ORDINANCE NO. 3649

AN ORDINANCE of the city council of the city of Kent, Washington, dissolving the Kent Downtown Public Market Development Authority ("PDA"), ordering the city clerk to cancel the charter of the PDA, and providing notice of the PDA’s dissolution in accordance with state law

WHEREAS, on March 3, 1998, the Kent city council enacted Ordinance No 3396 that created the Kent Downtown Public Market Development Authority ("PDA") to acquire, renovate, operate, and manage the Lumberman Barn property, located at 206 Railroad Avenue North in the city of Kent, as the home of the Kent Downtown Public Market, and

WHEREAS, in order to accomplish the redevelopment of the Lumberman Barn property, the city, on May 17, 1999, recorded a Quit Claim Deed, which transferred the city’s ownership interest in the Lumberman Barn property to the PDA, along with the remaining budgeted funds dedicated for that project; and

WHEREAS, after renovation of the Lumberman Barn property, the PDA leased the property to the Kent Downtown Partnership for it to sublease space to various vendors, and subsequently also leased a portion of the Lumberman Barn property to the city of Kent; and

1 Kent Downtown Public Market Development Authority - Dissolution
WHEREAS, the Kent Downtown Partnership advised the PDA on December 18, 2002, that it would not seek renewal of its lease with the PDA due to the difficulties of keeping the public market open, thereby allowing the PDA's lease with the Kent Downtown Partnership to expire by its own terms on December 31, 2002, and

WHEREAS, the sole purpose of creating the PDA was for the PDA to maintain and manage the Lumberman Barn property in order to house a year-round, indoor public market, and since the efforts to save the indoor market at that location have failed, the need for the PDA longer exists; and

WHEREAS, the PDA's charter, dated June 18, 1998, adopted in accordance with the city Ordinance No. 3396, provides that in the event of the PDA's dissolution, title to all property or assets of the PDA shall vest in the city of Kent for its use for public purposes; and

WHEREAS, in addition to the real property assets, the PDA also owned personal property assets in the amount of $25,168.61 as of June 25, 2003, which consisted of cash in the estimated amount of $1,285.00, investments in the estimated amount of $23,430.00, and prepaid insurance in the amount of $453.61, and

WHEREAS, on or about June 25, 2003, the PDA transferred to the city of Kent all title and interest it had in the Lumberman Barn real property and all other real and personal property assets of the PDA, and

WHEREAS, on July 1, 2003, the city council authorized the mayor to accept all property, real and personal, that the PDA offered to transfer to the city and authorized the mayor to execute all necessary documents in order to effect the property transfer, and

WHEREAS, all real and personal property of the PDA has now been transferred to the city and, as such, it is now appropriate for the city to dissolve the PDA, and
WHEREAS, on July 1, 2003, the city council scheduled a public hearing on the proposed dissolution of the PDA, and the city clerk provided appropriate public notice of the public hearing, which public hearing was held at a regular city council meeting on July 15, 2003; and

WHEREAS, after the public hearing on July 15, 2003, the city council has determined that dissolution of the PDA is warranted, NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS.

SECTION 1. – Findings. The recitals set forth above are hereby adopted and incorporated by reference. In addition, the city council further finds that

1 All real and personal property of the PDA has been transferred to, and accepted by, the city of Kent

2 Notice of the July 15, 2003, public hearing before the city council regarding the dissolution of the PDA was properly given, and the PDA was afforded an opportunity to present testimony regarding the dissolution.

3 The PDA is no longer needed as the indoor public market has ceased to exist; therefore, dissolution of the PDA is warranted.

SECTION 2. – Dissolution. The Kent Downtown Public Market Development Authority is hereby dissolved. The city clerk is authorized and directed to inscribe “charter canceled” on the original charter of the PDA and any duplicate originals of the charter which may exist. The city clerk is further authorized and directed to provide notice of the dissolution in accordance with RCW 35.22.288 and to any other entity that has requested special notice.
SECTION 3. — Indemnification  As it does with city board and commission members, the city shall provide competent legal counsel of its choosing, to defend any current or former PDA board member or officer who is a party, or is threatened to be made a party, to any threatened, pending, or contemplated action, suit, or proceeding, whether civil, criminal, administrative, or investigatory, arising from or connected with that person’s actions as a PDA board member or officer. The city shall pay or indemnify such PDA board member or officer against all expenses, fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, except as otherwise provided for city board and commission members under Kent City Code section 2 96 020. This indemnification provision shall survive the dissolution of the PDA.

SECTION 4. — Authorization  The city council specifically authorizes the mayor to take any action and to execute any documents necessary to dissolve the PDA.

SECTION 5. — Severability  If any one or more section, 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 6. — Effective Date  This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

ATTEST

BRENDA JACOBER, CITY CLERK

Kent Downtown Public Market Development Authority - Dissolution
APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY

PASSED: 15 day of July, 2003
APPROVED 15 day of July, 2003
PUBLISHED 19 day of July, 2003

I hereby certify that this is a true copy of Ordinance No 3649
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 (SEAL)
BRENDA JACOBER, CITY CLERK