Ordinance No. 3876
(Amending or Repealing Ordinances)

CFN=1301 – LID 360
Passed – 3/18/2008
LID 360 Final Assessment Roll Ordinance
ORDINANCE NO. 3876

AN ORDINANCE of the City Council of the City of Kent, Washington, approving and confirming the assessments and assessment roll of Local Improvement District No. 360 for the construction of an 8” sanitary sewer system with 6” side sewer stubs to the property line for each of the twelve properties included within the local improvement district, as provided by Ordinance No. 3793, 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. 360 in the City of Kent, Washington, 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 March 4, 2008, 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, considered all such protests.

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

**ORDINANCE**

**SECTION 1.** - *Roll Confirmation.* The assessments and assessment
roll of Local Improvement District ("LID") No. 360, which has been created
and established for the purpose of constructing an 8" sanitary sewer system
with 6" side sewer stubs to the property line for each of the twelve properties
included within the local improvement district, as provided by Ordinance No.
3793, as the same now stands, is approved and confirmed in all things and
respects in the total amount of $249,600.

**SECTION 2.** - *Findings.*

2.1 The LID No. 360 improvements extend the City’s public sewer
system in Southeast 227th Place. RCW 35.44.020 authorizes the City to
exclude from the cost and expense to be assessed against the properties
within an LID any cost of the LID and to pay from any “other monies
available therefore” if the City Council so designates by ordinance. The
City determines hereby to reduce the assessments against each of the
properties in LID No. 360 consistent with that authority.

2.2 While the special benefit to each of the parcels in LID No. 360
is demonstrated, the City determines that the prior representations to the
property owners regarding various increases in the estimated assessments
from the original estimated amount of approximately $18,000 resulted in a
$20,800 suggested cap on assessments to the properties within the LID,
although no such cap was intended by the City. This is a unique and limited LID. A reduction in the amount of the assessments is appropriate based upon the circumstances of LID No. 360 and shall not constitute a precedent for future considerations by the Council with respect to LID assessments.

2.3 **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 the LID No. 360 improvements 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 of $20,800.

**SECTION 3. - Notice of Roll.** The assessment roll as approved and confirmed shall be filed with the Finance Department Director of the City for collection, and the Finance Department 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 fifteen (15) equal annual installments of principal and interest. The interest rate is stated to be six (6.0)% per annum. 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 Department 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 this ordinance above, 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.

SUZETTE COOKE, MAYOR

ATTEST:

BRENTA JACOBER, CITY CLERK

LID 360 Adopt Final Assessment Roll Ordinance
APPROVED AS TO FORM:

[Signature]

FOSTER PEPPER PLLC
Special Counsel and Bond Counsel

Passed the __ day of March, 2008.
Approved the __ day of March, 2008.
Published the __ day of March, 2008.
CERTIFICATION

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

1. The attached copy of Ordinance No. 3876 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 March __, 2008, 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 __ day of March, 2008.

CITY OF KENT, WASHINGTON

[Signature]
BRENDA JACOBER, City Clerk