ORDINANCE NO. 3653

AN ORDINANCE of the city council of the city of Kent, Washington, ordering the construction of an 8" sanitary sewer system with 6" side sewer stubs to the right-of-way line or easement line, all in accordance with Resolution No 1645 of the city council; establishing Local Improvement District No 355 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. 1645 adopted June 17, 2003, the city council declared its intention to order the construction of an 8" sanitary sewer system with 6" side sewer stubs to the right-of-way line or easement line, and fixed July 15, 2003, at 7.00 p.m., local time, in the council chambers of 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 Public Works Director 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

LID 355 Formation Ordinance
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 objections to the proposed improvement were duly considered and overruled,] 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, orders the improvement of the properties within the area described in Exhibit A, attached hereto and by this reference made a part hereof, by the construction of an 8" sanitary sewer system with 6" side sewer stubs to the right-of-way line or easement line.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the city's Public Works Director, 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 355 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 improvement is declared to be $819,270. Approximately $758,866 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 that 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** No property, any portion of which is outside the District, may connect to those improvements constructed or made a part of such District unless either that property shall have been subject to the special assessments on the assessment roll for that District or the owners of that property shall have paid prior to such connection a charge in lieu of assessment, which shall be at least the equivalent of those assessments that would have been applied to that property had it been included within that District.

**SECTION 6.** 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 355, 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 hereinafter 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 heretofore 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 $758,866.

The city is authorized to issue local improvement district bonds for the
District that 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 (20) 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 7 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 $758,866 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 8. 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 9. 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 10. Within fifteen (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 11. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and 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 the ___ day of August, 2003.
Approved the ___ day of August, 2003.
Published the ___ day of August, 2003.
CERTIFICATION

I, the undersigned, city clerk of the city of Kent, Washington, hereby certify as follows

1. The attached copy of Ordinance No. 2003-22 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 August 5, 2003, as that ordinance appears on the minute book of the city, and the ordinance will be in full force and effect five (5) 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 6 day of August, 2003.

CITY OF KENT, WASHINGTON

BRENDA JACOBER, City Clerk
EXHIBIT "A"

LID 355

SE 216TH STREET AND 104TH PLACE SE SANITARY SEWERS

BOUNDARY LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 1 AND LOTS 1, 2, 3, 4, AND 5, BLOCK 2 AND LOT 8, BLOCK 3, ALL LOCATED IN MOUNT VIEW PARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 67 OF PLATS, PAGE 84, RECORDS OF KING COUNTY, WASHINGTON,

AND ALSO LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 12, BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10, BLOCK 2, ALL LOCATED IN MOUNT VIEW PARK NO 2, ACCORDING TO THE PLAT RECORDED IN VOLUME 75 OF PLATS, PAGE 43, RECORDS OF KING COUNTY, WASHINGTON,


AND ALSO, LOT A, OF KING COUNTY SHORT PLAT NO 574084, RECORDED UNDER RECORDING NO 7412160327, RECORDS OF KING COUNTY, WASHINGTON, SAID SHORT PLAT IS A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

THE NORTH 300 FEET OF THE WEST 90 FEET OF THE EAST 250 FEET OF SAID SUBDIVISION,
THE WEST 258 FEET OF THE SOUTH 300 FEET OF SAID SUBDIVISION, THE WEST 162.50 FEET OF SAID SUBDIVISION, LYING NORTH OF THE SOUTH 300 FEET THEREOF,

AND ALSO, ALL OF TRACTS 11 AND 12 OF UNRECORDED PLAT OF UNEEDAN ORCHARD TRACTS, MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT 30 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
THENCE NORTH 1,329 24 FEET,
THENCE EAST 603 88 FEET TO THE TRUE POINT OF BEGINNING,
THENCE EAST 633 88 FEET,
THENCE NORTH 641 99 FEET,
THENCE WEST 15.17 FEET,
THENCE NORTH 15 FEET;
THENCE WEST 618 54 FEET,
THENCE SOUTH 642 04 FEET TO THE TRUE POINT OF BEGINNING,
EXCEPT THE SOUTH 390 FEET THEREOF;
AND EXCEPT THE WEST 258 FEET OF TRACT 11;

AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NUMBER 8912181267,

AND EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:
THAT PORTION OF LOT B OF KING COUNTY SHORT PLAT NO 574084, RECORDED UNDER RECORDING NUMBER 7412160327, DESCRIBED AS FOLLOWS

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
THENCE EAST 383.88 FEET,
THENCE SOUTH 632.36 FEET,
THENCE EAST 66 FEET TO THE TRUE POINT OF BEGINNING,
THENCE CONTINUING EAST 40 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 60 FEET,
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45 DEGREES AN ARC DISTANCE OF 45.92 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 90 FEET,
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45 DEGREES AN ARC DISTANCE OF 68.88 FEET,
THENCE EAST 37.94 FEET TO THE EAST LINE OF SAID SUBDIVISION,
THENCE SOUTH ALONG SAID EAST LINE 71.3 FEET,
THENCE WEST 184 FEET TO A POINT SOUTH OF THE TRUE POINT OF BEGINNING,
THENCE NORTH TO THE TRUE POINT OF BEGINNING,


BEGINNING AT A POINT 30 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION,
THENCE NORTH 1,329.24 FEET,
THENCE EAST 603.88 FEET TO THE TRUE POINT OF BEGINNING,
THENCE EAST 633.88 FEET,
THENCE NORTH 641.99 FEET,
THENCE WEST 15.17 FEET,
THENCE NORTH 15 FEET,
THENCE WEST 618.54 FEET,
THENCE SOUTH 642.04 FEET TO THE TRUE POINT OF BEGINNING,
EXCEPT THE SOUTH 350 FEET THEREOF.
AND EXCEPT THAT PORTION CONDEMNED BY THE STATE OF WASHINGTON UNDER SUPERIOR COURT CAUSE NUMBER 95-2-019475-1,

AND EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 9802040743.

AND ALSO, THAT PORTION OF LOT B, KING COUNTY SHORT PLAT NUMBER 574084, RECORDED UNDER RECORDING NUMBER 7412160327, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 5 EAST, W M, IN KING COUNTY, WASHINGTON;
THENCE EAST 383.88 FEET;
THENCE SOUTH 632.36 FEET,
THENCE EAST 66 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING EAST 40 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 60 FEET;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45° AN ARC DISTANCE OF 45.92 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 90 FEET,
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45° AN ARC DISTANCE OF 68.88 FEET;
THENCE EAST 37.94 FEET TO THE EAST LINE OF SAID SUBDIVISION,
THENCE SOUTH ALONG SAID EAST LINE 71.3 FEET,
THENCE WEST 184 FEET TO A POINT SOUTH OF THE TRUE POINT OF BEGINNING,
THENCE NORTH TO THE TRUE POINT OF BEGINNING,

TOGETHER WITH THE EAST 184 FEET (AS MEASURED ALONG THE SOUTH LINE) OF THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER
OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 5
EAST W M , IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 30 FEET EAST OF THE SOUTHWEST CORNER OF SAID
SECTION;
THENCE NORTH 1,329 24 FEET,
THENCE EAST 603 88 FEET TO THE TRUE POINT OF BEGINNING;
THENCE EAST 633 88 FEET;
THENCE NORTH 641 99 FEET;
THENCE WEST 15 17 FEET;
THENCE NORTH 15 FEET,
THENCE WEST 618 54 FEET;
THENCE SOUTH 642.04 FEET TO THE TRUE POINT OF BEGINNING;
EXCEPT THE SOUTH 390 FEET THEREOF;

AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF
WASHINGTON BY WARRANTY DEED RECORDED UNDER RECORDING NUMBER
9406020493,

(BEING KNOWN AS A PORTION OF TRACT 12, UNEEDAN ORCHARD TRACTS,
ACCORDING TO THE UNRECORDED PLAT THEREOF),

(ALL OF THE ABOVE DESCRIBED BEING KNOWN AS A PORTION OF PARCEL B
KING COUNTY LOT LINE ADJUSTMENT NUMBER 1085020),

EXCEPT ANY PORTIONS OF ALL THE PROPERTY DESCRIBED HEREIN LYING
WITHIN PUBLIC RIGHT OF WAY.
EXHIBIT “B”
LID 355

SANITARY SEWER IMPROVEMENTS

The proposed project is the construction of an 8’ sanitary sewer system with 6” side sewer stubs to the right of way line or easement line for each of the 39 properties included in the L I.D boundary.

The construction will include 8” sewer at the following locations:

<table>
<thead>
<tr>
<th>ON</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>105th Place SE</td>
<td>SE 218th Street</td>
<td>Approximately 400 feet north</td>
</tr>
<tr>
<td>SE 218th Street</td>
<td>105th Place SE</td>
<td>105th Avenue SE</td>
</tr>
<tr>
<td>105th Avenue SE</td>
<td>SE 218th Street</td>
<td>SE 220th Street approximately 75’ feet West of East plat boundary</td>
</tr>
<tr>
<td>SE 219th Street</td>
<td>105th Avenue SE</td>
<td>East and West to cul-de-sac</td>
</tr>
<tr>
<td>Easement</td>
<td>SE 219th St. at end of cul-de-sac West of 105th Avenue SE</td>
<td>Approximately 240 feet north-westernly from center of cul-de-sac</td>
</tr>
<tr>
<td>Easement</td>
<td>End of above easement</td>
<td>Intersection of 103rd Place SE and SE 216th Street at existing manhole</td>
</tr>
</tbody>
</table>