

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2195

AN ORDINANCE of the City of Kirkland, Washington, ordering the carrying out of that portion of the system or plan for making additions to and betterments and extensions of the waterworks utility of the City, including the system of sewerage as a part thereof, as adopted by Ordinance No. 1124, as supplemented and amended by Ordinance No. 1151, and as further amended by Ordinances Nos. 2112 and 2118, all as applicable to the utility local improvement district hereinafter described; and creating Utility Local Improvement District No. 109.

WHEREAS, the City of Kirkland heretofore combined its municipal water system and system of sewerage, including all additions thereto and betterments and extensions thereof at any time made, pursuant to RCW 35.67.320, by Ordinance No. 576 of the City, passed and approved July 18, 1949, and such combined systems, including the separate waterworks system and separate system of sewerage maintained and operated by the former City of Houghton, Washington, if the same shall hereafter be combined with and made a part of the waterworks utility of the City, shall hereinafter be referred to as the "waterworks utility of the City"; and

WHEREAS, pursuant to Ordinance No. 1124, passed by the City Council and approved by the Mayor on January 15, 1968, as supplemented and amended by Ordinance No. 1151, passed by the City Council and approved by the Mayor on June 17, 1968, as amended by

Ordinance No. 2112, passed by the City Council and approved by the Mayor on July 6, 1970, as further amended by Ordinance No. 2118, passed by the City Council and approved by the Mayor on September 8, 1970, the City Council specified and adopted a system or plan for making additions to and betterments and extensions of the waterworks utility of the City and provided the method of financing the same by the issuance and sale of water and sewer revenue bonds in one or more series to be supported by assessments to be levied in one or more utility local improvement districts authorized to be created to obtain the funds with which to pay the cost of such system or plan; and

WHEREAS, the City Council by Resolution No. 2133, adopted June 19, 1972, declared its intention to initiate the formation of a utility local improvement district to be known and designated as "Utility Local Improvement District No. 109" of the City of Kirkland, Washington, to carry out that portion of the system or plan for making additions to and betterments and extensions of the waterworks utility of the City, as adopted by Ordinance No. 1124, as supplemented and amended by Ordinance No. 1151, and as further amended by Ordinances Nos. 2112 and 2118, to serve the area within the corporate limits of the City hereinafter described by the construction and installation of sanitary sewers, and fixed the 17th day of July, 1972, at 8:00 o'clock p.m. (PDST) in the Council Chambers in the City Hall, Kirkland, Washington, as the time and place for hearing all matters relating to the improvement applicable to Utility Local Improvement District No. 109, and for hearing all objections thereto and for determining the method of payment for said improvement; and

WHEREAS, the City's Public Works Director and Hart, Sisler, Williams & Roth, Inc., the City's consulting engineers, caused an estimate to be made of the costs and expenses of the proposed improvement applicable to the utility local improvement district and certified said estimate to the City Council, together with all papers and information in its possession touching the proposed improvement, a description of the boundaries of the utility local improvement district, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed utility local improvement district, a statement in detail of the local improvement assessments outstanding or unpaid against the properties in the proposed utility local improvement district, and a statement of the aggregate actual valuation of the real estate, including 25% of the actual valuation of the improvement in the proposed utility local improvement 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 applicable to the utility local improvement district showing thereon the lots, tracts, parcels of land 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 the hearing upon said Resolution No. 2133 was given in the manner provided by law, and the hearing

on Utility Local Improvement District No. 109 was held by the City Council on July 17, 1972, and all persons appearing at the hearing desiring to be heard were heard and all written protests received were duly considered and overruled; and

WHEREAS, the Seattle-King County Health Department, acting as the health officer of the City of Kirkland, Washington, has filed with the City Council a report showing the necessity for the improvement within the utility local improvement district; and

WHEREAS, the City Council deems it necessary for the protection of the public health and safety and in the best interests of the City that the improvement as hereinafter described be carried out and that said utility 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 35.43.180, the City Council of the City of Kirkland, Washington, hereby finds and recites that the acquisition and construction of the improvement hereinafter described applicable to Utility Local Improvement District No. 109 is necessary for the protection of the public health and safety.

Section 2. It is hereby ordered that the acquisition and construction of the following portion of the system or plan for making additions to and betterments and extensions of the waterworks utility of the City, as specified and adopted in Ordinance No. 1124, passed by the City Council and approved by the Mayor on January 15, 1968, as supplemented and amended by Ordinance No. 1151, passed by the City

Ordinance No. 2195

Council and approved by the Mayor on June 17, 1968, as amended by Ordinance No. 2112, passed by the City Council and approved by the Mayor on July 6, 1970, and as further amended by Ordinance No. 2118, passed by the City Council and approved by the Mayor on September 8, 1970, to serve the area within the corporate limits of the City hereinafter described, consisting of the construction and installation of 8" sanitary sewer lines, together with side sewers, manholes and other work and appurtenances as may be necessary for a complete sanitary sewer system within the area to be served and its connection to the existing waterworks utility of the City along the following routes:

| <u>On</u> | <u>From</u> | <u>To</u> |
|---|--|-----------------------------|
| 112th Ave. N.E. | N.E. 87th St. | N.E. 94th St. |
| 116th Ave. N.E. | Approx. 50' North of C.L. N.E. 88th St. | N.E. 97th St. |
| N.E. 88th St. | 112th Ave. N.E. | 114th Ave. N.E. |
| N.E. 90th St. | 112th Ave. N.E. | Slater Ave. N.E. |
| Slater Ave. N.E. | N.E. 90th St. | West margin of S.R. 405 |
| Esm't along West margin of S.R. 405 | Slater Ave. N.E. | N.E. 92nd St. |
| N.E. 91st St. | 112th Ave. N.E. | 116th Ave. N.E. |
| N.E. 92nd St. | 112th Ave. N.E. | 116th Ave. N.E. |
| N.E. 94th St. | 112th Ave. N.E. | 114th Ave. N.E. |
| N.E. 94th St. | 114th Ave. N.E. | 116th Ave. N.E. |
| Esm't approx. 360' E. of 112th Ave. N.E. | N.E. 94th St. | Point approx. 170' South |

| <u>On</u> | <u>From</u> | <u>To</u> |
|--|---|---|
| Alley in Block 31 approx. 280' West of 116th Ave. N.E. | N.E. 94th St. | Point approx. 200' North |
| 114th Ave. N.E. | N.E. 94th St. | N.E. 95th St. |
| N.E. 95th St. | 114th Ave. N.E. | 116th Ave. N.E. |
| Observation Dr. | 116th Ave. N.E. | Point approx. 300' West of 116th Ave. N.E. |
| N.E. 97th St. | Observation Dr. | 116th Ave. N.E. |
| Easement | Point approx. 200' Southerly from C.L. N.E. 95th St. on 114th Ave. N.E. | Point approx. 100' Easterly from 113th Ave. N.E. on N.E. 95th St. |

Section 3. To carry out the foregoing portion of the system or plan for making additions to and betterments and extensions of the waterworks utility of the City, there is hereby created and established a utility local improvement district to be known and designated as "Utility Local Improvement District No. 109 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 and incorporated herein.

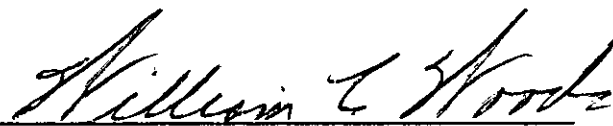
Section 4. The estimated cost and expense of the portion of the system or plan applicable to Utility Local Improvement District No. 109 is hereby declared to be \$200,000.00. Approximately \$81,600.00 of such estimated cost and expense shall be borne by and assessed against the property included within Utility Local Improvement District No. 109. The properties in said utility local improvement district will be all the properties specially benefited by such improvement. The assessments in said utility local improvement

district shall be for the sole purpose of payment into a special bond redemption fund to be hereafter created for the payment of water and sewer revenue bonds to be hereafter issued by the City to provide the funds required to pay the cost and expense of carrying out said system or plan.

Section 5. 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.

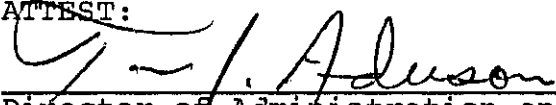
Section 6. This ordinance is declared to be one necessary for the immediate preservation of the public peace, property, health and safety of the people of the City of Kirkland, Washington. An emergency is hereby declared to exist, and this ordinance is hereby declared to be in full force and effect from and after its passage, approval and publication as required by law.

PASSED unanimously by the City Council of the City of Kirkland, Washington, at an open public regular meeting thereof and APPROVED by the Mayor this 7th day of August, 1972.



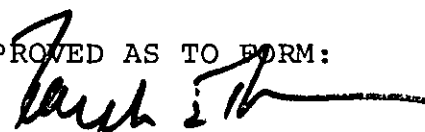
Mayor

ATTEST:



Director of Administration and
Finance (ex-officio City Clerk)

APPROVED AS TO FORM:



City Attorney

Ordinance No. 2195

CITY OF KIRKLAND
BOUNDARY DESCRIPTION

U.L.I.D. NO. 109

June 15, 1972

That portion of the Northwest 1/4 and the Southwest 1/4 of Section 4, Township 25 North, Range 5 East, W.M., and that portion of the Northeast 1/4 and the Southeast 1/4 of Section 5, Township 25 North, Range 5 East, W.M., described as follows:

Beginning at the intersection of the centerline of 112th Ave. N.E. and the centerline of N.E. 88th St.;

Thence South along said centerline of 112th Ave. N.E. to an intersection with the Westerly extension of the South line of Lot 16, Block 228, Supplementary Plat to Kirkland, according to plat thereof as recorded in Volume 8 of Plats, page 5, records of King County, Washington;

Thence Easterly along said South line and along the South line of Lots 16 through 2 inclusive, Block 228 of said plat to the Southeast corner of said Lot 2;

Thence Northerly along the East line of said Lot 2 and the Northerly extension of said East line to an intersection with the centerline of N.E. 88th St.

Thence Easterly along said centerline to an intersection with the centerline of 114th Ave. N.E.

Thence Northerly along said centerline of 114th Ave. N.E. to an intersection with the Westerly extension of the North line of Lot 23, Block 166, Burke & Farrar's Add., Div. No. 33, according to the plat thereof as recorded in Volume 26 of plats, page 2, records of King County, Washington;

Thence Easterly along said North line and along the North line of Lots 23 through 17, inclusive, of said plat to the Northeast corner of said Lot 17 which is also the Northwest corner of Lot 24, Block 230 of Supplementary Plat to Kirkland;

Thence continuing Easterly along the North line of said Lot 24 and along the North line of Lots 25 through 28, inclusive, of said Plat to the Northwest corner of Lot 29, Block 230 of said Plat;

Thence Southerly along the West line of said Lot 29 to an intersection with the South line of the North 35 feet of Lots 29 through 32, inclusive, Block 230 of said Plat;

Thence Easterly along said South line and along the Easterly extension of said South line to an intersection with the centerline of 116th Ave. N.E.;

Thence Northerly along said centerline to an intersection with the Westerly extension of the South line of Lot 1, Burke & Farrar's Add., Div. No. 13, according to the plat thereof as recorded in Volume 19 of Plats, page 84, records of King County, Washington;

Thence Easterly along said Westerly extension and along said South line to an intersection with the Westerly margin of Primary State Highway No. 1 also known as S.R. 405;

Thence Northerly along said Westerly margin S.R. 405 to an intersection with the centerline of N.E. 92nd St.;

Thence Westerly along said centerline to an intersection with a line 180 feet East of and parallel to the centerline of 116th Ave. N.E.;

Thence Northerly along said parallel line to an intersection with the centerline of N.E. 95th St.;

Thence Northwesterly along said centerline to an intersection with the centerline of 116th Ave. N.E.;

Thence Northerly along said centerline of 116th Ave. N.E. to a point 30 feet Southerly and 30 feet Westerly of the Northwest corner of Lot 3, Block 46, Burke & Farrar's Div. 13, as recorded in Volume 19 of Plats, page 84, records of King County;

Thence Easterly at right angles to the centerline of 116th Ave. to a point 30 feet Southerly of the Northwest corner of Lot 3, Block 46, Burke & Farrar's Div. 13, as recorded in Volume 19, page 84;

Thence continuing North $86^{\circ}46'15''$ East in Lot 3, Block 46, 116.95 feet;

Thence North $4^{\circ}48'49''$ East 88.49 feet into Lot 4, Block 46, said Plat;

Thence North $82^{\circ}50'26''$ West 120.10 feet in Lot 4, Block 46, to the Easterly line of Lot 2, Block 46;

Thence Northerly along said East line to an intersection with a line lying 30 feet South of and parallel to the North line of Lot 2, Block 46 of said Plat;

Thence Westerly along said parallel line to an intersection with the centerline of 116th Ave. N.E.;

Thence Southerly along the centerline of 116th Ave. N.E. to an intersection with the centerline of N.E. 97th St.;

Thence Northwesterly along the centerline of N.E. 97th St. to an intersection with the Southerly extension of the East line of the West 80 feet of Lot 29, Block 26, Burke & Farrar's Add., Div. No. 10, according to plat thereof as recorded in Volume 19 of Plats, Page 85, records of King County, Washington;

Thence Northerly along said Southerly extension and along said East line to an intersection with the North line of said Lot 29, Block 26;

Thence Westerly along the North line of Lot 29, Block 26, and along the Westerly extension of said North line to an intersection with the East line of Lot 26, Block 26 of said plat;

Thence Northerly along said East line to an intersection with a line parallel to and lying 100 feet South of the North line of Lots 25 and 26, Block 26 of said plat;

Thence Westerly along said parallel line to an intersection with the West line of Lot 25, Block 46 of said plat;

Thence Southerly along said West line and along the Southerly extension of said West line to an intersection with the centerline of N.E. 97th St.;

Thence Northwesterly along the centerline of N.E. 97th St. to an angle point in N.E. 97th St;

Thence Southerly from the angle point through the most Northerly point in Lot 34, Block 28 said plat of Burke & Farrar's Div. 10 and continuing Southerly on this line extended to an intersection with a line 66 feet North of and parallel to the South line of Lot 35, Block 28;

Thence Easterly along said line to an intersection with the centerline of Observation Drive;

Thence Southerly along the centerline of said Observation Drive and its extended centerline to an intersection with the North line of Lot 39 of said Plat;

Thence Easterly along said North line to an intersection with the Easterly line of said Lot 39;

Thence Southerly along said Easterly line and along the Southerly extension of said Easterly line to an intersection with the centerline of an alley common to Lots 39 and 48, Block 28 of said Plat;

Thence Westerly along said alley to the Northeast corner of Lot 50, Block 28 of said Plat;

Thence Westerly along the North line of Lot 50, Block 28, and same extended to an intersection with the centerline of 113th Ave. N.E.

Thence Southeasterly along said centerline to an intersection with the centerline of N.E. 95th St.;

Thence Southeasterly from said intersection to the Northeast corner of Lot 59, Block 29, of said plat;

Thence Southerly along the East line of Lots 59 and 60, Block 29 to the Southeast corner of Lot 60;

Thence Westerly along the South line of Lot 60, Block 29, to the Northeast corner of Lot 61, Block 29;

Thence Southeasterly along the Easterly line of Lot 61, Block 29 to an intersection with the North line of the South 90 feet of Lot 61, Block 29;

Thence Westerly along said North line and same extended to the intersection with the centerline of 112th Ave. N.E.;

Thence Southerly along said centerline to an intersection with the North line of the South 50 feet of Lot 1, extended easterly, Block 162, Burke & Farrar's Add., Div. No. 33, according to the plat thereof as recorded in Volume 26 of plats, page 2, records of King County, Washington;

Thence Westerly along said extended line and along said North line of that portion of Lot 1 to an intersection with a line lying 150 feet West of and parallel to the centerline of 112th Ave. N.E.;

Thence Southerly along said parallel line to an intersection with the South line of Lot 2, Block 162 of said plat;

Thence Easterly along said South line of Lot 2, Block 162 to an intersection with the centerline of said 112th Ave. N.E.;

Thence Southerly along the centerline of 112th Ave. to an intersection with the South line of the North 119 feet of Lot 4, Block 162 said plat extended Easterly;

Thence Westerly along the extended South line of the North 119 feet of Lot 4 150 feet;

Thence Southerly and parallel to the centerline of 112th Ave. N.E. to an intersection with the Easterly margin of the Northern Pacific Railway Co.;

Thence Southeasterly along the Easterly margin of the Northern Pacific Railway to an intersection with the centerline of N.E. 88th St.;

Thence Easterly along the centerline of N.E. 88th St. to the centerline of 112th Ave. N.E. and the Point of Beginning.