

ORDINANCE NO. 2234

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON ORDERING AND CARRYING OUT 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 2222 APPLICABLE TO A CERTAIN AREA WITHIN THE CITY BY THE CONSTRUCTION AND INSTALLATION OF SANITARY SEWERS, ALL AS APPLICABLE TO THE UTILITY LOCAL IMPROVEMENT DISTRICT HEREINAFTER DESCRIBED AND CREATING UTILITY LOCAL IMPROVEMENT DISTRICT NO. 112.

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 hereafter be referred to as the waterworks utility of the City, and

WHEREAS, pursuant to Ordinance No. 2222 passed by the City Council and approved by the Mayor on May 7, 1973, 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, 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 agreements to be levied in one or more utility local improvement districts authorized to be created to obtain the funds with which to pay the costs of such system or plan, and

WHEREAS, a petition has been filed with the City Council signed by the owners of property aggregating more than 51% of the lineal footage upon the improvement and of the area within the property Utility Local Improvement District, as shown by the records in the office of the Director of Records and Elections of King County, Washington, setting forth the nature and territorial extent of the proposed improvement and the mode of payment, and petitioning that a portion of such system or plan for making

additions and betterments and extensions of the waterworks of the City be undertaken and that a utility local improvement district be formed within the area therein described to secure water and sewer revenue bonds to be issued to finance the cost of carrying out such portion of the system or plan for making additions to and betterments and extensions of the waterworks utility of the City, and

WHEREAS, thereafter the City Council by Resolution No. 2198, adopted July 2nd, 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. 112 of the City of Kirkland, Washington to pursuant to the request of said petition 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. 2222 to serve the area within the corporate limits of the City hereinafter described by the construction and installation of sanitary sewers and fixed the 30th day of July, 1973 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. 112, and for hearing all objections thereto and for determining the method of payment of said improvement, and

WHEREAS, the City's Public Works Director and Hart, Sissler, Williams and 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 born 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 value 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 purposes of general taxation, and

WHEREAS, said estimate is accompanied by a diagram of the property improvement applicable to the utility local improvement district showing thereon the lots, tracts, parcels of land and other property which will be specifically benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be born by each lot, tract and parcel of land or other property, and

WHEREAS, due notice of the hearing upon said Resolution No. 2198 was given in the manner provided by law and the hearing on Utility Local Improvement District No. 112 was held by the City Council on July 30, 1972 in a special meeting called for that purpose in accordance with the notice requirements of the Open Meeting Law, 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 to be carried out and that said utility local improvement district to 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. 112 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 of Kirkland, as specified and adopted in Ordinance No. 2222 passed by the City Council and approved by the Mayor on May 7, 1973, to serve the area within the corporate limits of the City hereinafter described

consisting of the construction and installation of eight inch sanitary sewer lines, together with side sewers, manholes and other work and appurtenances as may be necessary for the complete sanitary sewer system within the area to be served and its connection to the existing waterworks utility of the City along the following route:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
N.E. 53rd Street	111th Avenue N.E.	114th Avenue N.E.

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 shall be formed a utility local improvement district to be known and designated as Utility Local Improvement District No. 112 of the City of Kirkland, Washington, the boundaries thereof being more particularly described as follows:

That portion of the Northeast quarter of Section 17, Township 25 North, Range 5 East, W.M. described as follows:

Beginning at the intersection of the Northerly margin of N.E. 53rd St. and the Northerly extension of the Westerly line of Lots 15 and 16, Block 2, WOOD'S ADDITION TO KIRKLAND, as recorded in Volume 6 of Plats, Page 24, records of King County,

Thence Southerly along said Northerly extension and along said Westerly line to its intersection with a line 150 feet South of and parallel to the Southerly margin of N.E. 53rd St.

Thence Easterly and Southerly along said parallel line to its intersection with the East line of said Lot 15 which is also the West margin of 112th Ave. S.E.

Thence Easterly to a point on the West line of the East half of the Northeast quarter of said Section 17, also being the East margin of 112th Avenue S.E., lying 105 feet South of the North line of the Southwest quarter of the Southeast quarter of said Northeast quarter;

Thence East along a line 105 feet South of and parallel to said North line to its intersection with the West line of the East 75 feet of the West 225

Ordinance No 2234

feet of the Southwest quarter of the Southeast quarter of said Northeast quarter;

Thence South along said West line to its intersection with a line 180 feet South of and parallel to the North line of the Southwest quarter of the Southeast quarter of said Northeast quarter;

Thence East along said parallel line to its intersection with the East line of the West 300 feet of the Southwest quarter of the Southeast quarter of said Northeast quarter;

Thence North along said East line to its intersection with a line 100 feet South of and parallel to the Southerly margin of N.E. 53rd St.

Thence Easterly along said parallel line to a line 150 feet West of and parallel to the Easterly margin of the 114th Avenue N.E.

Thence Northerly along said parallel line to the Southerly margin of N.E. 53rd St.

Thence Easterly along said Southerly margin to the Westerly right-of-way margin of S.R. 405.

Thence Northerly along said Westerly right-of-way to its intersection with a line 150 feet North of and parallel to the Northerly margin of N.E. 53rd St.

Thence Westerly and Northerly along said parallel line to its intersection with the westerly line of the East half of the Northeast quarter of Section 17, Township 25 North, Range 5 East, W.M.

Thence Southerly along said Westerly line to the Northerly margin of N.E. 53rd St.

Thence Westerly along said Northerly margin to its intersection with the Northerly extension of the Westerly line of Lots 15 and 16, Block 2 of said Woods' Addition to Kirkland and the point of beginning.

Section 4. The estimated cost and expense of the portion of the system of plan applicable to proposed Utility Local Improvement District No. 112 is hereby declared to be

Ordinance no 2234

\$19,000. Approximately \$18,000 of such estimated cost and expense shall be born by and assessed against the property included within the proposed Utility Local Improvement District No. 112. The properties in said utility local improvement district will be all the properties specifically 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 First Extraordinary Session, 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 and approval ~~and publication~~ ^{11/76} as required by law.

PASSED unanimously by the City Council of the City of Kirkland, Washington at a special open meeting of said Council called for that purpose and the others appearing in the notice of call of special Council meeting issued over the signature of the Mayor on July 16, 1973 in accordance with the provisions and requirements of the Open Meeting Law and approved by the Mayor this 30th day of July, 1973.

William C. Woods
Mayor

ATTEST:

La. P. Aderson
Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:

Ralph E. [Signature]
City Attorney

Ordinance No 2234