

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2140

AN ORDINANCE ordering the installation of a street lighting system, together with an underground electrical distribution system and an underground telephone system to replace the present overhead system along N.E. Lake Washington Boulevard and Lake Street South from the southerly City limits northward to a point approximately 280 feet north of Second Avenue South, in accordance with Resolution No. 2076 of the City Council of the City of Kirkland, Washington; establishing Local Improvement District No. 105; providing that payment for said improvement be made by special assessments upon property in said District, payable by the mode of "payment by bonds"; and providing for the issuance and sale of local improvement district warrants redeemable in cash and local improvement district bonds.

WHEREAS, by Resolution No. 2076, adopted December 21, 1970, the City Council of the City of Kirkland declared its intention to order the installation of a street lighting system, together with an underground electrical distribution system and an underground telephone system to replace the present overhead systems along N.E. Lake Washington Boulevard and Lake Street South from the southerly City limits northward to a point approximately 280 feet north of Second Avenue South, and fixed the 18th day of January, 1971, at 8:00 o'clock p.m. (ST) in the Council Chambers in the City Hall in the City of Kirkland, Washington, as the time and place of hearing all matters relating to said proposed improvement and all objections thereto and for determining the method of payment of said improvement; and

WHEREAS, Stevens, Thompson & Runyan, Inc., consulting engineers to the City, have caused an estimate to be made of the cost and expense of the proposed improvement and have certified said estimate to the City Council, together with all papers and information in their possession touching the proposed improvement, a description of the boundaries of the District, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding or unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate, including 25% of the actual valuation of the improvements in the proposed district, according to the valuation last placed upon it for the purpose of general taxation; and

WHEREAS, said estimate is accompanied by a diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property which will be specially benefited by the Proposed

and other property which will be specially benefited by the proposed improvement, and the estimated amount of the cost and expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, due notice of hearing upon said Resolution No. 2076 was given in the manner provided by law and hearing was held by the City Council on January 18, 1971, and all written protests filed with the City Council on or before that date were duly considered and overruled, and all persons appearing at the hearing were heard; and

WHEREAS, the City Council has determined it to be in the best interest of the City that the improvement 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 KIRKLAND, WASHINGTON, DO ORDAIN, as follows:

Section 1. Pursuant to RCW Ch. 35.96 and RCW Ch. 35.43 et seq., the City Council hereby orders the construction and installation, in conjunction with the State Highway Department improvements to Lake Washington Boulevard (S.R. 901), of a street lighting system, together with an underground electrical distribution system and an underground telephone system to replace the present overhead systems within that portion of N.E. Lake Washington Boulevard lying in Sections 8, 17 and 20, T 25 N, R 5 E, W.M., within King County, Washington, and bounded as follows: Beginning at a point on the centerline of said N.E. Lake Washington Boulevard, said point lying 652.47 feet south and 654.99 feet east of the meander corner on the south line of the SW 1/4 of said Section 17, T 25 N, R 5 E, W.M.; thence northerly approximately 11,356.60 feet along the centerline of said N.E. Lake Washington Boulevard to a point lying 225.06 feet south and 95.63 feet east of the meander corner on the north line of the NW 1/4 of said Section 20, T 25 N, R 5 E, W.M.

Construction shall include installation of the above items complete, including all work and appurtenances required for complete and operable systems, and all required restoration of existing sidewalks and other improvements disturbed during construction.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 105 of the City of Kirkland, Washington," the boundaries thereof being more particularly described in Exhibit "A," attached hereto and by this reference made a part hereof.

Section 3. The estimated cost and expense of such improvement is hereby declared to be \$213,616.20. Included in the cost of this improvement shall be (1) the cost of the construction and installation of the street lighting system, underground electrical distribution system and underground telephone system; etc., (2) all engineering and surveying necessary for the improvement, (3) all legal work and opinions incidental thereto, (4) ascertaining the ownership of lots or parcels of land included within the assessment district, (5) appraisals, (6) advertising, mailing, posting and publishing all necessary notices, (7) accounting, clerical labor and books and blanks extended or used

on the part of the City Clerk or Treasurer in connection with the improvement, and all other expenses incidental thereto as required or provided by the State of Washington or ordinances of the City of Kirkland. The entire cost and expense of said improvement shall be levied and assessed against all the property legally and properly assessable therefor as provided by the laws of the State of Washington and the ordinances of the City of Kirkland.

Section 4. In accordance with the provisions of Section 7 of Chapter 258, Laws of Washington, 1969, 1st Ex. Sess., the City may use any method or combination of methods to compute assessments which may be deemed to fairly reflect the special benefits to the properties being assessed.

Section 5. Local Improvement district warrants shall be issued in payment of the cost and expense of the improvement herein ordered, such warrants to be payable out the the "Local Improvement Fund, District No. 105," hereinafter created, to bear interest from the date thereof at a rate to be hereafter fixed by ordinance and to be redeemed in cash, and/or by local improvement district bonds herein authorized to be issued, said interest-bearing warrants to be hereafter referred to as "revenue warrants." Such bonds shall bear interest at a rate to be hereafter fixed by ordinance, shall be payable on or before twelve years from the date of issuance, the life of the improvement ordered being not less than twelve years, and shall be issued in exchange for and in redemption of any and all revenue warrants issued hereunder and not redeemed in cash within a period not to exceed 60 days after the first publication by the City Treasurer of notice that the assessment roll for "Local Improvement District No. 105" is in his hands for collection. The bonds shall be redeemed by the collection of special assessments to be levied and assessed upon the property within said District, payable in ten equal annual installments, with interest at a rate to be hereafter fixed by ordinance not exceeding 8-1/2% per annum, under the mode of "payment by bonds;" as defined by law and the ordinances of the City of Kirkland. In the case of default in the payment of any assessment when the same shall become due, there shall be added interest at a rate to be hereafter fixed by ordinance not to exceed 8-1/2% per annum and a penalty of 5% which shall also be collected. The exact form, amount, date, interest rate and denominations of said warrants and bonds shall be hereafter fixed by ordinance of the City Council. Said warrants and bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. There is hereby created and established in the office of the City Treasurer of the City of Kirkland, for Local Improvement District No. 105, a special fund to be known and designated as "Local Improvement Fund, District No. 105," into which fund shall be deposited the proceeds from the sale of revenue warrants drawn against said fund which may be issued and sold by the City and collections pertaining to assessments, and against which fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with said improvement, and against which fund cash warrants shall be issued in payment of all other items of expense in connection with said improvement.

PASSED by the City Council and APPROVED by the Mayor of the City of Kirkland, Washington, at a regular meeting thereof, this 18th day of January, 1971.

William C Woods
Mayor

ATTEST:

Tom P. Aduson
Director of Administration and Finance,
ex-officio City Clerk

FORM APPROVED:

Joseph E. ...
City Attorney

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. 2140 and entitled "An Ordinance as above.

Tom P. Aduson, City Clerk."

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