

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2345

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BY CITY OF KIRKLAND PM

AN ORDINANCE ordering the improvement of certain properties within the Kirkland Industrial Park Area of the City to provide for additions, betterments and other improvements to the streets, including street lighting facilities, water system, storm drainage and facilities, sanitary sewer system and other landscaping and buffering improvements, all in accordance with Resolution No. 2422 of the City Council of the City of Kirkland, Washington; establishing Local Improvement District No. 115; providing that payment for such improvement be made in part by special assessments against the properties specially benefited thereby in that 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. 2422 adopted March 7, 1977, the City Council of the City of Kirkland declared its intention to order, pursuant to a property owners' petition therefor, the improvement of certain properties within the Kirkland Industrial Park Area of the City to provide for additions, betterments and other improvements to the streets, including street lighting facilities, water system, storm drainage and facilities, sanitary sewer system and other landscaping and buffering improvements, and fixed the 4th day of April, 1977, at 8:00 o'clock p.m. (PST) in the Council Chambers in the City Hall in the City of Kirkland, Washington, as the time and place for hearing all matters relating to such proposed improvement and all objections thereto and for determining the method of payment for such improvement; and

WHEREAS, Arthur E. Knutson, Public Service Director, caused an estimate to be made of the costs and expenses of the proposed improvement and certified that estimate to the City Council, together with all papers and information in his 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 properties 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, such 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 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 Resolution No. 2422 was given in the manner provided by law and that hearing was held by the City Council on April 4, 1977, and the City Council duly considered and overruled all protests and requests for changes; and

WHEREAS, the City Council has determined it to be in the best interests 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,

Ordinance 2345

THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, DO
ORDAIN, as follows:

Section 1. The City Council of the City of Kirkland, Washington, pursuant to a property owners' petition therefor, hereby orders the following improvements to certain parcels of land located within the Kirkland Industrial Park Area of the City:

1. Street improvements including underground electrical facilities for street lighting, landscaping, catch basins, road base and surface improvements to portions of N.E. 112th Street, N.E. 116th Street, and 120th Avenue N.E., and an extension of 120th Avenue N.E. including acquisition of right-of-way where necessary as to said extension, all as specifically described in Exhibit B-1 hereto attached and by this reference incorporated herein.

2. Water system improvements and betterments including installation of new water trunk mains and improvements to existing water mains and distribution systems, all as specifically set forth in Exhibit B-2 attached hereto and by this reference incorporated herein.

3. Improvements and betterments to storm and surface water drainage facilities through open ditches, pipes and retention ponds, all to be constructed and improved as specifically set forth and described in Exhibit B-3 attached hereto and by this reference incorporated herein.

4. Improvements and betterments to an installation of a sanitary sewer trunk and collector system substantially conforming to the system approved by the City under Resolution No. R-2406 of the City and known formally as Alternate 3, all as specifically

set forth and described in Exhibit B-4 attached hereto and by this reference incorporated herein.

All of the above described improvements, the work to be done and the facilities to be constructed and/or improved, including improvements for beautification, landscaping and, in some instances, separation or buffering are specifically described in Exhibits B-1 through B-4, including a statement as to the length of each sub-project by lineal feet and a description including its beginning and termination.

Section 2. All of the foregoing shall be in accordance with the plans and specifications therefor prepared by Arthur E. Knutson, Public Service Director, and may be subject to change made by the City Council so long as any such change does not materially alter the purpose of such improvement.

Section 3. There is hereby created and established a local improvement district to be called "Local Improvement District No. 115 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 4. The total estimated cost and expense of such improvements is declared to be, as near as may be, the sum of \$2,695,800.00, and approximately \$1,347,970.00 thereof shall be borne by and assessed against the properties specially benefited by such improvements included in the local improvement district herein established embracing as near as may be all properties specially benefited by such improvements. The balance of such cost and expense shall be paid from grants anticipated to be received

from the United States of America and the State of Washington. The carrying out of such improvements shall be subject to all of the conditions and provisions contained in said property owners' petition referred to above.

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 property being assessed.

Section 6. 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 of the "Local Improvement Fund, District No. 115," 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 Director of Administration and Finance of notice that the assessment roll for Local Improvement District No. 115 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 the District, payable in ten equal 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 of Kirkland, Washington. 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 and a penalty of 5% which shall also be collected. The exact form, amount, date, interest rate and denominations of such warrants and bonds shall be hereafter fixed by ordinance of the City Council. The warrants and bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 7. All the work necessary to be done in connection with the making of the improvement shall be done by and made by contract upon competitive bids and the City shall have and reserves the right to reject any and all bids. The call for bids for work authorized pursuant to this ordinance shall include a statement that payment for such work will be made in cash warrants drawn upon the "Local Improvement Fund, District No. 115."

Section 8. There is hereby created and established in the office of the Director of Administration and Finance of the City of Kirkland, for Local Improvement District No. 115, a special fund to be known and designated as "Local Improvement Fund, District No. 115," 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, moneys obtained by the City by way of grants toward the cost and expense of the improvement, and collections pertaining to assessments, and against which fund shall be issued cash warrants

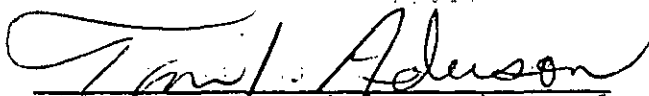
to the contractor or contractors in payment for the work to be done by them in connection with such improvement, and against which fund cash warrants shall be issued in payment of all other items of expense in connection with such improvement.

PASSED by the City Council and APPROVED by the Mayor of the City of Kirkland, Washington, at a regular open public meeting thereof, this 18th day of April, 1977.



Mayor

ATTEST:



Director of Administration and
Finance, ex-officio City Clerk

FORM APPROVED:



City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF LOCAL IMPROVEMENT DISTRICT

Beginning at the SW Corner of Sec. 28, Twp. 26, Range 5 thence North $1^{\circ}01'32''$ East 2628.5 feet to the NW Corner of the SW 1/4 of Sec. 28, Twp. 26, Range 5 thence North $89^{\circ}59'01''$ East 10.97 feet.

Thence South $59^{\circ}27'$ West 120 feet more or less along the centerline of the State Highway No. 1.

Thence Southerly, Southeasterly and Southwesterly along the Westerly ROW line of the State Highway No. 1 to the intersection with the North corner of Tax Lot 9115.

Thence Southerly along the West boundary of said Tax Lot to the North ROW line of the Burlington Northern RR, formerly known as the NPRY Company.

Thence Northeasterly along said ROW to the Westerly ROW to the Westerly ROW of State Highway No. 1.

Thence Southerly, Southeasterly and Southwesterly along the Westerly ROW of State Highway No. 1 to the SE Corner of Tax Lot 1003.

Thence Westerly along the South boundary of said Tax Lot to the Easterly ROW of 120th Ave. NE.

Thence Southerly along said ROW line 228.31 feet to the Westerly ROW of State Highway No. 1.

Thence Southerly, Southeasterly and Southwesterly along said ROW to the intersection with the South ROW line of NE 108th St, said point being 30 feet South and 30 feet East of the NW Corner of the NE 1/4 of the SW 1/4 of Sec. 33, Twp. 26, Range 5.

Thence North $89^{\circ}44'44''$ West along the South ROW line of NE 108th St. 75 feet more or less to the intersection of the South ROW line of NE 108th St. and the West ROW line of the State Highway said point being the NE Corner of Tax Lot 9180 in the NE 1/4 of the NW 1/4 of the SW 1/4 of Sec. 33-26-5.

Thence Southwesterly along the Westerly ROW line of the State Highway to the intersection of the North line of the South 330 feet of the North 1/2 of the NW 1/4 of the SW 1/4 of Sec. 33-26-5 and the Westerly ROW line of the State Highway said point being the SE Corner of Tax Lot 9180 in the NE 1/4 of the NW 1/4 of the SW 1/4 of Sec. 33-26-5.

Thence Westerly 1245 feet more or less along the North line of the South 330 feet of the North 1/2 of the NW 1/4 of the SW 1/4 to the West Section line of Sec. 33-26-5 said line being the centerline of 116th Ave. NE.

Thence Northerly along the Westerly line of said Section 320.66 feet to the NW Corner of the NW 1/4 of the SW 1/4 of Sec. 33-26-5.

Thence Westerly 30 feet more or less to the Westerly ROW of 116th Ave. NE which is the NE Corner of Tax Lot 0720.

Thence Southwesterly and Westerly along the North boundary of said parcel 635.58 feet to the NW Corner of said parcel.

Thence Southerly and Southeasterly along the West boundary of said parcel to the Northerly ROW of the Burlington Northern RR.

Thence Southwesterly along the North ROW line of said Burlington Northern RR to the NE Corner of Tax Lot 0130.

Thence North $47^{\circ}55'$ West 129 feet more or less.

Thence South $78^{\circ}57'47''$ West 131.81 feet.

Thence South $61^{\circ}10'45''$ West 249.96 feet.

Thence South $82^{\circ}06'24''$ West 81.73 feet.

Thence South $35^{\circ}42'45''$ West 152.47 feet.

Thence South $3^{\circ}24'43''$ West 126.02 feet.

Thence South $16^{\circ}43'56''$ West 87.53 feet.

Thence North $90^{\circ}0'0''$ East 103 feet more or less to the North ROW line of the Burlington Northern RR.

Thence Southwesterly along said Burlington Northern RR

ROW to the SE corner of Tax Lot 0125.

Thence North $89^{\circ}45'24''$ West 243.83 feet.

Thence North $0^{\circ}04'10''$ West 630.09 feet to the centerline of NE 106th St. said line being the West line of Tax Lot 0125.

Thence Northeasterly along the centerline of NE 106th St. to the intersection with the North ROW line of NE 103th St.

Thence North $0^{\circ}01'27''$ East 576.22 feet said line being the West line of Lot 5 of said Burke-Farrars Kirkland Addition Division 9.

Thence South $88^{\circ}44'15''$ East 180.06 feet to the centerline of 112th Ave. NE.

Thence continuing Easterly 660.21 feet along the South line of Lot 18 of the Kirkland-Juanita Acre Tracts to the SE Corner of said Lot 18 said point being the SE Corner of the NW 1/4 of the SE 1/4 of the NE 1/4 of Sec. 32-26-5.

Thence North along the East line of said Lot 18 331.05 feet said point lying 331.05 feet Southerly of the NW Corner of the NE 1/4 of the SE 1/4 of the NE 1/4 of Sec. 32-26-5 and further described as the NE Corner of said Lot 18.

Thence East along the North line of Lot 40 of the Kirkland-Juanita Acre Tracts to the intersection with a line described as an arc having a radius of 660 feet from a point at the center of the intersection of the centerlines of NE 112th St. and 116th Ave. NE, said point of intersection being the NE Corner of the SE 1/4 of the NE 1/4 of Sec. 32-26-5.

Thence Southeasterly along said arc to its intersection with the North-South Section line between Sections 32 and 33, Twp. 26, Range 5 said point bearing 650 feet South $1^{\circ}07'29''$ West of the NE Corner of SE 1/4 of the NE 1/4 of Sec. 32-26-5.

Thence North $1^{\circ}07'29''$ East along the Section line and centerline of 116th Ave. NE to a point bearing 458.13 feet South $1^{\circ}07'29''$ West of the NE Corner of the SE 1/4 of the NE 1/4 of Sec. 32-26-5.

Thence East 230 feet parallel with the centerline of NE 111th St.

Thence North 126 feet parallel with the centerline of 116th Ave. NE to the centerline of NE 111th St.

Thence East 217.36 feet along the North line of Lot 43 of the Kirkland-Juanita Acre Tracts.

Thence North $1^{\circ}07'29''$ East 300.5 feet more or less to the South ROW line of NE 112th St.

Thence North $89^{\circ}50'14''$ East along the South ROW line of NE 112th St. to a point 30 feet South of the NE Corner of the NW 1/4 of the SW 1/4 of the NW 1/4 of Sec. 33-26-5.

Thence North 688.94 feet along the East 1/2 of the SW 1/4 of the NW 1/4 of the NW 1/4.

Thence West 562.62 feet along the North line of the SW 1/4 of the NW 1/4 of the NW 1/4 of Sec. 33-26-5.

Thence North $1^{\circ}07'29''$ East 632.24 feet to the centerline of NE 116th St.

Thence North $88^{\circ}36'28''$ West 100 feet to the Point of Beginning and excluding the following described parcels which are within said boundary:

Tax Lot 9070 which is described as the North 201.4 feet of South 809.13 feet of East 679 feet of SW 1/4 of SW 1/4 less East 279 feet and

Tax Lot 9084 which is described as the North 209.46 feet of South 608.83 feet of East 604 feet of SW 1/4 of SW 1/4 less West 170 feet of the East 450 feet less Burlington Northern RR ROW less to Rd. and

Tax Lot 9108 which is described as the West 170 feet of East 450 feet of North 209.46 feet of South 608.83 feet of SW 1/4 of SW 1/4.

KIRKLAND INDUSTRIAL PARK AREA - LID PETITION

EXHIBIT B-1 STREET IMPROVEMENTS

Street improvements within the proposed LID include: street widening and repaving, stormwater drainage, street lighting, traffic signals, directory signing, landscaping, restoration and all miscellaneous appurtenances necessary to complete the project. These improvements are illustrated on the following page and are described as follows:

1. Construction of an extension of 120th Ave. NE to extend from NE 116th St. to NE 124th St. The improvement includes right-of-way acquisition, a two-lane roadway, integral stormwater drainage and retention, crossing signals at the Burlington Northern RR track and at the intersection of NE 124th St. and 120th Ave. NE, landscaping, and directory signs.

2. Improvements to NE 116th St. from 120th Ave. NE to the LID boundary. The improvements include widening the existing roadway to four lanes, four-lane concrete bridge over the

Burlington Northern RR track, traffic signals and street lighting at intersection of NE 116th St. and 120th Ave. NE, integral stormwater drainage, landscaping, and directory signs.

3. Improvements to 120th Ave. NE from NE 112th St. to NE 116th St. The improvements include widening and repaving of the existing roadway to provide two traffic lanes and shoulder. Also included are integral stormwater drainage, landscaping, and directory signing.

4. Improvements to NE 112th St. from 120th Ave. NE east to the LID boundary. The improvements include widening and repaving of the existing roadway to provide two traffic lanes and shoulder. Also included are stormwater drainage, crossing signals at Burlington Northern RR track, landscaping, and directory signing.

KIRKLAND INDUSTRIAL PARK AREA - LID PETITION

EXHIBIT B-2 WATER SYSTEM IMPROVEMENTS

Improvements to the water system within the proposed LID include: 12- and 16-inch water mains, valves, hydrants, restoration, and all other miscellaneous appurtenances required to provide a complete and workable water system. These improvements are illustrated on the following page and are described as follows:

1. On NE 116th St. from 120th Ave. NE to 108th Ave. NE, a distance of 4000 feet. Sixteen-inch water main.
2. On 108th Ave. NE from NE 116th St. to NE 106th St., a distance of 3250 feet. Sixteen-inch water main.
3. On 120th Ave. NE from NE 116th St. to NE 124th St. along the proposed new road alignment, a distance of 3200 feet. Sixteen-inch water main.
4. On 120th Ave. NE from NE 116th St. to the SE corner of Parcel 18, a distance of 1980 feet. Sixteen-inch water main.
5. On NE 106th Place from 108th Ave. NE to NE 108th St., a distance of 1450 feet. Sixteen-inch water main.
6. On NE 108th St. from NE 106th Place to 116th Ave. NE, a distance of 1550 feet. Sixteen-inch water main.
7. Overland through Parcel 7 and along the southern boundary of Parcel 18 from 116th Ave. NE to 120th Ave. NE, a distance of 1610 feet. Sixteen-inch water main.
8. On 120th Ave. NE from the SE corner of Parcel 18 heading south 180 feet thence west between Parcels 14 and 15 thence SW between Parcels 12 and 13, a distance of 970 feet. Twelve-inch water main.
9. On NE 112th St. from the LID boundary to a point 300 feet east. Twelve-inch water main.
10. On the boundary between Parcels 31 and 45 from 120th Ave. NE to the SW corner of Parcel 45, a distance of 825 feet. Twelve-inch water main.
11. On the boundary between Parcels 19 and 23 and between Parcels 20 and 22 from NE 112th St. to the 16-inch water main, a distance of 650 feet. Twelve-inch water main.
12. On 118th Ave. NE from the 16-inch water main to the NW corner of Parcel 9, a distance of 400 feet. Twelve-inch water main.
13. On 116th Ave. NE from the 16-inch water main to the LID boundary, a distance of 250 feet. Twelve-inch water main.

KIRKLAND INDUSTRIAL PARK AREA - LID PETITION

EXHIBIT B-3 STORM AND SURFACE WATER DRAINAGE SYSTEM IMPROVEMENTS

Improvements and modifications to the storm and surface water drainage system include: modification and rehabilitation of Forbes Creek stream bed and surrounding drainage ditches, removal and/or rehabilitation of existing culverts, construction of peak flow detention facilities and timed release structures, acquisition of streamway easements on land, and all miscellaneous appurtenances and restoration necessary to provide a workable system of storm drainage with peak flow detention. These improvements are illustrated on the following page and are described as follows:

1. Rehabilitation of drainage ditches along the Burlington Northern RR track from NE 112th St. to its terminus at Forbes Creek.

2. Rehabilitation or removal of culverts in the Forbes Creek stream bed within the LID boundary.

3. Detention facilities on Forbes Creek just west of its crossing of the Burlington Northern RR track.

4. Acquisition of land and construction of detention facilities in the vicinity of Parcel 4.

5. Rechanneling of the stream bed from the north side of the road to the south side of the road in the vicinity of Parcel 1.

KIRKLAND INDUSTRIAL PARK AREA - LID PETITION

EXHIBIT B-4 IMPROVEMENTS TO SANITARY SEWER SYSTEM

Improvements to the sanitary sewer system within the proposed LID include: gravity sewer mains, pressure sewer mains, one sewage pumping station, together with all manholes, restoration and miscellaneous appurtenances required to provide a complete and workable system of sanitary sewers. These improvements are illustrated on the following page and are described as follows:

1. On NE 108th St. from the end of the existing sanitary sewer to 116th Ave. NE, a distance of 2200 feet. Ten-inch sewer main.
2. Through Parcel 7 and along the southern boundary of Parcel 18 from 116th Ave. NE to 120th Ave. NE, a distance of 1680 feet. Ten-inch sewer main.
3. On 116th Ave. NE from 10-inch sewer main to a point 320 feet north. Eight-inch sewer main.
4. On 118th Ave. NE from 10-inch sewer main to the NW corner of Parcel 9, a distance of 375 feet. Eight-inch sewer main.
5. On 120th Ave. NE from NE 112th St. to a point 1150 feet north. Eight-inch sewer main.
6. On 120th Ave. NE from NE 112th St. to the SE corner of Parcel 18, a distance of 650 feet. Ten-inch sewer main.
7. On 120th Ave. NE from the SE corner of Parcel 18 to the corner of Parcel 14, a distance of 500 feet. Eight-inch sewer main.
8. On NE 112th Street from 120th Ave. NE to a point 735 feet west. Eight-inch sewer main.
9. Through Parcel 61 from NE 112th St. to NE 116th St., a distance of 1320 feet. Eight-inch sewer main.
10. On NE 116th Street from end of preceding line through Parcel 61 to a point 880 feet west and from the end of line through Parcel 61 to a point 100 feet east. Eight-inch sewer main.
11. On the west boundary of Parcels 30 and 76 from NE 116th St. to the NW corner of Parcel 76, a distance of 1330 feet. Four-inch polyethylene force main.
12. On the southern boundary of Parcels 75 and 31 from the SW corner of Parcel 76 to the SE corner of Parcel 31, a distance of 1350 feet. Eight-inch sewer main.
13. On the west boundary of Parcel 76 from the SW corner to the NW corner of Parcel 76, a distance of 600 feet. Eight-inch sewer main.
14. On the northern boundary of Parcel 76 from the NW corner of Parcel 76 to the SE corner of Parcel 33, a distance of 350 feet. Eight-inch sewer main.
15. On the eastern boundary of Parcel 33 from the SE corner to the NE corner of Parcel 33, a distance of 660 feet. Eight-inch sewer main.
16. One sewage pumping station to be located at NW corner of Parcel 76.