CITY OF KENT, WASHINGTON

ORDINANCE NO. 3388

AN ORDINANCE ordering the construction of an 8" sanitary sewer system along SE 223rd Street from approximately 113th Avenue SE to 114th Place SE, with 6" side sewer stubs and related improvements, all in accordance with Resolution No. 1501 of the City Council; establishing Local Improvement District No. 349 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, and for interfund loans.

WHEREAS, by Resolution No. 1501 adopted December 9, 1997, the City Council declared its intention to order the construction of an 8" sanitary sewer system along SE 223rd Street from approximately 113th Avenue SE to 114th Place SE, with 6" side sewer stubs and related improvements, and fixed January 6, 1998, 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, no objections to the proposed improvement were made 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 construction of an 8" sanitary sewer system along SE 223rd Street from approximately 113th Avenue SE to 114th Place SE, with 6" side sewer stubs and related improvements, as more fully 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. 349 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 $246,463.46, and approximately $59,491.18 of that cost and expense shall be paid by the City and the balance thereof (approximately $186,972.28) 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 more fairly reflect the special benefits to the properties being assessed than the statutory method of assessing the properties.

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. 349, 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.

If the City shall authorize expenditures to be made for such improvement (other than for any cost or expense expected to be borne by the City) prior to the date that any short-term obligations or local improvement district bonds are issued to finance the improvement, from proceeds of interfund loans or other funds that are not, and are not reasonably expected to be,
reserved, allocated on a long-term basis or otherwise set aside to pay the cost of the improvement herein ordered to be assessed against the property specially benefited thereby, the City declares its official intent that those expenditures, to the extent not reimbursed with prepaid special benefit assessments, are to be reimbursed from proceeds of short-term obligations or local improvement district bonds that are expected to be issued for the improvement in a principal amount not exceeding $186,972.28.

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 paid and 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 not to exceed $186,972.28 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 15th and last day of each month, equal to the interest rate of the State of Washington Local Government Investment Pool on the 15th 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:

DONNA SWAW, Acting City Clerk

APPROVED AS TO FORM:

Special Counsel and Bond Counsel for the City

Passed the 20th day of January, 1998.
Approved the 20th day of January, 1998.
Published the 23rd day of January, 1998.

By JIM WHITE, Mayor
SANITARY SEWER IMPROVEMENTS

The proposed project is the construction of an 8" sanitary sewer system with one 6" side sewer stub to the right of way line for each of the 22 properties included in the LID boundary.

The construction will include 8" sewer at the following locations:

<table>
<thead>
<tr>
<th>ON</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SE 223rd St</td>
<td>Approx 200 feet west of 113th Ave SE</td>
<td>114th Pl SE</td>
</tr>
<tr>
<td>113th Ave SE</td>
<td>SE 223rd St</td>
<td>223rd Pl SE</td>
</tr>
<tr>
<td>223rd Pl SE</td>
<td>113th Ave SE</td>
<td>West to end</td>
</tr>
<tr>
<td>113th Pl SE</td>
<td>SE 223rd St</td>
<td>South to end</td>
</tr>
</tbody>
</table>

Also included is street and general restoration.
L.I.D. 349

S.E. 223rd Street Sanitary Sewer (113th Avenue S.E. to 114th Place S.E.)

Boundary Legal Description

Plat of John Velkoff Division #2 as recorded in Volume 72 of Plats, page 68 in King County, Washington, ALSO Lot 12 in the Plat of John Velkoff as recorded in Volume 72 of Plats, page 67 in King County, Washington.

And also the south 175 feet of the east 130 feet of west 214.28 feet of north 1/2 of south 1/2 of SE 1/4 of SE 1/4 in 8-22-5 less south 42 feet. And also the east 105 feet of west 349.28 feet of south 217 feet of north 1/2 of south 1/2 of SE 1/4 of SE 1/4 in 8-22-5 less south 42 feet. And also the south 175 feet of the east 135 feet of west 484.28 feet of west 1/2 of north 1/2 of south 1/2 of SE 1/4 of SE 1/4 in 8-22-5 less county road. And also the south 150 feet of east 135 feet of west 619.28 feet of west 1/2 of north 1/2 of south 1/2 of SE 1/4 of SE 1/4 in 8-22-5 less county road.
I certify that this is a true copy of Ordinance No. 3383 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Donna Swaw, Acting City Clerk
ORDINANCE NO. 3388

Grantor(s): City of Kent

Grantee(s): City of Kent

Legal Description:
2. Additional legal description is on page 8 of document.

Assessor's Property Tax Parcel Account Number(s):
889250-0120
889260-0010 through 0170
082205-9235
082205-9237
082205-9231
082205-9229

TOTAL NUMBER OF PAGES 10
(INCLUDING THIS COVER SHEET AND ALL EXHIBITS AND ATTACHMENTS)