Ordinance No. 3833
(Amending or Repealing Ordinances)

CFN=1306 – LID 362
LID 362 Formation Ordinance
ORDINANCE NO. 3833

AN ORDINANCE of the City Council of the City of Kent, Washington, ordering the construction or installation of curbs, gutters, sidewalks, driveways, storm drains, street illumination, landscaping, slope protection, sanitary sewer extensions and/or stubs to certain unserviced properties and water stubs to certain unserviced properties, underground power and necessary appurtenances relating to the overall project of the addition of two additional lanes on East Valley Highway from SR 167 to South 212th Street, all in accordance with Resolution No. 1749 of the City Council, establishing Local Improvement District No. 362 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. Pursuant to Resolution No. 1749 adopted March 20, 2007, the City Council declared its intention to order the construction or installation of curbs, gutters, sidewalks, driveways, storm drains, street illumination, landscaping, slope protection, sanitary sewer extensions and/or stubs to certain unserviced properties and water stubs to certain unserviced properties, underground power and necessary appurtenances relating to the overall project of the addition of two additional lanes on East Valley Highway from SR 167 to South 212th Street, and fixed April 17, 2007, 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; and

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; and

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; and

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

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,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

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 or installation of curbs, gutters, sidewalks, driveways, storm drains, street illumination, landscaping, slope protection, sanitary sewer extensions and/or stubs to certain unserviced properties and water stubs to certain unserviced properties, underground power and necessary appurtenances relating to the overall project of the addition of two additional lanes on East Valley Highway from SR 167 to South 212th Street.

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All of the foregoing shall be in accordance with the plans and specifications therefore prepared by the City’s Public Works Director, and may be modified 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. 362 of the City of Kent, Washington (the "District"), the boundaries or territorial extent of the District being more particularly described in Exhibit A, attached hereto and by this reference incorporated herein. The improvements are described in Exhibit B.

**SECTION 3.** The total estimated cost and expense of the improvements is declared to be $5,317,337. Approximately $669,509 of which cost and expense shall be paid by the City, approximately $2,224,892 of that cost and expense shall be paid by grants and the balance thereof (an estimated $2,422,936) of the cost and expense shall be borne by and assessed against the property specially benefited by such improvements included in the District, which embraces as nearly as practicable all property specially benefited by such improvements.

**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 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 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 improvements herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund, District No. 362, 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 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, or for interfund loans.

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 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 improvements in a principal amount not exceeding $2,422,936.

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, short-term obligations referred to in Section 5, or interfund loans from the General Fund, Street Fund and/or Sewer Fund to the Local Improvement Fund in the maximum aggregate amount of $2,422,936 are authorized and approved, those loans to be repaid on or before the issuance of such bonds or short-term obligations from the proceeds thereof. Any such 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 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 fifteen (15) days of the passage of this ordinance there shall be filed with the Finance Director of the City 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 Finance Director of the City
immediately shall post the proposed assessment roll upon the index of local improvement assessments against the properties affected by the local improvement.

**SECTION 11. - 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 12. - Ratification.** Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

**SECTION 13. - Effective date.** This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication as required by law.

Suzette Cooke, Mayor

ATTEST:

Brenda Jacobson, City Clerk

APPROVED AS TO FORM:

P. Stephen Shultis

FOSTER PEPPER PLLC
Special Counsel and Bond Counsel
PASSED: 17 day of April, 2007.
APPROVED: 20 day of April, 2007.
PUBLISHED: 25 day of April, 2007.

I hereby certify that this is a true copy of Ordinance No. 3833 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARY SIMMONS, ACTING CITY CLERK

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Exhibit A
L.I.D. Boundary Description
L.I.D. 362 – East Valley Highway Improvements
(SR 167 to S. 212th Street)

Those portions of the southeast quarter and the northeast quarter of Section 12, Township 22 North, Range 4 East, W.M., and the southwest quarter and the northwest quarter of Section 7, Township 22 North, Range 5 East, W.M., all in King County, Washington, described as follows:

Commencing at the southwest section corner of said Section 7; thence northerly, along the line common to said Sections 7 and 12, to the easterly prolongation of the south line of Lot 2, Kent Short Plat SP 75-1, recorded under King County Recording Number 7503310529 and the TRUE POINT OF BEGINNING; thence westerly, along said prolongation and the south line of said Lot 2, to the west line of said Lot 2; thence northerly, along the west line of said Lot 2 and its northerly prolongation, to the south line of Lot 3, Kent Short Plat SP 76-31, recorded under King County Recording Number 7705090836; thence westerly, along the south line of said Lot 3, to the east line of Lot 2 in said short plat; thence northerly, along the east line of said Lot 2 to the north line thereof; thence westerly, along said north line, to the east line of Lot 1, Kent Short Plat SP 79-13, recorded under King County Recording Number 8001151017; thence northerly, along said east line, to the north line of said Lot 1; thence westerly, along said north line, to the east line of Lot 5, Shinn’s Home Addition to Kent, as recorded in Volume 7 of Plats, page 22, records of King County; thence northerly, along said east line, to the north line of said plat, thence westerly, along the north line of said plat, to the easterly margin of the Burlington Northern and Santa Fe Railroad right of way; thence northerly, along said easterly margin, to the westerly prolongation of the centerline of vacated South 218th Street; thence easterly, along said prolongation and centerline, to the west line of Lot 3, Kent Five Acre Tracts as recorded in Volume 10 of Plats, page 19, records of King County; thence northerly, along said west line, to the north line of said Lot 3; thence easterly, along said north line, to the east line of Lot A, Kent lot Line Adjustment LL 94-13, recorded under King County Recording Number 9406070431, thence northerly, along said east line to an angle point in said east line; thence continuing along said east line, westerly to an angle point in said east line; thence northerly, along said east line and its northerly prolongation to the north margin of South 216th Street; thence westerly, along said north margin, to the west line of Parcel 4, Kent Short Plat SP 77-38, recorded under King County Recording Number 7811080733; thence northerly, along said west line, to the north line of said short plat; thence easterly, along the north line of said short plat, to the west line of the Clow-Knight Kent Short Plat recorded under King County Recording Number 7611180568; thence northerly, along said west line, to the north line of said short plat; thence easterly, along said north line and its easterly prolongation, to the west line of said Section 7; thence southerly, along the west line of said Section 7, to the north line of the south 767.62 feet of Government Lot 2 in said Section 7; thence easterly, along said north line; to the east line of the west 755.65 feet of said Government Lot 2 as described in Kent lot Line Adjustment LL 91-8, recorded under King County Recording Number 9106110299; thence southerly, along said east line and its southerly prolongation to the south line of Lot 10, Shinn’s Cloverdale Addition to Kent as recorded in Volume 6 of Plats, page 52, records of King County; thence westerly, along said south line, to the west line of the east one acre of Lot 9, Shinn’s Cloverdale Addition; thence southerly, along said west line and its southerly prolongation, to the southerly margin of South 218th Street; thence easterly, along said southerly margin, to the west line of Lot 12, Shinn’s Cloverdale

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Addition; thence southerly, along said west line, to the north line of Lot 13, Shinn's Cloverdale Addition; thence easterly, along the north line of said Lot 13 and Lot 16 in said plat, to the east line of the west half of said Lot 16, thence southerly, along said east line, to the easterly prolongation of the south line of Lot 5, Shinn's Cloverdale Addition, thence westerly, along said prolongation and the south line of said Lot 5, to a point 485 feet east of the northwest corner of Lot 4, Shinn's Cloverdale Addition; thence southerly, along the east line of the west 485 feet of said Lot 4, to the south line of said Lot 4; thence westerly, along said south line, to the east line of the west 277 feet of Lot 3, Shinn's Cloverdale Addition; thence southerly, along said east line to the northerly margin of South 222nd Street; thence westerly along said margin and its westerly prolongation, to the west line of said Section 7; thence southerly, along said west line to the TRUE POINT OF BEGINNING.
Exhibit B
Description of Improvements
L.I.D 362 – East Valley Highway Street and Utility Improvements
(SR 167 to S. 212th Street)

Roadway Improvements:
Currently, East Valley Highway is a 5 lane road with 2 lanes in each direction and a center turn lane. A third through lane exists at some locations but tapers back to 2 lanes. The project will improve and rehabilitate East Valley Highway to the City principal arterial standard. The roadway improvements include:

- Widening to 7 lanes (3 lanes each direction with a center turn lane).
- Installation of cement concrete sidewalks where sidewalks do not currently exist and replacement of existing sidewalks where the road is being widened. Included is sidewalk installation on the north side of S. 216th Street from East Valley Highway to approximately 565 feet west of the center line of East Valley Highway to connect to the existing sidewalk.
- Deteriorated portions of the existing roadway pavement will be removed and replaced.
- The entire roadway area will receive an asphalt overlay.
- Catch basins and storm drains, driveway approach aprons and curb and gutter will be replaced where necessary.
- Traffic signals will be modified and upgraded to accommodate the widened road.
- Existing utilities and other improvements such as fire hydrants, power poles, street light poles, mailboxes, fences and signs will be relocated or adjusted as necessary.
- New channelization.
- Traffic signing.
- New illumination system.
- Additional storm drainage including storm water detention and water quality facilities.
- Street trees and hydroseding.
- Temporary erosion and sedimentation control facilities during construction.

ON FROM TO
East Valley Highway SR 167 S. 212th Street
(aka 84th Ave. S.)

Sanitary Sewer Improvements:
Eight currently unserviced properties will receive eight inch diameter sanitary sewer extensions and/or six inch diameter stubs to the property line.

Water Main Improvements:
Three currently unserviced properties will receive eight inch diameter water stubs from the existing water main to the property line.
CERTIFICATION

I, the undersigned, Acting City Clerk of the City of Kent, Washington, hereby certify as follows:

1. The attached copy of Ordinance No. 3833 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 April 17, 2007, 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 20 day of April, 2007.

CITY OF KENT, WASHINGTON

MARY SIMMONS, Acting City Clerk