

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2418

AN ORDINANCE ordering the improvement of certain properties within the City by improving Commercial Avenue from its intersection with Lake Street to its intersection with Main Street, including adjacent alleys by constructing and installing storm drainage facilities, regrading, ballasting and resurfacing said street, replacing and constructing curbs, sidewalks and gutters, and installing new street lighting, landscaping, benches, signing and other street furniture, together with all necessary work in connection therewith, all in accordance with Resolution No. R-2559 of the City Council of the City of Kirkland, Washington; establishing Local Improvement District No. 117; 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 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. R-2559 adopted October 16, 1978, the City Council of the City of Kirkland, Washington (the "City"), declared its intention to order, pursuant to a property owners' petition therefor, the improvement of certain properties within the City by improving Commercial Avenue from its intersection with Lake Street to its intersection with Main Street, including adjacent alleys by constructing and installing storm drainage facilities, regrading, ballasting and resurfacing said street, replacing and constructing curbs, sidewalks and gutters, and installing new street lighting, landscaping, benches, signing and other street furniture, together with all necessary work in connection therewith, and fixed

the 20th day of November, 1978, at 8:00 o'clock p.m. (PST) in the Council Chambers in the City Hall 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, Calvin Jordan and Associates, 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-2559 was given in the manner provided by law and that hearing was held by the City Council on November 20, 1978, and all persons appearing at such hearing were heard and all written protests received were duly considered and overruled; 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, pursuant to a property owners' petition therefor, hereby orders the improvement of certain properties within the City by improving Commercial Avenue from its intersection with Lake Street to its intersection with Main Street, including adjacent alleys by constructing and installing storm drainage facilities, regrading, ballasting and resurfacing said street, replacing and constructing curbs, sidewalks and gutters, and installing new street lighting, landscaping, benches, signing and other street furniture, together with all necessary work in connection therewith.

Section 2. All of the foregoing shall be in accordance with the plans and specifications therefor prepared by Calvin Jordan and Associates, 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. 117 of the City of Kirkland, Washington," the boundaries being described as follows:

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

Beginning at the Northwest corner of the Southerly 20 feet of Lot 3, Block 104, Burke and Farrar's Kirkland Addition Division No. 26 (unrec.); thence Northeasterly 103.43 feet along the Northerly line of said Southerly 21.27 feet; thence Northeasterly 41 feet on a Westerly extension of the North line of Lot 32 of said Block 104; thence continuing Northeasterly 352 feet along the North line and its Easterly extension thereof, Lots 26 thru 31, inclusive, to the centerline of 2nd Street; thence South 267 feet along said street centerline to Easterly extension of the Southerly line of Lots 39 thru 46, inclusive, of Block 105 of said plat; thence West 240 feet along the Southerly line of said Lots 39 thru 46, inclusive, and the Westerly extension of said Southerly line; to the intersection of said line with the Northerly extension of the West line of Lot "A" of said Block 105; thence South 116 feet to the Northerly margin of Kirkland Avenue; thence West 139.77 feet along said Northerly margin to the Southwest corner of Lot 33, Block 105 of said plat; thence North 231.31 feet along the Easterly margin of Lake Street to the True Point of Beginning.

Section 4. The total estimated cost and expense of such improvement is declared to be, as near as may be, the sum of \$140,000, 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.

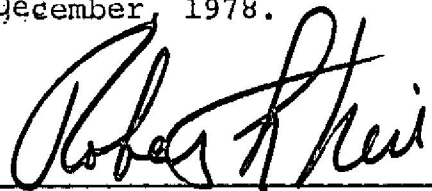
Section 6. Local improvement district warrants shall be issued in payment of the cost and expense of the improvement herein ordered, such warrants to be payable out of the "Local Improvement Fund, District No. 117," hereinafter created, to bear interest from the date thereof at a rate to be hereafter 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 ten 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. 117 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. 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.

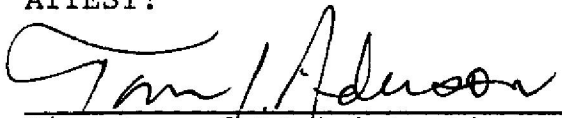
Section 7. All the work necessary to be done in connection with the making of the improvement shall be done by and made by contract upon competitive bids and the City shall have and reserves the right to reject any and all bids. The call for bids for work authorized pursuant to this ordinance shall include a statement that payment for such work will be made in cash warrants drawn upon the "Local Improvement Fund, District No. 117."

Section 8. There is hereby created and established in the office of the Director of Administration and Finance of the City for Local Improvement District No. 117 a special fund to be known and designated as "Local Improvement Fund, District No. 117," 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.

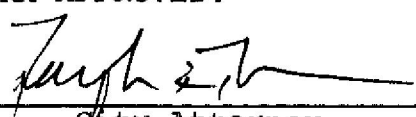
PASSED by the City Council and APPROVED by the Mayor of the City of Kirkland, Washington, at a regular open public meeting thereof, this 4th day of December, 1978.

  
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Mayor

ATTEST:

  
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Director of Administration and Finance, ex-officio City Clerk

FORM APPROVED:

  
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City Attorney