AN ORDINANCE of the City Council of the City of Kent, Washington, ordering the construction or installation of curbs, gutters, sidewalks, driveways, a two-way left turn lane, bike lanes, street lighting, landscaping, erosion control, undergrounding of overhead electrical facilities, storm water management facilities, utility adjustments and relocations and necessary appurtenances all relating to the overall project of widening to 3 lanes on SE 256th Street from Kent-Kangley Road to 116th Ave SE, all in accordance with Resolution No. 1869 of the City Council; establishing Local Improvement District No. 364 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. 1869 adopted February 5, 2013, the City Council declared its intention to order the construction or installation of curbs, gutters, sidewalks, driveways, a two-way left turn lane, bike lanes, street lighting, landscaping, erosion control, undergrounding of overhead electrical facilities, storm water management facilities, utility adjustments and relocations and necessary appurtenances all relating to the overall project of widening to 3 lanes on SE 256th Street from Kent-Kangley Road to 116th Ave SE, and fixed March 5, 2013, 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 right-of-way by the construction or installation of curbs, gutters, sidewalks, driveways, a two-way left turn lane, bike lanes, street lighting, landscaping, erosion control, undergrounding of overhead electrical facilities, storm water management facilities, utility adjustments and relocations and necessary appurtenances all relating to the overall project of widening to 3 lanes on SE 256th Street from Kent-Kangley Road to 116th Ave SE. 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. There is created and established a local improvement district to be called Local Improvement District No. 364 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 2. The total estimated cost and expense of the improvements is declared to be $7,000,000. Approximately $5,000,000 of which cost and expense shall be paid by the City and/or by grants and the balance thereof (an estimated $2,000,000) 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 3. 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 4. 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 5. 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. 364, 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 $7,000,000.

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 6.** 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 $7,000,000 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 7. 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 8. 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 9. 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 10. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the

LID 364 Formation Ordinance
correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

**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

Ronald Moore, City Clerk

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

LID 364 Formation Ordinance
PASSED: 5th day of March, 2013.
APPROVED: 5th day of March, 2013.
PUBLISHED: 8th day of March, 2013.

I hereby certify that this is a true copy of Ordinance No. 4075 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

RONALD E. MOORE, CITY CLERK
Exhibit A
L.I.D. Boundary Description

L.I.D. 364 SE 256th Street Improvements

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

BEGINNING at the northeast corner of said Section 29; thence S00°56'50"W, along the east line of said northeast quarter, 340.17 feet to the north line of the south 320.00 feet of the northeast quarter of the northeast quarter of said Section 29; thence N88°03'59"W, along said north line, 657.97 feet to the west line of the east half of the northeast quarter of the northeast quarter of said Section 29; thence S00°35'11"W, along said west line, 251.14 feet to the northeast corner of that certain tract of land described in that certain Record of Survey described under King County Recording Number 8005309003; thence along the north line of said tract the following courses and distances; thence N87°52'46"W 14.85 feet; thence N02°55'24"E 7.85 feet; thence S86°39'29"W 82.45 feet; thence N87°52'46"W 559.63 feet to the west line of the east half of the northeast quarter of said Section 29; thence S00°13'42"W, along said west line, 690.48 feet to the northeasterly right of way margin of the Kent Kangley Road, said point being 50.00 feet northeasterly of, when measured at right angles to, the centerline of said road; thence N61°35'47"W, along said northeasterly margin 113.39 feet to a point on the east line of a tract of land conveyed to Ronald S. Jones and Madeline Jones, his wife, by deed recorded under King County Recording Number 5032080; thence N00°15'56"E, along said east line, 196.84 feet to the northeast corner thereof; thence N89°44'04"W, along the north line thereof, 130.00 feet to the northwest corner thereof; thence S00°15'56"W, along the west line thereof, 127.31 feet to the northeasterly right of way margin of said Kent Kangley Road; thence N61°35'47"W, along said margin, 68.30 feet; thence N00°18'17"W 246.25 feet; thence N87°52'59"W 59.30 feet; thence N00°18'17"W 22.69 feet; thence N87°52'59"W 162.00 feet to the west line of the east half of the northeast quarter of the northeast quarter of said Section 29 lying northerly of the Kent Kangley Road; thence S00°18'17"E, along said east line, 157.20 feet to the northeasterly right of way margin of said Road; thence N61°35'47"W, along said margin, 319.65 feet to the southeast corner of City of Kent Short Plat SP-94-2 as recorded under King County Recording Number 9502210896; thence N00°00'16"E, along the east line thereof, 418.86 feet to the northeast corner thereof; thence N87°53'43"W, along the south line thereof, 189.81 feet to the east line of the plat of East Hill Gardens, as recorded in Volume 51 of Plats, page 77, records of King County; thence S00°18'17"E, along the east line of said plat, 8.78 feet; thence N88°45'19"W, along the south line of said plat, 328.43 feet to the north-south center of section line of said Section 29; thence N00°28'52"W, along said center of section line, 130.49 feet to the northeast corner of City of Kent Lot Line Adjustment LL-2002-20 under King County Recording Number 20021211002416; thence N65°36'52"W, along the northeast line of said adjustment, 216.33 feet to the most northerly corner thereof and the northeast corner of Tract B, Kent Short Plat SPC76-6, recorded under Recording Number 7604120524; thence N89°26'13"W, along the north line of said Tract B, 166.19 feet to the west line of said Tract B; thence S00°28'52"E, along said west line, 115.00 feet to the northeasterly right of way margin of the Kent Kangley Road; thence N53°13'47"W, along said margin 509.02 feet to the most southerly corner of a tract of land conveyed to the City of Kent by deed recorded under Auditor's File Number 6428940; thence N18°41'32"E, along the east line thereof, 49.65 feet to the southerly margin of SE 256th Street; thence N00°36'51"E 30.00 feet to the north line of the northwest quarter of said Section 29; thence S89°23'09"E, along said north line, 760.87 feet to the north quarter corner of said Section 29; thence S87°52'59"E, along the north line of the northeast quarter of said Section 29, a distance of 2640.65 feet to the northeast corner of said section and the TRUE POINT OF BEGINNING;
Except those portions of the above described tract conveyed for public road purposes; 

Together with that portion of the southwest quarter and the southeast quarter of Section 20, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

BEGINNING at the southeast corner of said Section 20; thence N87°52'59"W, along the south line of the southeast quarter of said Section 20, a distance of 2540.65 feet to the south quarter corner of said Section 20; thence N89°23'08"W, along the south line of the southwest quarter of said Section 20, a distance of 745.94 feet to the east line of the west 495.00 feet of the southeast quarter of the southwest quarter of said Section 20; thence N01°29'23"E, along said east line, 1304.47 feet to the north line of the southeast quarter of the southwest quarter of said Section 20; thence S89°03'03"E, along said north line, 755.01 feet to the north south center of section line of said Section 20; thence S88°17'55"E, along the north line of the south half of the southeast quarter of said Section 20, a distance of 1964.71 feet to the northwest corner of the north half of the northeast quarter of the southeast quarter of said Section 20; thence S01°12'16"W, along the west line of said subdivision, 328.66 feet to the southwest corner thereof; thence S88°11'39"E, along the south line of said subdivision, 328.11 feet to the northwest corner of Lot 3, in Kent Short Plat SP 80-11, as recorded under King County Recording Number 8006250641; thence S01°05'28"W, along the west line of said Lot 3 and Lot 4 of said short plat, 329.28 feet to the north line of Hughes' Ulle-Land Number 2, as recorded in Volume 75 of plats, page 20, records of King County; thence S88°05'24"E, along the north line of said plat, 223.50 feet to the northwest corner of Lot 4, Block 2 of said plat; thence S00°58'38"W, along the west line of said Lot 4 and its southerly prolongation, 191.31 feet to the north line of Lot 4, Block 1 in said plat; thence N87°53'01"W, along the north line, 59.74 feet to the northwest corner of said Lot 4; thence S00°58'36"W, along the west line of Lots 1, 2, 3 and 4 in said Block 1, a distance of 318.00 feet to the southwest corner of said Lot 1; thence S87°53'01"E, along the south line of said Lot 1 and its easterly prolongation, 165.00 feet to the east line of the southeast quarter of said Section 20; thence S00°58'43"W, along said east line, 150.06 feet to the southeast corner of said Section 20 and the TRUE POINT OF BEGINNING;

Except those portions of the above described tract conveyed for public road purposes.
Exhibit B

Description of Improvements
L.I.D 364 – SE 256th Street Improvements

The overall project limits for SE 256th Street are Kent-Kangley Road to the west at the ‘Y’ intersection and 116th Ave. SE to the east. The roadway improvements include but are not limited to:

• Widening to 3 lanes with a center left turn lane
• Bicycle lanes in both directions
• Installation of cement concrete sidewalks and driveways
• New roadway pavement section
• Curb and gutters
• Storm drainage system with detention and treatment facilities
• Relocation and adjustment of existing utilities and other improvements such as fire hydrants, manholes, water meters, valve boxes, monuments, utility poles, street light poles, mailboxes, fences and signs as necessary
• Channelization
• Traffic signs
• Street trees
• Planter strips between the curb and sidewalk
• Street lighting
• Erosion control both temporary and permanent
• Retaining walls where necessary
• Undergrounding of electrical facilities
• Wheel chair ramps in the curb and sidewalk at the intersections
• Traffic signal revisions as necessary at both ends of the project
• Utility stubs and extensions as necessary
• Removal of existing improvements as necessary
CERTIFICATION

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

1. The attached copy of Ordinance No. 4015 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 5, 2013, 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 5th day of March, 2013.

CITY OF KENT, WASHINGTON

[Signature]

RONALD F. MOORE, City Clerk