CITY OF KENT, WASHINGTON

ORDINANCE NO. 3186

AN ORDINANCE ordering the installation of sidewalks and street lighting along S. 212th Street between SR 167 and the Green River in areas where those facilities do not exist, including minor sewer and water improvements, all in accordance with Resolution No. 1402 of the City Council; establishing Local Improvement District No. 346 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. 1402 adopted August 16, 1994, the City Council declared its intention to order the installation of sidewalks and street lighting along S. 212th Street between SR 167 and the Green River in areas where those facilities do not exist, including minor sewer and water improvements, and fixed September 20, 1994, 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 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 following improvements:

(a) The installation of sidewalks and street lighting along S. 212th Street between SR 167 and the Green River in areas where those facilities do not exist;

(b) The installation of a sanitary sewer line on S. 212th Street running from approximately 76th Avenue South to 500 feet west of 76th Avenue South; and

(c) The installation of a water stub on S. 212th Street 1100 feet west of 84th Avenue South.

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 improvements.

Section 2. There is created and established a local improvement district to be called Local Improvement District No. 346 of the City of Kent, Washington (the "District"), the boundaries or territorial extent of the District being 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 $3,789,000. Approximately $673,565 of the 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 and the balance of such cost and expense shall be paid by the City.

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. 346, 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 Finance Division Director of the City, 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 $673,565 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 Finance Division Director of the City. 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 15 days of the passage of this ordinance there shall be filed with the Finance Division Director of the City 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 Finance Division 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.

ATTEST:

By TIM WHITE, Mayor

APPROVED AS TO FORM:

William A. Enkin
Special Counsel and Bond Counsel for the City

Passed the 4th day of October, 1994.
Approved the 5th day of October, 1994.
Published the 7th day of October, 1994.

I certify that this is a true copy of Ordinance No. 3186 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 (DEPUTY)
EXHIBIT A
LEGAL DESCRIPTION CITY OF KENT L.I.D. NO. 346

That portion of the NW 1/4 of Section 7, Township 22 North, Range 5 East, W.M., and of the North 1/2 of Sections 11 and 12 Township 22 North, Range 4 East, W.M., described as follows:

BEGINNING at the intersection of the West line of Section 7, Township 22 North, Range 5 East, W.M., with the North line of the South 235 feet of the NW 1/4 of the NW 1/4 of said Section 7;

Thence Easterly along said North line 250 feet;

Thence parallel with the West line of said Section 7 North 1°13'42" East 196.50 feet;

Thence South 88°46'18" East 1180 feet;

Thence South 1°13'42" West to an intersection with the Westerly margin of SR 167;

Thence Southerly along said Westerly margin to its intersection with the North line of the South 767.62 feet of the SW 1/4 of the NW 1/4 of said Section 7;

Thence Westerly along said North line to its intersection with the Easterly margin of the East Valley Highway (84th Avenue South);

Thence Northerly along said Easterly margin to its intersection with the Easterly extension of the South line of the North 198 feet of the SE 1/4 of the NE 1/4 of Section 12, Township 22 North, Range 4 East, W.M.,

Thence Westerly along said South line and its Easterly extension to its intersection with the West line of the East 256.75 feet of the said SE 1/4 of the NE 1/4 of Section 12;

Thence Southerly along said West line to its intersection with the North line of the South 15 feet of North 1/2 of the South 1/2 of the said NE 1/4 of Section 12:

Thence Westerly along said North line to its intersection with the West line of the East 205 feet of the SW 1/4 of the said NE 1/4 of Section 12;

Thence Northerly along said West line to its intersection with the Northerly line of Tract A, of City of Kent Short Plat No. SP-77-35 (Burlington Northern 212th St. Ind. Ctr. Div. 1), according to short plat thereof recorded under recording No. 7810230760, records of King County, Washington;
Thence Southwesterly along said Northerly line to its intersection with the West line of said Short Plat No. SP-77-35;

Thence Westerly, at right angles to said West line, to an intersection with the Westerly margin of the Burlington Northern Railroad Right of Way;

Thence Southerly along said Westerly margin to its intersection with the South line of the said NE 1/4 of Section 12;

Thence Westerly along said South line to its intersection with the Easterly margin of 76th Avenue South;

Thence Northerly along said Easterly margin to its intersection with the North line of the South 1004.54 feet of the North 1/2 of said Section 12;

Thence Westerly along said North line to its intersection with the West line of the East 440 feet of the NW 1/4 of said Section 12;

Thence Southerly along said West line to its intersection with a line which is 10 feet Northwesterly of when measured at right angles and parallel with the centerline of the Chicago, Milwaukee, St. Paul and Pacific Railroad lead track;

Thence Southwesterly along said parallel line to its intersection with the South line of the said NW 1/4 of Section 12;

Thence Westerly along said South line to its intersection with the East line, of City of Kent Short Plat No. SPC-81-3 (Hallmark), according to short plat thereof recorded under recording No. 8103260410, records of King County, Washington;

Thence Northerly along said East line and its Northerly extension to a point which is 64.7 feet North of the Northeast corner of Lot 1, said Short Plat No. SPC-81-3;

Thence Westerly to a point on the Easterly margin of 72nd Avenue South which is 60.84 feet North of the Northwest corner of said Lot 1;

Thence continuing Westerly to an intersection with the Westerly margin of 72nd Avenue South;

Thence Southerly along said Westerly margin to its intersection with the South line of the North 1/2 of the SW 1/4 of the NW 1/4 of said Section 12;

Thence Westerly along said South line and its Westerly extension to its intersection with the Westerly margin of the West Valley Highway (68th Avenue South);
Thence Northerly along said Westerly margin its intersection with the North line of Lot 5, of City of Kent Short Plat No. SPC-88-6 (Greenriver Square One), according to short plat thereof recorded under recording No. 8812020383, records of King County, Washington;

Thence Westerly along said North line to its intersection with the West line of said Lot 5;

Thence Southerly along said West line to its intersection with the South line of Lot 4, said Short Plat No. SPC-88-6

Thence Westerly along said South line to its intersection with the West line of said Lot 4;

Thence Northerly along said West line to its intersection with the South line of Lot 1, said Short Plat No. SPC-88-6;

Thence Westerly along said South line and its Westerly extension to its intersection with the West line of the East 56 feet of the SW 1/4 of the NE 1/4 of Section 11, Township 22 North, Range 4 East, W.M.,

Thence Southerly along said West line to its intersection with the South line of Lot 2, of City of Kent Short Plat No. SPC-89-10 (Van Doren's Landing II) according to short plat thereof recorded under recording No. 8910241400, records of King County, Washington;

Thence Westerly along said South line and its Westerly extension to its intersection with the West line of the SE 1/4 of the NW 1/4 of said Section 11;

Thence Northerly along said West line to its intersection with the Easterly margin of Russell Road South;

Thence Northerly along Easterly margin to its intersection with the North line of the South 1/2 of the North 1/2 of said Section 11;

Thence Easterly along said North line to its intersection with the East line of said Section 11 which is also the West line of said Section 12;

Thence Northerly along said West line to its intersection with the Westerly extension of the South line of Lot 1, of City of Kent Short Plat No. SPC-76-12 (Montgomery), according to short plat thereof recorded under recording No. 7611010661, records of King County, Washington;
Thence Easterly along said South line and it Westerly extension to its intersection with the West line of Lot 5, of Daon Addition, according to plat thereof recorded in volume 116 of plats, pages 57 through 59, records of King County, Washington;

Thence Southerly along said West line to its intersection with the South line of said Lot 5;

Thence Easterly along said South line to its intersection with the West line of Lot 7 said Daon Addition;

Thence Southerly along said West line to its intersection with the South line of said Lot 7;

Thence Easterly along said South line and its Easterly extension to its intersection with the West line of Lot 1, of City of Kent Short Plat No. SPC-80-6 (Northwest Distribution), according to short plat thereof recorded under recording No. 8003260556, records of King County, Washington;

Thence Northerly along said West line to its intersection with the North line of said Lot 1;

Thence Easterly along said North line and its Easterly extension to its intersection with the West line of Parcel A, of City of Kent Short Plat No. SPC-75-6 (B.J.M.S.), according to short plat thereof recorded under recording No. 7506250505, records of King County, Washington;

Thence Northerly along said West line to its intersection with the North line of said Parcel A;

Thence Easterly along said North line to its intersection with the West line of the NW 1/4 of the NE 1/4 of said Section 12;

Thence Southerly along said West line to its intersection with the North line of the South 200 feet of the said NW 1/4 of the NE 1/4 of Section 12;

Thence Easterly along said North line to its intersection with the East line of the West 120 feet of the said NW 1/4 of the NE 1/4 of Section 12;

Thence Southerly along said East line to its intersection with the North line of the South 150 feet of the said NW 1/4 of the NE 1/4 of Section 12;

Thence Easterly along said North line to its intersection with the Westerly margin of 77th Avenue South;
Thence Northerly along said Westerly margin to its intersection with the Westerly extension of the North line of Lot 3, Block A, of Town of Van, according to plat thereof recorded in volume 3 of plats, page 183, records of King County, Washington;

Thence Easterly along said North line and its Westerly and Easterly extensions to its intersection with the Easterly margin of the Burlington Northern Railroad Right of Way;

Thence North 6°02'18" West along said Easterly margin 138.23 feet;

Thence South 89°04'38" East 850.76 feet

Thence North 0°55'22" East 774.00 feet

Thence South 89°04'38" East 831.42 feet

Thence South 0°55'22" West 749.43 feet

Thence South 89°04'38" East 336.71 feet to an intersection with the Westerly margin of the East Valley Highway (84th Avenue South);

Thence Southerly along said Westerly margin to its intersection with the Westerly extension of the North line of the South 235 feet of the NW 1/4 of the NW 1/4 of said Section 7;

Thence Easterly along said Westerly extension to its intersection with the East line of said Section 11 which is the same as the West line of said Section 7 and the POINT OF BEGINNING.