ORDINANCE NO. 3404

AN ORDINANCE of the City Council of the City of Kent, Washington, ordering the construction of an arterial corridor from the Green River at S. 200th Street northeasterly along Russell Road to S. 196th Street and then easterly along S. 196th Street to the East Valley Highway, all in accordance with Resolution No. 1509 of the City Council; establishing Local Improvement District No. 340 and ordering the carrying out of the proposed improvements; providing that payment for the improvements 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. 1509 adopted May 5, 1998, the City Council declared its intention to order the construction of an arterial corridor from the Green River at S. 200th Street northeasterly along Russell Road to S. 196th Street and then easterly along S. 196th Street to the East Valley Highway and fixed June 2, 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 improvements and all comments thereon and objections thereto and for determining the method of payment for the improvements; and

WHEREAS, the City's Director of Public Works caused an estimate to be made of the cost and expense of the proposed improvements and certified that estimate to the
City Council, together with all papers and information in his possession touching the proposed improvements, a description of the boundaries of the proposed local improvement district and a statement of what portion of the cost and expense of the improvements should be borne by the property within the proposed district; and

WHEREAS, that estimate is accompanied by a diagram of the proposed improvements showing thereon the lots, tracts, parcels of land, and other property which will be specially benefited by the proposed improvements 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

WHEREAS, the City Council has determined it to be in the best interests of the City that the improvements 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 HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The City Council of the City of Kent, Washington (the "City"), orders the construction of an arterial corridor from the Green River at S. 200th Street northeasterly along Russell Road to S. 196th Street and then easterly along S. 196th Street to the East Valley Highway, 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, or consultants 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. 340 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 improvements is declared to be $43,041,386. It is estimated that approximately $11,533,725 of that cost and expense shall be paid by the proceeds of grants anticipated to be received from the State of Washington Transportation Improvement Board, and from City funds to be contributed in the anticipated total amount of $10,473,440, and that the estimated balance thereof, approximately $21,034,221, shall be borne by and assessed against the property specially benefited by such improvements included in the District which embraces as nearly as practicable all property specially benefited by such improvements. Actual assessments may vary from estimated assessments as long as they do not exceed a figure equal to the increased true and fair value of the improvements add to the property.

**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 improvements herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund, District No. 340, 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 Ch. 39.50 RCW.

If the City has made or shall authorize expenditures to be made for such
improvements (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 improvements, 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 improvements 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 improvements in a principal amount not exceeding $21,034,221.

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 Street Fund, Water Fund and/or Sewerage Fund to the Local Improvement Fund in the maximum aggregate amount of not to exceed $21,034,221 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 last day of each month, equal to the interest rate of the State of Washington Local Government Investment Pool on the 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 improvements 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 paid from 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. Checks or warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvements and checks or warrants in payment for all other items of expense in connection with the improvements 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 improvements 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 improvements 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 improvements.

SECTION 10: All actions heretofore taken in furtherance of the purposes and authority of this ordinance are hereby ratified and confirmed; all costs and expenses incurred prior to the effective date of this ordinance are costs and expenses of the LID and are hereby ratified and confirmed.

SECTION 11: 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.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

FOSTER PEPPER & SHEFELMAN PLLC
Special Counsel and Bond Counsel
PASSED: 2 day of June, 1998.
APPROVED: 3 day of June, 1998.
PUBLISHED: 5 day of June, 1998.

I hereby certify that this is a true copy of Ordinance No. 3404, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK
EXHIBIT 'A'

LID 340
S. 196th/200th St. Corridor Improvements
Green River to East Valley Highway

Proposed Improvements

The proposed project involves the construction of an arterial corridor from the Green River at S. 200th St. northeasterly along Russell Rd. to S. 196th St. and then easterly along S. 196th St. to East Valley Highway.

The project includes the following improvements:

1. A five lane roadway with bicycle lanes, sixty-six feet curb to curb, with two lanes in each direction and a center turn lane in all areas except the two bridges.
2. Curb and gutter.
3. Cement concrete sidewalk on both sides.
4. Storm drainage improvements.
5. Street lighting improvements.
7. Utility modifications as required.
8. Channelization and signing.
9. Bridge over the Green River (half is paid for by the City, half by the County).
10. Bridge over the Union Pacific and Burlington Northern Santa Fe railroads.
11. Realignment of 58th Place and Russell Rd. to a new signalized intersection.
12. Construction of a four lane connection northerly to 72nd Avenue.
13. Signalization at 80th Ave.
14. Signalization of the S. 196th St./E. Valley Highway intersection.
EXHIBIT "E"

LID BOUNDARY DESCRIPTION
LID 340
April 15, 1998

All of Section 1, Township 22 North, Range 4 East W.M., AND portions of Sections 2, 11, 12 and 14 in Township 22 North, Range 4 East W.M., AND ALSO portions of Sections 35 and 36 in Township 23 North, Range 4E W.M., AND ALSO portion of Sections 6 and 7 in Township 22 North, Range 5 East W.M., AND ALSO portions of Section 31, Township 23 North, Range 5 East W.M., described as follows:

Beginning at the intersection of the westerly margin of Primary State Highway No. 5 with the south margin of SW 43rd Street in the NE 1/4 of Section 31, Township 23 North, R 5 East; being TRUE POINT OF BEGINNING, thence west along said southerly margin to a point of intersection with the easterly margin of SR 181 (West Valley Road) in the NW 1/4 of Section 36, Township 23 North, Range 4 East, W.M., thence southerly along said easterly margin to a point of intersection with the easterly extension of the north line of Block 1, South Center Corporate Park according to the plat thereof recorded in Volume 114 of Plats, pg 3642; thence westerly along said extended north line to a point of intersection with the easterly bank of the Green River in the SE 1/4 of Section 35, Township 23 North, Range 4 East, W.M.; thence upstream along the left bank of said river to the south line of the NW 1/4 of Section 2, Township 2 North, Range 4 East, W.M.; thence east along said south line to the easterly margin of Russell Road (co. R. No. 8); thence southerly along the easterly margin of said Russell Road within Section 2 & 11, Township 22 North, Range 4 East, W.M., to a point of intersection with the north margin of South 212th Street (Road No. 22 to O'Brien); thence east along said northerly margin to intersect the northerly extension of the west line of City of Kent SP 89-10 recorded under King County Recording No. 8910241400; thence south along said extended west line to the sw corner of Lot 2 of said short plat; thence east along the south line of said Lot 2 and the easterly extension thereof to intersect the east margin of 64th Ave. So.; thence south along said east margin within Sections 11 & 14, Township 22 North, Range 4 East, W.M., to the nw corner of Lot 4 of City of Kent SP 86-4 recorded under King County Recording No. 8606301093; thence easterly along said northerly line 185.66 feet; thence continuing north easterly along said north line 219.99 feet; thence south 0°50'46" west 86.68 feet; thence south 89°09'14" east 93.00 feet; thence south 0°50'46" west 525 feet to a point of intersection with the north margin of South 228th Street (Taylor Road #124); thence east along said north margin 640.60 feet to the northwesterly line of Tract A of City of Kent SP 86-4 recorded under King County Recording No. 8606301093; thence north 45°15'41" east along said northwesterly line 146.54 feet to intersect the west margin of SR 181 as shown on said short plat; thence north along the west margin of said SR 181 to a point of intersection with the westerly extension of the north margin of South 220th Street; thence east along said westerly extension and along the north margin of said South 220th Street within Section 12, Township 22 North, Range 4 East, W.M. to an intersection with the westerly
margin of 72nd Avenue South; thence north along said westerly margin to a point on the north line of the SW 1/4 of Section 12, Township 22 North, Range 4 East, W.M.; thence east along the north line of said SW 1/4 to intersect the west margin of 76th Avenue South; thence south along said west margin 445 feet to a point of intersection with the westerly extension of the south line of Lot C of City of Kent LLA No. 96-25; thence east along said extension and along the south line of said Lot C to a point on the westerly margin of N.P.R.R. right-of-way; thence northerly along said westerly margin to a point 52 feet north of the north line of the SW 1/4 of the NE 1/4 of Section 12, Township 22 North, Range 4 East, W.M.; thence east to a point on the east margin of said N.P.R.R. right-of-way which is 52 feet north of said SW 1/4 of NE 1/4 in said Section 12; thence north along said east margin 29.77 feet to the north line of the Green River Flood Control Zone Drainage District right-of-way as described in instrument recorded under King County Recording No. 6417480; thence easterly along said north margin and the easterly extension thereof to a point of intersection with the easterly margin of P.S.H. No. 5 (84th Avenue South); thence south along said easterly margin to a point lying south 88°42' west 490.64 feet from a point which is 767.42 feet north and 540.64 feet east of the SW corner of the NW 1/4 of Section 7, Township 22 North, Range 5 East, W.M.; thence north 88°42' east 490.64 feet to said point; thence north 1°15'10" east to a point on the north margin of South 212th Street; thence easterly along said north margin to intersect the westerly margin of Primary State Highway No. 5; thence northerly along said westerly margin of said highway the point of beginning; EXCEPT that portion within the NW 1/4 of Section 7 Township 22 North, Range 5 East, W.M., conveyed to the State of Washington by deed recorded under King County Recording No. 8503220815; ALSO EXCEPT any portions within this description lying within any public rights-of-way and lying within any portions of King County Drainage District No. 1 rights-of-way.
Attn: Brenda Jacober, City Clerk
City of Kent
220 Fourth Avenue South
Kent Washington 98032

ORDINANCE NO. 3404

Grantor(s): City of Kent

Grantee(s):

Legal Description: (abbreviated)

Additional Legal is on page 8-10 of document(s).

Assessor’s Property Tax Parcel/Account Number(s):

THIS DOCUMENT CONTAINS THIS COVERSHEET AND 10 ADDITIONAL PAGES.