Ordinance No. 3808

(Amending or Repealing Ordinances)

CFN=1300 – LID 359
Passed – 9/5/06
LID 359 Formation Ordinance
ORDINANCE NO. 3808

AN ORDINANCE of the City of Kent, Washington, ordering the construction of roadway improvements, sanitary sewer improvements, water main improvements, and a storm water detention pond, all in accordance with Resolution No. 1728 of the City Council; establishing Local Improvement District No. 359 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.

RECITALS

A. By its adoption of Resolution No. 1728 on August 1, 2006, the city council declared its intention to order the construction of roadway improvements, sanitary sewer improvements, water main improvements, and a storm water detention pond, and fixed September 5, 2006, 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 improvements and all comments thereon and objections thereto and for determining the method of payment for the improvements.

B. The city’s Public Works Director 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.
C. 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.

D. 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 all objections to the proposed improvements were duly considered and overruled by the city council.

E. 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 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 constructing roadway improvements, sanitary sewer improvements, water main improvements, and a storm water detention pond.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the city Public Works Director, 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. 359 of the city of Kent, Washington (the "District"), the boundaries or territorial extent of the District being more particularly described in Exhibit A for the purpose of making the improvements 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 $6,702,000. Approximately $2,015,197.60 of the cost and expense...
shall be borne by and assessed against the properties specially benefited by such improvements included in the District which embraces as nearly as practicable all property specially benefited by such improvements and the balance of such cost and expense shall be paid by the city and from grants.

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. No property, any portion of which is outside the District, may connect to the utility 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 which 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 improvements herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund, District No. 359, 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 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
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 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 Sewer Fund to the Local Improvement Fund in the maximum aggregate amount of $6,702,000 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 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 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 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 10. Within 15 days of the passage of this ordinance there shall be filed with the city clerk 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 city clerk 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 days from and after its passage, approval, and publication as required by law.

Suzette Cooke, Mayor

ATTEST:

Brenda Jacober, City Clerk

APPROVED AS TO FORM:

FOSTER PEOPLES PLLC
Special Counsel and Bond Counsel

Passed the 5 day of September, 2006
Approved the 5 day of September, 2006
Published the 9 day of September, 2006

-6- LID 359 FORMATION ORDINANCE
CERTIFICATION

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

1. The attached copy of Ordinance No. 3508 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 September 5, 2006, 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 5th day of September, 2006.

CITY OF KENT, WASHINGTON

BRENDA JACOBER, City Clerk
Exhibit A
L.I.D. Boundary Description
L.I.D. 359 – 116th Avenue S.E. Street and Utility Improvements

That portion of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M. and the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., all in King County, Washington, described as follows:

Commencing at the northeast corner of said Section 29; thence S00°56'55"W, along the east line of said Section 29, a distance of 660 21 feet to the southeast corner of the northeast quarter of the northeast quarter of the northeast quarter of said Section 29 and the TRUE POINT OF BEGINNING; thence N88°03'55"W, along the south line of said subdivision, 655.92 feet to the west line of the east half of the northeast quarter of the northeast quarter of said Section 29; thence S00°35'16"W, along said west line, 165.60 feet to the south line of the north half of the north half of the south half of the east half of the northeast quarter of the northeast quarter of said Section 29; thence S88°06'42"E, along said south line, 654.87 feet to the east line of the northeast quarter of said Section 29; thence S00°56'55"W, along said east line, 165.05 feet to the south line of the north half of the southeast quarter of the northeast quarter of the northeast quarter of said Section 29; thence N88°09'29"W, along said south line, 366.75 feet to the east line of the west 287.00 feet of the east half of the northeast quarter of the northeast quarter of said Section 29; thence S00°35'16"W, along said east line, 330.74 feet to the south line of the northeast quarter of said Section 29, thence N88°15'05"W, along said south line, 36.61 feet; thence S01°06'30"W 325.20 feet, thence N89°01'18"E 178.31 feet; thence S02°40'13"W 181.41 feet to the northeast margin of SR 516 (a.k.a. Kent-Kangley Highway), thence S61°05'12"E, along said northeast margin, 259.70 feet to the east line of said Section 29; thence continuing S61°05'12"E, along said northeast margin, 580.16 feet to the east line of Lot 1, King County Short Plat, KCSP 382004R, recorded under King County Recording Number 8509090500, thence N02°17'22"E, along said east line, 227.16 feet; thence N87°42'38"W, along the north line thereof, 203.15 feet to the southwest corner of Lot 7 of Seven Oaks Terrace, as recorded in Volume 142 of Plats, pages 42 and 43, records of King County, thence N02°17'41"E, along the west line of said plat, 656.48 feet to the south line of the northwest quarter of the northwest quarter of said Section 28 and an angle point in the west line of said plat; thence N00°57'50"E along the west line of Seven Oaks Division 1, as recorded in Volume 127 of Plats, pages 3 and 4, records of King County, a distance of 660.20 feet to the south line of the northwest quarter of the northwest quarter of said Section 28; thence N88°56'39"W along said south line, 330.24 feet to the TRUE POINT OF BEGINNING.
Exhibit B
Description of Improvements
L.I.D 359 – 116th Avenue S.E. Street and Utility Improvements

Roadway Improvements:
The roadway improvements include widening to 5 lanes (2 lanes each direction with a center turn lane), bike lanes, curb and gutter, sidewalk, channelization, signing, storm drainage including stubs to the adjacent properties, street lighting, street trees and undergrounding of overhead power and telephone wires. Also included is widening on Kent Kangley Road at the intersection with 116th Avenue to provide for additional turn lanes. The project also includes the purchase of additional right of way to accommodate the widening.

ON FROM TO
116th Ave S.E. Kent Kangley Road (SR 516) approximately 140 feet south of S.E. 256th Street (L.I.D assessments are to approximately 660 feet south of S.E. 256th Street)

Kent Kangley Road approximately 300 feet west of 116th Ave. S.E. approximately 970 feet east of 116th Ave. S.E.
(There are no street assessments along Kent Kangley Road.)

Sanitary Sewer Improvements:
The project consists of installing an eight-inch diameter sanitary sewer collection system complete with manholes to service all properties within the L.I.D. boundary not currently serviced by sanitary sewer. Six-inch diameter side sewer stubs from the main line to the property lines at the street are also included. For properties where future multiple connections are anticipated, the appropriate number of stubs are included. Where there is anticipated significant future development, an eight inch stub is included.

Water Main Improvements:
Stubs and services from the existing water main to accommodate future development will be installed to the edge of the right of way. This work includes one inch service lines for anticipated future lots or where required, an eight inch stub for a main line extension.

Storm Water Detention:
A storm water detention pond will be constructed at the northeast corner of 116th Avenue S.E. and S.E. 259th Place. Included is purchase of property for the pond.