ORDINANCE NO. 3446

AN ORDINANCE of the City of Kent, Washington, approving and confirming the assessments and assessment roll of Local Improvement District No. 349 for 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 provided by Ordinance No. 3388, and levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land and other property as shown on the assessment roll.

WHEREAS, the assessment roll levying the special assessments against the property located in Local Improvement District No. 349 in the City of Kent, Washington (the "City"), has been filed with the City Clerk as provided by law; and

WHEREAS, notice of the time and place of hearing on the assessment roll and for making objections and protests to the roll was published at and for the time and in the manner provided by law fixing the time and place of hearing thereon before the City Council for the 2nd day of March, 1999, at the hour of 7:00 p.m., local time, in the Council Chambers in the City Hall, Kent, Washington, and further notice thereof was mailed by the City Clerk to each property owner shown on the roll; and

WHEREAS, at the time and place fixed and designated in the notice the hearing was held, all written protests received were considered and all persons appearing at the hearing who wished to be heard were heard, and the City Council, sitting and acting as a Board of Equalization for the purpose of considering the roll and the special benefits to be received
by each lot, parcel and tract of land shown upon such roll, including the increase and enhancement of the fair market value of each such parcel of land by reason of the improvement, and considered all such protests; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN ASFollows:

SECTION 1. Roll Confirmation. The assessments and assessment roll of Local Improvement District No. 349, which has been created and established for the purpose of constructing 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 provided by Ordinance No. 3388, as the same now stand shall be and the same are approved and confirmed in all things and respects in the total amount of $222,838.

SECTION 2. Special Benefit. Each of the lots, tracts, parcels of land and other property shown upon the assessment roll is determined and declared to be specially benefited by this improvement in at least the amount charged against the same, and the assessment appearing against the same is in proportion to the several assessments appearing upon the roll. There is levied and assessed against each lot, tract or parcel of land and other property appearing upon the roll the amount finally charged against the same thereon.

SECTION 3. Notice of Roll. The assessment roll as approved and confirmed shall be filed with the Finance Division Director of the City for collection and the Finance Division Director is authorized and directed to publish notice as required by law stating that the roll is in her hands for collection and that payment of any assessment thereon or any portion of such assessment can be made at any time within 30 days from the date of first publication of such notice without penalty, interest or cost, and that thereafter the sum
remaining unpaid may be paid in ten equal annual installments. The estimated interest rate is stated to be 6.50% per annum, with the exact interest rate to be fixed in the ordinance authorizing the issuance and sale of the local improvement bonds for Local Improvement District No. 349. The first installment of assessments on the assessment roll shall become due and payable during the 30-day period succeeding the date one year after the date of first publication by the Finance Division Director of notice that the assessment roll is in her hands for collection and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of the assessment remains unpaid after the first 30-day period, interest upon the whole unpaid sum shall be charged at the rate as determined above, and each year thereafter one of the installments, together with interest due on the unpaid balance, shall be collected. Any installment not paid prior to expiration of the 30-day period during which such installment is due and payable shall thereupon become delinquent. Each delinquent installment shall be subject, at the time of delinquency, to a charge of 9% penalty levied on both principal and interest due upon that installment, and all delinquent installments also shall be charged interest at the rate as determined above. The collection of such delinquent installments shall be enforced in the manner provided by law.

SECTION 4: Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.
SECTION 5: Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

Special Counsel and Bond Counsel for the City

PASSED: 16 day of March, 1999.

APPROVED: 16 day of March, 1999.

PUBLISHED: 19 day of March, 1999.

I hereby certify that this is a true copy of Ordinance No. 3446, 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)