 SD SUBD TH
S 00-42-38 W ALG E LN OF SD TRS 9 & 29 A DIST OF 818.85
FT TAP WCH BRS S 89-17-22 E 24.50 FT FR NE COR OF A TR TO
PROFESSIONAL MANIFEST INC UNDER AF # 7101200071 & TPOB
THN 89-17-22 W 24.50 FT TH S 00-42-38 W 525.43 FT TO N LN
OF W SMITH ST TH N 89-37-35 E ALG SD N LN 24.50 FT TO E
LN OF SD TR 29 TH N 00-42-38 E ALG SD E LN TO TPOB -- AKA
POR SPC 80-4 AND ALSO
PORTIONS OF BLKS 27 & 29 DEFINED AS FOLLOWS: MEEKERS SUPL PLAT 1ST ADD TO KENT LOT 2 CITY OF KENT SP 80-4 REC AF # 8007010620 SD SP DAF - PARCEL 'A' - TR 27 SD SUBD LESS E 240 FT THOF LESS ANY PORS LY S OF N MGN OF SMITH ST TGW - PARCEL 'B' - POR OF TR 29 SD SUBD DAF - BEG AT NE COR OF TR 9 SD SUBD TH S 00-42-38 W ALG E LN OF SD TRS 9 & 29 A DIST OF 818.85 FT TAP WCH BRS S 89-17-22 E 24.50 FT FR NE COR OF A TR TO PROFESSIONAL MANIFEST INC UNDER AF # 7101200071 & TPOB TH N 89-17-22 W 24.50 FT TH S 00-42-38 W 525.43 FT TO N LN OF W SMITH ST TH N 89-37-35 E ALG SD N LN 24.50 FT TO E LN OF SD TR 29 TH N 00-42-38 E ALG SD E LN TO TPOB -- AKA POR SPC 80-4 AND ALSO

BLOCKS 27 & 29 DEFINED AS FOLLOWS: MEEKERS SUPL PLAT 1ST ADD TO KENT LOT 1 CITY OF KENT SP 80-4 REC AF # 8007010620 SD SP DAF - PARCEL 'A' - TR 27 SD SUBD LESS E 240 FT THOF LESS ANY PORS LY S OF N MGN OF SMITH ST TGW - PARCEL 'B' - POR OF TR 29 SD SUBD DAF - BEG AT NE COR OF TR 9 SD SUBD TH S 00-42-38 W ALG E LN OF SD TRS 9 & 29 A DIST OF 818.85 FT TAP WCH BRS S 89-17-22 E 24.50 FT FR NE COR OF A TR TO PROFESSIONAL MANIFEST INC UNDER AF # 7101200071 & TPOB TH N 89-17-22 W 24.50 FT TH S 00-42-38 W 525.43 FT TO N LN OF W SMITH ST TH N 89-37-35 E ALG SD N LN 24.50 FT TO E LN OF SD TR 29 TH N 00-42-38 E ALG SD E LN TO TPOB -- AKA POR SPC 80-4 AND ALSO

PORTIONS OF BLOCKS 27 & 29 DEFINED AS FOLLOWS: MEEKERS SUPL PLAT 1ST ADD TO KENT LOT 3 CITY OF KENT SP 80-4 REC AF # 8007010620 SD SP DAF - PARCEL 'A' - TR 27 SD SUBD LESS E 240 FT THOF LESS ANY PORS LY S OF N MGN OF SMITH ST TGW - PARCEL 'B' - POR OF TR 29 SD SUBD DAF - BEG AT NE COR OF TR 9 SD SUBD TH S 00-42-38 W ALG E LN OF SD TRS 9 & 29 A DIST OF 818.85 FT TAP WCH BRS S 89-17-22 E 24.50 FT FR NE COR OF A TR TO PROFESSIONAL MANIFEST INC UNDER AF # 7101200071 & TPOB TH N 89-17-22 W 24.50 FT TH S 00-42-38 W 525.43 FT TO N LN OF W SMITH ST TH N 89-37-35 E ALG SD N LN 24.50 FT TO E LN OF SD TR 29 TH N 00-42-38 E ALG SD E LN TO TPOB -- AKA POR SPC 80-4 AND ALSO

PORTION OF BLOCK 27 DEFINED AS FOLLOWS: MEEKERS SUPL PLAT 1ST ADD TO KENT POR OF E 240 FT OF 27 N OF N LN OF SHINN ST EXTND WLY AND ALSO

PORTION OF BLOCK 29 DEFINED AS FOLLOWS: MEEKERS SUPL PLAT 1ST ADD TO KENT LOT 4 LESS ELY 58.50 FT THOF CITY OF KENT SHOR PLAT NO SP-74-12 (SPC 74-11) RECORDING NO 7501100471 -- PER UNNUMBERED CITY OF KENT LOT LINE ADJUSTMENTS APPROVED 23 AUG 1982 RECORDING NO 8208310374 & APPROVED 01 AUG 1984 RECORDING NO 8408090668 -- SD SHORT PLAT BEING A POR BLK 29 SUPL PLAT MEEKER'S 1ST ADD TO KENT DAF: BEG SW COR BLK 28 SD PLAT TH S 89-39-43 W ALG N MGN KENT-DES MOINES RD 819.17 FT TO TPOB TH N 00-20-17 W 540.64 FT TO NXN WITH WLY PROLONGATION OF S MGN OF SHINN ST (W SMITH ST) TH S 89-39-43 W ALG SD
PROLONGATED LN TO WLY LN SD BLK 29 TH SLY ALG SD WLY LN TO SW COR SD BLK 29 & N MGN KENT-DES MOINES RD TH ELY ALG SD N MGN TO TPOB LESS W 30 FT FOR PUBLIC R/W AND ALSO

PORTION OF BLOCK 29 DEFINED AS FOLLOWS: MEEKERS SUPL PLAT 1ST ADD TO KENT LOT 1 LESS E 30 FT & LESS S 270 FT TGW E 58.50 FT LOT 4 CITY OF KENT SHORT PLAT NO SP-74-12 (SPC 74-11) RECORDING NO 7501100471 -- PER UNNUMBERED CITY OF KENT LOT LINE ADJUSTMENTS APPROVED 23 AUG 1982 RECORDING NO 8208310374 & APPROVED 01 AUG 1984 RECORDING NO 8408090668 -- SD SHORT PLAT BEING A POR BLK 29 SUPL PLAT MEEKER'S 1ST ADD TO KENT DAF: BEG SE COR BLK 28 SD PLAT TH S 89-39-43 W ALG N MGN KENT-DES MOINES RD 819.17 FT TO TPOB TH N 00-20-17 W 540.64 FT TO NXN WITH WLY PROLONGATION OF S MGN OF SHINN ST (W SMITH ST) TH S 89-39-43 W ALG SD PROLONGATED LN TO WLY LN SD BLK 29 TH SLY ALG SD WLY LN TO SW COR SD BLK 29 & N MGN KENT-DES MOINES RD THE ELY SD N MGN TO TPOB LESS W 30 FT FOR PUBLIC R/W AND ALSO

PORTION OF BLOCK 29 DEFINED AS FOLLOWS: MEEKERS SUPL PLAT 1ST ADD TO KENT LOT 2 TGW E 30 FT & S 270 FT OF LOT 1 & TGW E 35 FT & N 146.07 FT OF LOT 3 CITY OF KENT SHORT PLAT NO SP-74-12 (SPC 74-11) RECORDING NO 7501100471 -- PER UNNUMBERED CITY OF KENT LOT LINE ADJUSTMENT APPROVED 23 AUG 1982 RECORDING NO 8208310374 & LOT LINE ADJUSTMENT NO LL-86-8 APPROVED 01 JULY 1986 RECORDING NO 8607100973 -- SD SHORT PLAT BEING A POR BLK 29 SUPL PLAT MEEKER'S 1ST ADD TO KENT DAF: BEG SE COR BLK 28 SD PLAT TH S 89-39-43 W ALG N MGN KENT-DES MOINES RD 819.17 FT TO TPOB TH N 00-20-17 W 540.64 FT TO NXN WITH WLY PROLONGATION OF S MGN OF SHINN ST (W SMITH ST) TH S 89-39-43 W ALG SD PROLONGATED LN TO WLY LN SD BLK 29 TH SLY ALG SD WLY LN TO SW COR SD BLK 29 & N MGN KENT-DES MOINES RD TH ELY ALG SD N MGN TO TPOB LESS W 30 FT FOR PUBLIC R/W AND ALSO

PORTION OF BLOCKS 27-28-29 DEFINED AS FOLLOWS: MEEKERS SUPL PLAT 1ST ADD TO KENT 28 LESS S 150 FT OF E 150 FT & POR OF 27 & 29 LY S OF WLY PROD OF S MGN OF SHINN ST LESS POR OF 29 LY W OF LN BEG ON S LN 819.17 FT W OF SE COR TR 28 TH N 00-20-17 W TO N LN THOF