

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2359

AN ORDINANCE ordering the improvement of certain properties within the City by improving 114th Avenue Northeast extending from Northeast 65th Street to a point approximately 1,000 feet South by constructing and installing paved roadway, storm water drainage, sanitary sewer facilities and connecting the same to an existing sewer line on 113th Avenue Northeast and water system improvements, all in accordance with Resolution No. R-2447 of the City Council of the City of Kirkland, Washington; establishing Local Improvement District No. 116; providing that payment for such improvement be made by special assessments against the properties specially benefited thereby in that District, payable by the mode of "payment of 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. R-2447 adopted September 6, 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 City by improving 114th Avenue Northeast extending from Northeast 65th Street to a point approximately 1,000 feet South by constructing and installing paved roadway, storm water drainage, sanitary sewer facilities and connecting the same to an existing sewer line on 113th Avenue Northeast and water system improvements, and fixed the 3rd day of October, 1977, at 8:00 o'clock p.m. (PDT) 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, Williams and Roth, consulting engineers to the City, and/or 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 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 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. R-2447 was given in the manner provided by law and that hearing was held by the City Council on October 3, 1977, and no one appeared to protest or object to the proposed improvement; 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,

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 improvement of certain parcels of land located within the City as hereinafter described by improving 114th Avenue Northeast extending from Northeast 65th Street to a point approximately 1,000 feet South by constructing and installing paved roadway, storm water drainage, sanitary sewer facilities and connecting the same to an existing sewer line on 113th Avenue Northeast and water system improvements.

Section 2. All of the foregoing shall be in accordance with the plans and specifications therefor prepared by Williams and Roth, consulting engineers to the City, and/or 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. 116 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 improvement is declared to be, as near as may be, the sum of \$70,166.00, and the entire cost and expense thereof shall be borne by and assessed against the properties specially benefited by such improvement included in the local improvement district herein established embracing as near as may be all properties specially benefited by such improvement. The carrying out of such improvement 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. 116," 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. 116 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. 116."

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. 116, a special fund to be known and designated as "Local Improvement Fund, District No. 116," 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

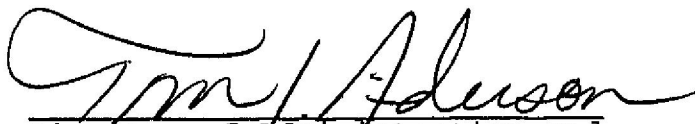
or contractors in payment for the work to be done by them in connection with such improvement, and against which fund cash warrants shall be issued in payment of all other items of expense in connection with such improvement.

PASSED by the City Council and APPROVED by the Mayor or the City of Kirkland, Washington, at a regular open public meeting thereof, this 17th day of October, 1977.



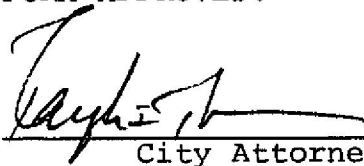
Mayor

ATTEST:



Director of Administration and
Finance, ex-officio City Clerk

FORM APPROVED:



City Attorney

City of Kirkland

L.I.D. 116 (114th Ave. N.E.)

Legal Description

The following described property all located in Section 8, Township 25, Range 5 East, W.M. more specifically described as being in the Southeast quarter of the Southeast quarter beginning at a true point of beginning on the centerline of the Southeast one-quarter 630 feet more or less from the Northwest corner of the Southeast one quarter of the Southeast one quarter of said section which would be the Westerly boundary of 114th Avenue N.E. extended; Thence South along the Westerly boundary of said 114th Avenue N.E. a distance of 690 feet more or less to the Southeast corner of Lot 1, Bundy and Dillinger 1st Addition; Thence North $89^{\circ}02'23''$ West a distance of 95 feet; Thence North $0^{\circ}45'19''$ East a distance of 189.57 feet to the Northerly boundary of Patrick Place; Thence East along the Northerly boundary of Patrick Place to the Northeast corner of said Patrick Place; Thence Southerly along the Easterly boundary of Patrick Place a distance of 195 feet more or less to the Southerly boundary of Tax Lot 141; Thence Easterly along the Southerly tax lot of 141 a distance of 120 feet more or less to the Western boundary of Interstate 405; Thence Northerly following the Westerly boundary of Interstate 405 to the North line of the Southeast one quarter of the Southeast one quarter of said Section 8; Thence West along the North line of the Southeast one quarter of the Southeast one quarter of said Section 8 a distance of 185 feet more or less to the True Point of Beginning.

EXHIBIT "A"

(Ord. 2359)

R-2447