CITY OF KENT, WASHINGTON

ORDINANCE NO. 3452

AN ORDINANCE ordering the construction of a storm sewer drainage system on 1st, 3rd and 5th Avenues South, north of South 259th Street in South Kent, all in accordance with Resolution No. 1528 of the City Council; establishing Local Improvement District No. 352 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. 1528 adopted April 6, 1999, the City Council declared its intention to order the construction of a drainage system on 1st, 3rd and 5th Avenues South, north of South 259th Street in South Kent, to convey stormwater to a detention pond and pump station adjacent to and south of the property within the improvement area, with an outfall to the Green River, and fixed May 4, 1999, 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 ORDAIN as follows:

Section 1. The City Council of the City of Kent, Washington (the “City”), orders the construction of a drainage system on 1st, 3rd and 5th Avenues South, north of South 259th Street in South Kent, to convey stormwater to a detention pond and pump station adjacent to and south of the property within the improvement area, with an outfall to the Green River, 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. 352 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 $777,590.21. It is estimated that approximately $91,975.04 of that cost and expense shall be paid by the City, and that the estimated balance thereof, approximately $685,615.17, 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. 352, 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 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 $685,615.17.

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 $685,615.17 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 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 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 improvements and cash 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 of this ordinance 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.

By

JIM WHITE, Mayor

ATTEST:

BRENDA JACOBER, City Clerk, DEPUTY DONNA SWAW

APPROVED AS TO FORM:

FOSTER PEPPER & SHEFELMAN PLLC
Special Counsel and Bond Counsel

Passed the 4th day of May, 1999.
Approved the 5th day of May, 1999.
Published the 7th day of May, 1999.

I certify that this is a true copy of Ordinance No. 3452, 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 DONNA SWAW
L.I.D. 352
SOUTH KENT STORM SEWERS
(1st, 3rd, & 5th Ave. S., North of S. 259th St.)

STORM DRAINAGE IMPROVEMENTS

The proposed project is the construction of a drainage system to convey stormwater to a detention pond and pump station adjacent to and south of the LID area, with an outfall to the Green River.

The construction will include 12", 18", 24" and 30" diameter storm drainage pipe and related appurtenances at the following locations:

<table>
<thead>
<tr>
<th>ON</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>5th Ave. S.</td>
<td>approx. 1450 ft. north of S. 259th St.</td>
<td>approx. 160 ft. east</td>
</tr>
<tr>
<td>5th Ave. S.</td>
<td>approx. 1450 ft. north of S. 259th St.</td>
<td>approx. 1250 ft. south</td>
</tr>
<tr>
<td>3rd Ave. S.</td>
<td>approx. 1430 ft. north of S. 259th St.</td>
<td>approx. 1240 ft. south</td>
</tr>
<tr>
<td>3rd Ave. S.</td>
<td>approx. 200 ft. north of S. 259th St.</td>
<td>approx. 50 ft. southeast to detention pond</td>
</tr>
<tr>
<td>1st Ave. S.</td>
<td>approx. 1440 ft. north of S. 259th St.</td>
<td>approx. 1240 ft. south</td>
</tr>
<tr>
<td>1st Ave. S.</td>
<td>approx. 190 ft. north of S. 259th St.</td>
<td>approx. 50 ft. southwest to detention pond</td>
</tr>
<tr>
<td>Easement</td>
<td>approx. 870 ft. north of S. 259th St. on 5th Ave. S.</td>
<td>approx. 800 ft. east to 3rd Ave S.</td>
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</tbody>
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General restoration is also included.

March 17, 1999
That portion of the Southwest Russell Land Donation Claim No. 41 lying within portions of the
South half of Section 24, T22N, R4E and in the North half of Section 25, T22N, R4E which lie
South of the original plat of Waterman’s Acre Tracts in Volume 12 of Plats Page 11, East of the
Chicago Milwaukee St. Paul Railroad Right of Way, West of the East Right of Way margin of 1st
Avenue South and North of the North lines of Lots 2 and 3 in City of Kent Short Plat 77-33
recorded under King County Auditor file No. 7802070643 all within the City limits of the City
of Kent in King County, Washington.
Do not record.

SLS/49 - E. A. Cook City Attorney. Item Budget.

Doorknobs, net weight 0.352 lbs.

Agreement on 1 oz. 3 oz. 4 oz. 5 oz. 6 oz.

Construction of a storm sewer drainage

E. A. Cook 4/73

No. 35452

ORDINANCE