

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2543

AN ORDINANCE of the City of Kirkland, Washington, modifying, approving and confirming the assessments and assessment roll of Local Improvement District No. 115 for 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; levying and assessing the amounts therefor against the several lots, tracts, parcels of land and other property as shown on the assessment roll as confirmed by the City Council; and providing for the payment of such assessments into the Local Improvement Fund, District No. 115, of the City of Kirkland, Washington, as created by Ordinance No. 2345.

WHEREAS, the assessment roll levying the special assessments against the property located in Local Improvement District No. 115, generally described as the Kirkland Industrial Park Area, has been filed with the Director of Administration and Finance of the City and ex officio City Clerk of the City, by the Director of Public Works as provided by law; and

WHEREAS, due notice of the time and place of hearing thereon and making objections and protests to such roll was duly published at and for the time and in the manner provided by law, fixing the time and place of hearing thereon for June 16, 1980, at the hour of 8:00 p.m. (PDT) in the City Council Chambers of the City Hall, 210 Main Street, Kirkland, Washington, and due notice thereof was timely published and mailed to each property owner shown on such roll

as provided by law and as further specified in RCW 35.44.090, and such hearing having been duly held and thereafter continued until 8:00 p.m. (PDT) on July 21, 1980, pursuant to temporary injunction obtained by certain property owners in the Superior Court of the State of Washington for King County, Cause No. 80-2-09243-0, at which time pursuant to notice duly given, such hearing was reconvened and thereafter recessed from session to session held generally from 7:00 p.m. to 12:00 o'clock midnight on July 22, July 24, July 28 and July 29, 1980; and

WHEREAS, at the time and place fixed and designated in such notice, the initial hearing session on such assessment roll resulted in the following protests and/or objections, as received by the Director of Administration and Finance of the City and ex officio City Clerk of the City, prior to, at and during such public hearing session on June 16, 1980, to-wit:

<u>Name of Protesting Property Owners</u>	<u>Assessment Parcel No.</u>
J. H. Colman	56
Donald W. Rothwell	21
Juanita Camper: Trailer Supply	35, 43 and 48
James G. Vaux	59
Pacific West Investors	53 and 55
Dunn Lumber Company	31B
Northwest Construction	31, 31A, 47, 76 and 76A
Pacific Developers	30 and 41
John E. Beheytt	42
Timberland Industries, Inc.	50

Wallace H. Litchfield

5 and 6

N.A.N., Inc.

1, 2, 3, 25,
26, 27 and 29

Parry B. Wells

24 and 71

and in addition certain other objections were received by the City after June 16, 1980, and thus were not timely filed by the following property owners:

Robert R. Welcome and Bud Welcome as to Assessment Parcels Nos. 32 and 33;

Robert B. Wahlman and Ewing Stringfellow as to Assessment Parcel No. 38; and

James Nelson as to Assessment Parcel No. 39;

and

WHEREAS, during such sessions of the hearing the City administration and each objecting property owner presented material, evidence, testimony and briefs, and the City Council, having duly considered such assessment roll together with the written protests and objections filed in connection therewith as aforesaid, and having duly considered such protests and objections and all material, evidence, testimony and briefs presented, and having made certain findings and conclusions as to each of such objections, and the City Council sitting and acting as a Board of Equalization for the purpose of considering the roll, benefits to be received by each lot, tract and parcel of land shown upon such roll, including the increase and enhancement of the fair market value of each such parcel of land by reason of such improvement, and having determined to modify the assessments against two parcels and to overrule all other written protests and objections; NOW, THEREFORE,

Section 4. The assessment roll as approved and confirmed shall be filed with the Director of Administration and Finance for collection and the Director of Administration and Finance is hereby authorized and directed to publish notice as required by law stating that such roll is in his hands for collection and that payment of any assessment thereon or any portion of such assessment can be made at any time within thirty days from date of first publication of such notice, without penalty, interest or cost, and that thereafter the sum remaining unpaid may be paid in ten equal annual installments with interest thereon hereby fixed at the rate of 12% per annum, provided, however, that if the net effective interest rate fixed on the local improvement bonds hereafter issued for Local Improvement District No. 115 is other than 11-1/2% per annum, the interest rate on the unpaid assessments shall be revised to a rate of 1/2 of 1% in excess of the net effective interest rate on such bonds. The first installment of assessment on such assessment roll shall become due and payable during the thirty-day period succeeding the date one year after the date of first publication by the Director of Administration and Finance of notice that the assessment roll is in his hands for collection and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of the assessment remains unpaid after the first thirty-day period, interest upon the whole unpaid sum shall be charged at the rate hereinabove set forth and each year thereafter one of such installments, together with interest due on the whole of the unpaid balance, shall be collected. Any installment not paid prior to expiration of the thirty-day period during which the installment

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

Section 1. The following modifications are hereby made on
the assessments and assessment roll of Local Improvement District
No. 115:

<u>Property Owners</u>	<u>Parcel No.</u>	<u>Original Assessment</u>	<u>Final Modified Assessment</u>
J. H. Colman	56	\$31,772	\$30,787
Donald W. Rothwell	21	\$14,073	\$13,800

Section 2. The assessments and assessment roll of Local Improve-
ment District No. 115 which has been created and established for the
purpose of paying the cost of constructing and installing certain
improvements within the Kirkland Industrial Park Area, as more particularly
described in Ordinance No. 2345 and all in accordance with such ordinance,
be and the same are hereby in all things approved and confirmed after
the modifications referred to in Section 1 hereof have been made, so
that the total amount of the assessments and assessment roll of such
Local Improvement District is in the sum of \$2,330,774.

Section 3. Each of the lots, tracts, parcels of land and
other property shown upon such assessment roll is hereby determined
and declared to be specially benefited by such improvement in at least
the amount charged against the same, and the assessments appearing
against the same are in proportion to the several assessments appearing
upon such roll. There is hereby levied and assessed against each lot,
tract or parcel of land, or other property appearing upon such roll,
the amount finally charged against the same thereon.

is due and payable shall thereupon become delinquent. All delinquent installments shall be subject to a charge of interest at the rate hereinabove set forth and for an additional charge of 5% penalty levied upon both principal and interest due upon such installment or installments. The collection of such delinquent installments shall be enforced in the manner provided by law.

Section 5. All of such assessments or installments thereof and interest and penalty, if any thereon, when collected by the Director of Administration and Finance shall be paid into the Local Improvement Fund, District No. 115, of the City of Kirkland as created by Ordinance No. 2345 and shall be used solely for the purpose of paying the principal and interest on the warrants and bonds drawn upon or issued against such fund.


Section 6. This ordinance shall be effective upon its passage, approval and five days after its publication, unless otherwise provided for hereinabove.

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 August, 1980.




Mayor

ATTEST:



Director of Administration and
Finance, ex officio City Clerk

FORM APPROVED:



City Attorney

Ord. 2543