Ordinance No. 3734
(Amending or Repealing Ordinances)

CFN=1292 – LID 358
Passed – 2/15/2005
LID 358 Final Assessment Roll
ORDINANCE NO. 3734

AN ORDINANCE of the City of Kent, Washington, approving and confirming the assessments and assessment roll of Local Improvement District No. 358 for the construction of curbs, gutters, sidewalks, driveways, storm drains, retaining walls, street illumination, landscaping, slope protection, underground power and necessary appurtenances relating to the overall project of the addition of high occupancy vehicle lanes on Pacific Highway South from Kent-Des Moines Road to South 252nd Street, as provided by Ordinance No. 3717, 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.

RECITALS

A. The assessment roll levying the special assessments against the property located in Local Improvement District No. 358 in the City of Kent, Washington (the "City"), has been filed with the City Clerk as provided by law.

B. Notice of the time and place of the hearing to make 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 the hearing for February 15, 2005, at 7:00 p.m., local time, in the Council Chambers in the City Hall, Kent, Washington, and further notice of the hearing was mailed by the City Clerk to each property owner shown on the roll.
C. 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 that roll, including the increase and enhancement of the fair market value of each parcel of land by reason of the improvement, overruled all such protests.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO ORDAIN as follows:

ORDINANCE

SECTION 1. - Roll Confirmation. The assessments and assessment roll of Local Improvement District No. 358, which has been created and established for the purpose of constructing of curbs, gutters, sidewalks, driveways, storm drains, retaining walls, street illumination, landscaping, slope protection, underground power and necessary appurtenances relating to the overall project of the addition of high occupancy vehicle lanes on Pacific Highway South from Kent-Des Moines Road to South 252nd Street, as provided by Ordinance No. 3717, as the same now stands, is approved and confirmed in all things and respects in the total amount of $572,598.

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 those properties, and the assessment appearing against them 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.

SECTION 3. - Notice of Roll. The assessment roll as approved and confirmed shall be filed with the Finance Director of the City for collection, and the Finance Director is authorized and directed to publish notice as required by law stating that the
roll is in the Director's hands for collection and that payment of any assessment or any portion of that assessment can be made at any time within thirty (30) days from the date of first publication of that notice without penalty, interest or cost, and that thereafter the sum remaining unpaid may be paid in ten (10) equal annual installments of principal and interest. The estimated interest rate is stated to be six (6.0)% 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. 358. The first installment of assessments on the assessment roll shall become due and payable during the thirty (30) day period commencing one year after the date of first publication by the Finance Director of notice that the assessment roll is in his 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 thirty (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 thirty (30) day period during which that installment is due and payable shall become delinquent. Each delinquent installment shall be subject, at the time of delinquency, to a charge under Kent City Code Section 3.22.030 of a penalty levied on both principal and interest due upon that installment equal to the rate fixed in the ordinance authorizing the issuance and sale of the local improvement bonds for Local Improvement District No. 358, plus five (5) percent. All delinquent installments also shall be charged interest at the rate as determined above. The collection of delinquent installments shall be enforced in the manner provided by law.

**SECTION 4. - 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 5. - Effective Date. This ordinance shall take effect and be in force five (5) days from and after its publication as required by law.

By JIM WHITE, Mayor

ATTEST:

BRENDA JACOBER, City Clerk

APPROVED AS TO FORM:

Special Counsel and Bond Counsel for the City

PASSED: 15 day of February, 2005.

APPROVED: 15 day of February, 2005.

PUBLISHED: 19 day of February, 2005.

I hereby certify that this is a true copy of Ordinance No. 3734 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