ORDINANCE NO. 3540

AN ORDINANCE of the City of Kent, Washington, ordering the construction of the Meeker Street widening and Washington Avenue HOV lanes improvements project all in accordance with Resolution No. 1579 of the City Council; establishing Local Improvement District No. 354 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. 1579 adopted December 12, 2000, the City Council declared its intention to order the construction of the Meeker Street widening and Washington Avenue HOV lanes improvements project, and fixed January 2, 2001, 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

Establish Formation of LID 354
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 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 HEREBY ORDAIN as follows:

SECTION 1. The City Council of the City of Kent, Washington (the "City"), orders the construction of the Meeker Street widening and Washington Avenue HOV lanes improvements project as more fully described in Exhibit A, attached hereto and by this reference made 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. 354 of the City of Kent, Washington (the "District"), the boundaries or territorial extent of the District being

Establish Formation of LID 354
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 $3,994,388. Approximately $480,400 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 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. 354, 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 City's Finance Department Director, 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 $480,400.

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 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
declared 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 and/or Street Fund to the Local
Improvement Fund in the maximum aggregate amount of $480,400 are authorized
and approved, those loans to be repaid on or before the issuance of such bonds or
libations 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 Department 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 Department 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 Department Director of the City 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 passage and five (5) days following its publication as required by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

LEE VOORHEES
FOSTER PEPPER & SHEFELMAN PLLC
Special Counsel and Bond Counsel

CERTIFICATION

I, the undersigned, City Clerk of the City of Kent, Washington (the “City”), hereby certify as follows:

1. The attached copy of Ordinance No. 3540 (the “Ordinance”) is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on January 16, 2001, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after the publication of its summary in the City’s official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of January, 2001.

CITY OF KENT, WASHINGTON

BRENDA JACOBER, CITY CLERK

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EXHIBIT "A"
DESCRIPTION OF IMPROVEMENTS

LID 354 - Washington Avenue HOV Lanes and Meeker Street Widening Improvements (Hawley Road to James Street and 64th Avenue to Washington Avenue)

ROADWAY IMPROVEMENTS

The proposed project will improve Washington Avenue between Hawley Road (S. 251st St.) and James Street and will improve Meeker Street between Washington Avenue and 64th Avenue South.

The project includes the following improvements on Washington Avenue:

1. High Occupancy Vehicle lane northbound between Willis and Meeker Street
2. High Occupancy Vehicle lane southbound between Smith and Willis Street
3. Concrete curbs, gutter and sidewalks
4. Installation of street trees
5. Upgrade existing signals at Willis Street (SR-516) and Meeker Street
6. Right turn only lane northbound at Willis Street
7. New storm pump station and bioswale near Green River bridge
8. Upgrades to the existing illumination system

The following improvements will be included on Meeker Street:

1. Widen roadway to provide new general purpose travel lane eastbound and westbound (5 lanes total)
2. Concrete curbs, gutter and 10 foot sidewalks
3. Upgrade and relocate existing signal at 64th Avenue South
4. Exclusive right-turn only lane from southbound 64th Avenue to westbound Meeker Street
5. Upgrades to the existing illumination system
6. Landscaping
EXHIBIT ‘B’
Boundary Legal Description
LID #354

Washington Avenue HOV Lanes and Meeker Street Widening Improvements
(Hawley Road to James Street and 64th Avenue to Washington Avenue)

LOT 1 BLOCK 7 KENTHURST ADD LESS ST AND LOT 9 BLOCK 7 KENTHURST ADD TGW
POR OF VAC ST ADJ AND ALSO THE NORTH 85 FT OF TRACT 24 EXC WEST 17 FT
CONVEYED TO CITY OF KENT BY DEED UNDER REC NO 9409141218 IN MEEKER’S
SUPPLEMENTAL PLAT OF FIRST ADDITION TO TOWN OF KENT AND ALSO THE NORTH 1/2
LESS ST OF FOLG-N 340 FT OF TRACT 24 LESS NORTH 85 FT THOF & LESS ANY POR
WITHIN SOUTH 71 FT OF SD TR LESS EAST 296 FT IN MEEKERS SUPL PLAT 1st ADD TO
KENT AND ALSO THE SOUTH 1/2 OF TRACT 24 LESS NORTH 85 FT & LESS SOUTH 71 FT IN
MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO THE NORTH 168.5 FT OF SOUTH 303
FT OF TRACT 23 IN MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO THAT PORTION TR
16 S OF ELY PROD OF NORTH LN OF SOUTH 134.5 FT OF TR 23 & WLY OF ST HWY POR TR
17 LY WLY OF ST HWY ALL OF TR 20 TR 21 LESS W 80 FT OF S 133 FT & N 80 FT OF TR 22
& S 134.5 FT OF TR 23 ALL IN MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO THE
WEST 80 FT OF SOUTH 133 FT OF TRACT 21 & SOUTH 133 FT OF TRACT 22 LESS ST HWY
ALL IN MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO THE LOTS 1-2 & WEST 10 FT OF
3, BLOCK A, ALL IN MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO THE NORTH 1/2 OF
LOTS 23 THRU 30, BLOCK A, MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO THE
SOUTH 1/2 OF LOTS 23 THRU 30, BLOCK A, MEEKERS SUPL PLAT 1st ADD TO KENT AND
ALSO PARCEL 1 OF KENT SHORT PLAT NO SP 78-36 RECORDING NO 7812190862 SD PLAT
DAF – POR TR 43 MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO POR OF LOT 43 DAF
– POR LY WLY OF ST HWY 5-M & SLY OF A LN 798 FT S OF N LN SD TR & N OF SR 516
LESS W 777.98 FT THOF IN MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO LOT 2 OF
CITY OF KENT SHORT PLAT SP 83-7 REC NO 8409270783 SD PLAT DAF – POR TR 43 IN
MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO LOT 1 OF CITY OF KENT SHORT PLAT
SP-83-7 REC NO 8409270783 SD LOT DAF – POR LOT 43 IN MEEKERS SUPL PLAT 1st ADD TO KENT
AND ALSO LOT 3 OF CITY OF KENT SHORT PLAT SP-83-7 REC NO 8409270783 SD
SHORT PLAT DAF – POR LOT 43 IN MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO
THE SOUTH 150 FT OF EAST 150 FT OF TRACT 28 LESS POR AWARDED TO CITY OF KENT
BY DEGREE ENTERED 23 AUG 1989 IN KING CO SUP CT CAUSE NO 89-2-00067-9 IN
MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO LOT 28 LESS SOUTH 150 FT OF EAST
150 FT & POR OF 27 & 29 LY SOUTH OF WLY PROD OF S MGN OF SHINN ST LESS POR OF
29 LY WEST OF LN BEG ON SOUTH LN 819.17 FT WEST OF SE COR TR 28 TH NORTH 00-20-17
WEST TO NORTH LN THOF IN MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO LOT 2
CITY OF KENT SP 81-11 REC #8204290391 SD SP DAF – SOUTH 220.37 FT OF TRACT 26 SD
SUBD LESS STREET IN MEEKERS SUPL PLAT 1st ADD TO KENT AND ALSO LOTS 3 & 4
CITY OF KENT SHORT PLAT NO SP-81-11 RECORDING NO. 8204290391 BEING A PORTION
OF LOT 26 IN MEEKER’S SUPPLEMENTAL PLAT OF FIRST ADDITION TO TOWN OF KENT
AND ALSO LOT 1 CITY OF KENT SP 81-11 REC #8204290391 SD SP DAF – SOUTH 220.37 FT
OF TRACT 26 SD SUBD LESS ST IN MEEKERS SUPL PLAT 1ST ADD TO KENT AND ALSO LOTS 1, 2 & 3 CITY OF KENT SHORT PLAT NO SP-89-12 (WASHINGTON AVENUE SHORT PLAT) RECORDING NO 9004191530 BEING A SUBDIVISION OF TRACT 25 & 26 IN MEEKERS SUPPLEMENTAL PLAT OF FIRST ADDITION TO TOWN OF KENT AND ALSO THE NORTH 161.70 FEET OF SOUTH 225.85 FEET OF TRACT 25 EXCEPT WEST 222.8 FEET OF NORTH 50.50 FEET IN MEEKERS SUPL PLAT 1ST ADD TO KENT AND ALSO THAT PORTION LOT 3 CITY OF KENT SHORT PLAT NO SP-74-12 (SPEC 74-11) RECORDING NO 7501100471 DAF: BEGIN AT SOUTHWEST CORNER SAID LOT 3 THENCE NORTH 89-37-13 EAST ALONG SOUTH LINE THEREOF 164.07 FEET THENCE NORTH 00-22-47 WEST 124.00 FEET THENCE SOUTH 89-37-13 WEST 160.43 FEET TO WEST LINE SAID LOT 3 THENCE SOUTH 01-18-11 WEST ALONG SAID WEST LINE 124.05 FEET TO POINT OF BEGINNING (AKA LOT 3 CITY OF KENT LOT LINE ADJUSTMENT NO LL-86-8 RECORDING NO. 8600100973) EXCEPT PORTION CONVEYED TO CITY OF KENT BY DEEDS UNDER REC NOS 9004252295 & 9004252296 BEING A PORTION LOT 29 IN SUPPLEMENTAL PLAT OF MEEKER’S FIRST ADDITION TO TOWN OF KENT AND ALSO LOT 1 CITY OF KENT SHORT PLAT NO SP-95-15 (PARK COURT) RECORDING NO 9511291035 BEING A PORTION OF TRACT 29 IN MEEKER’S FIRST ADDITION TO KENT SUPPLEMENTAL PLAT AND ALSO LOT 2 CITY OF KENT SHORT PLAT NO SP-95-15 (PARK COURT) RECORDING NO 9511291035 BEING A PORTION OF TRACT 29 IN MEEKER’S FIRST ADDITION TO KENT SUPPLEMENTAL PLAT AND ALSO THE EAST 15 FEET OF LOT 38 TGW 39 LESS POR DAF – BEG NE COR SD LOT 39 THENCE WEST 150 FEET THENCE SOUTH 109 FEET THENCE EAST 104 FEET THENCE SELY TO PT ON EAST LN SD LOT 39 DIST 132 FEET SOUTH OF NORTHEAST COR LESS ST IN MEEKERS SUPL PLAT 1ST ADD TO KENT AND ALSO THAT POR SD LOT DAF – BEG NE COR SD LOT THENCE WEST 150 FEET THENCE SOUTH 109 FEET THENCE EAST 104 FEET THENCE SELY TO PT ON EAST LN SE LOT 39 DIST 132 FEET SOUTH OF NORTHEAST COR THEREOF THENCE NORTH TO BEG LESS STREET IN LOT 39 IN MEEKERS SUPL PLAT 1ST ADD TO KENT AND ALSO THE EAST 1/2 LOT 37 LESS WEST 10 FEET AND LESS NORTH 10 FEET FOR ST TGW LOT 38 LESS EAST 15 FEET AND LESS NORTH 10 FEET FOR ST IN MEEKERS SUPL PLAT 1ST ADD TO KENT AND ALSO THAT PORTION OF LOT 37 DESCRIBED AS FOLLOWS: THE WEST 1/2 TGW WEST 10 FEET OF EAST 1/2 LESS STREET HWY ALL IN MEEKERS SUPL PLAT 1ST ADD TO KENT AND ALSO THE EAST 90 FEET OF LOT 36 IN MEEKERS SUPL PLAT 1ST ADD TO KENT AND ALSO THE WEST 60 FEET OF LOT 36 IN MEEKERS SUPL PLAT 1ST ADD TO KENT AND ALSO A PORTION OF LOT 35 IN MEEKER’S SUPPLEMENTAL PLAT FIRST ADDITION TO TOWN OF KENT DAF: BEGINNING AT NORTHEAST CORNER OF TRACT DESCRIBED IN EXHIBIT ‘A’ IN INSTRUMENT UNDER RECORDING NO. 9609091262 SAID POINT BEING A POINT ON NORTH LINE OF SAID LOT 35 THENCE ALONG ELY LINE OF SAID TRACT FOLLOWING TWO COURSES: SOUTH 00-38-23 WEST 80.05 FEET THENCE SOUTH 04-47-31 WEST 175.90 FEET TO POINT ON SOUTH LINE OF SAID LOT 35 THENCE NORTH 89-38-02 EAST ALONG SAID SOUTH LINE 95.30 FEET TO SOUTHEAST CORNER OF SAID LOT 35 THENCE NORTH 00-37-37 EAST ALONG EAST LINE THEREOF 255.34 FEET TO NORTHEAST CORNER OF SAID LOT 35 THENCE SOUTH 89-34-40 WEST ALONG NORTH LINE THEREOF 82.51 FEET TO POINT OF BEGINNING (AKA REVISED PARCEL ‘A’ AS DESCRIBED AND Delineated PER CITY OF KENT LOT LINE ADJUSTMENT NO LL-96-31 RECORDING NO. 9612161402) AND ALSO THE EAST 71.20 FEET OF LOT 31 & ALL OF LOTS 32, 33, 34 & 35 IN MEEKER’S SUPPLEMENTAL PLAT FIRST ADDITION TO TOWN OF KENT; TGW PORTION PARCEL 1 CITY OF KENT SHORT PLAT NO SP-76-13 RECORDING NO 7701130512 LYING NLY OF FOLLOWING DESCRIBED LINE: COMMENCING AT NE CORNER
SAID PARCEL 1 THENCE SOUTH 00-40-32 WEST ALONG EAST LINE THEREOF 354.82 FEET TO TRUE POINT OF BEGINNING THENCE NORTH 89-21-55 WEST 519.00 FEET THENCE NORTH 02-10-03 EAST 58.31 FEET THENCE NORTH 88-02-35 WEST 229.97 FEET TO EAST MARGIN OF 64TH AVENUE SOUTH & TERMINUS OF LINE; EXCEPT PORTION SAID PARCEL 1 & SAID LOT 35 DAF: BEGINNING AT NORTHEAST CORNER OF SAID PARCEL 1 CITY OF KENT SHORT PLAT NO SP-76-13 THENCE SOUTH 00-40-31 WEST ALONG EAST LINE THEREOF 354.82 FEET THENCE NORTH 89-21-55 WEST 29.08 FEET THENCE NORTH 00-37-26 EAST 354.31 FEET TO SOUTH LINE OF LOT 34 SUPPLEMENTAL PLAT OF MEEKER'S FIRST ADDITION TO TOWN OF KENTS THENCE NORTH 89-38-02 EAST ALONG SAID SOUTH LINE 2.81 FEET TO SOUTHEAST CORNER THEREOF THENCE NORTH 89-38-02 EAST ALONG SAID SOUTH LINE 2.81 FEET TO SOUTHEAST CORNER THEREOF THENCE NORTH 00-37-31 EAST ALONG EAST LINE THEREOF 34.46 FEET THENCE LEAVING SAID EAST LINE NORTH 04-52-45 EAST 141.98 FEET THENCE NORTH 00-36-39 EAST 79.33 FEET TO NORTH LINE OF LOT 35 OF SAID PLAT THENCE NORTH 89-34-40 EAST ALONG SAID NORTH LINE 139.49 FEET TO EAST LINE OF SAID LOT 35 THENCE SOUTH 00-37-37 WEST ALONG SAID EAST LINE 255.34 FEET TO SOUTH LINE OF SAID LOT 35 THENCE SOUTH 89-38-02 WEST ALONG SAID SOUTH LINE 123.40 FEET TO NORTHEAST CORNER OF SAID PARCEL 1 & TRUE POINT OF BEGINNING (AKA REVISED PARCEL 'B' AS DESCRIBED & DELINEATED PER CITY OF KENT LOT LINE ADJUSTMENT NO LL-96-31 RECORDING NO 9612161402) EXCEPT PORTION THEREOF CONVEYED TO CITY OF KENT BY DEED UNDER RECORDING NO 9706091555 DAF: BEGINNING AT NORTHWEST CORNER OF SAID REVISED PARCEL 'B' THENCE NORTH 89-34-40 EAST ALONG NORTH LINE THEREOF 531.75 FEET TO NORTHEAST CORNER OF SAID REVISED PARCEL 'B' THENCE SOUTH 00-36-39 WEST ALONG EAST LINE THEREOF 14 FEET THENCE SOUTH 89-34-40 WEST 531.76 FEET TO WEST LINE OF SAID REVISED PARCEL 'B' THENCE NORTH 00-37-17 EAST ALONG WEST LINE THEREOF 14 FEET TO TRUE POINT OF BEGINNING AND ALSO THE NORTH 250 FEET OF FOLLOWING LOTS 30 LESS WEST 30 FEET & 31 LESS EAST 71.2 FEET LESS ST ALL IN MEEKERS SUPPLEMENTAL PLAT 1ST ADD TO KENT

END OF DESCRIPTION