

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2638

AN ORDINANCE ordering the improvement of certain properties within the City by the installation of a sanitary sewer system all in accordance with Resolution No. 2864 of the City Council; establishing Local Improvement District No. 120; providing that payment for the improvement be made by special assessments upon the property in the 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. 2864 adopted September 8, 1981, the City Council declared its intention, pursuant to a property owners' petition therefor, to order the improvement of certain properties within the City, all in accordance with the plans and specifications prepared by Larry Larse, Director of the Department of Public Services, and fixed October 19, 1981, at 8:00 p.m., local time, in the Council Chambers of the City Hall as the time and place for hearing all matters relating to the proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, Larry Larse, Director of the Department of Public Services, caused an estimate to be made of the cost and expense 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 improvements should be borne by the property within

the proposed improvement 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, that 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 cost and expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the City Council on the date and at the time above mentioned, and all written protests filed with the City Council on or before that date were duly considered, and all persons appearing at such hearing were heard, and the City Council determined to delete certain property included in the local improvement district and to reduce the scope of the proposed improvements; and

WHEREAS, the City Council has determined it to be in the best interests of the City that the improvement as modified and hereinafter described be carried out and that a local improvement district consisting of the property hereinafter described 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 (the "City"), hereby orders that the improvements more particularly described in Exhibit A attached hereto and incorporated herein by this reference be constructed.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the Director of the Department of Public Services, and may be modified by the City Council as long as such modification does not affect the purpose of the improvement.

Section 2. There is hereby created and established a local improvement district to be called Local Improvement District No. 120 of the City of Kirkland, Washington, which District is more particularly described in Exhibit "B" attached hereto and by this reference incorporated herein.

Section 3. The total estimated cost and expense of the improvement is hereby declared to be \$424,000, of which cost and expense approximately \$38,000 shall be paid by the City and approximately \$386,000 shall be borne by and assessed against the property specially benefited by such improvement included in the local improvement district herein established embracing as near as may be all property specially benefited by such improvement.

Section 4. No property, any portion of which is outside the local improvement district, may connect to those improvements constructed or made a part of such district unless either that property shall have been subject to the special assessments on the assessment roll for that district or the owners of that property

shall have paid prior to such connection a charge in lieu of assessment which shall be at least the equivalent of those assessments which would have been applied to that property had it been included within that district.

Section 5. In accordance with the provisions of RCW 35.44.047, 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. Local improvement district warrants shall be issued in payment of the cost and expense of the improvements herein ordered to be assessed, such warrants to be payable out of the "Local Improvement Fund, District No. 120," hereinafter created and referred to as the "Local Improvement Fund," and, until the bonds referred to in this section are issued and delivered to the purchaser thereof, to bear interest from the date thereof at a rate to be hereafter established by the City Director of Administration and Finance as issuing officer and to be redeemed in cash and/or by local improvement district bonds herein authorized to be issued, such interest-bearing warrants to be hereafter referred to as "revenue warrants." The City is authorized to issue local improvement district bonds for the District which shall bear interest at a rate to be hereafter fixed by ordinance, shall be payable on or before a date to be determined later by the City Council, the life of the improvement ordered being not less than the term of the bonds, 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 of not to exceed sixty days after the first publication by the City Director of Administration and Finance of notice that the assessment roll for Local Improvement District No. 120 is in his hands for collection. The bonds shall be redeemed by the collection of special assessments to be levied and assessed against the property within the District, payable in 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 and a penalty at a rate to be hereafter fixed by ordinance. The exact form, amount, date, interest rate and denominations of such bonds shall be hereafter fixed by ordinance of the City Council. Such 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 such 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. 120."

Section 8. There is hereby created and established in the office of the City Director of Administration and Finance of the

City for Local Improvement District No. 120 a special fund to be known and designated as "Local Improvement Fund, District No. 120," into which fund shall be deposited the proceeds from the sale of revenue warrants drawn against the 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 the improvement, and against which fund cash warrants shall be issued in payment for all other items of expense in connection with the improvement.

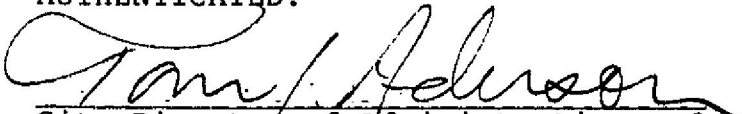
Section 9. This ordinance shall take effect from and after its passage and five (5) days following its posting or publication as required by law.

PASSED by the City Council of the City of Kirkland, Washington, at a regular open public meeting thereof, this 7th day of December, 1981, and signed in authentication of its passage this 7th day of December, 1981.



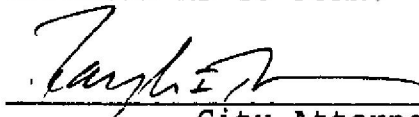
Mayor

AUTHENTICATED:



City Director of Administration and
Finance and ex officio City Clerk

APPROVED AS TO FORM:



City Attorney

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 9th day of December, 1981 in accordance with the provisions of RCW 35A.22.260 and City of Kirkland Ordinance No. 2600.

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Clerk

EXHIBIT A

The construction and installation of an 8" sanitary sewer system consisting of a trunk line on 120th Avenue NE running from a point 100 feet south of NE 83rd Place to NE 90th Street and a trunk line on NE 90th Street from a point midway between 120th NE and 122nd NE and running west along NE 90th, to I-405; sewer laterals from 118th NE easterly to 120th NE at NE 83rd Place, from 120th NE easterly to the easterly terminus at NE 83rd Place, and easterly from the center of Block 36, Burke & Farrar's Addition, Division No. 14, to 120th NE midway between NE 85th and NE 90th Street.

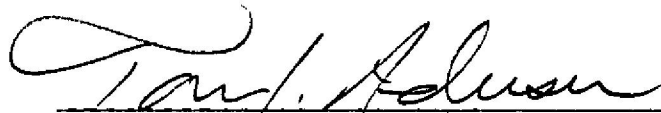
EXHIBIT B

Beginning at the Northeast corner of Block 37, Burke & Farrar's Kirkland Addition to the City of Seattle, Division 14, according to Volume 19 of Plats, page 68, in King County, Washington (hereinafter referred to as DIVISION 14) and the TRUE POINT OF BEGINNING; thence southerly along the easterly boundry of said Block 37, 496 feet more or less, to the southeast corner of Lot 15 of said Block 37; thence westerly along the southern boundry of Lots 15 and 4 of Block 37, 498.75 feet more or less, to the western boundry of said Block 37; thence southerly along the western boundry of Block 37, 434 feet more or less, to a point 62 feet southerly of the northwest corner of Lot 8 of said Block 37; thence 155 feet more or less easterly along a line parallel to and 62 feet south of the north line of said Lot 8 to a point on said parallel line lying 94.87 feet west of the east property line of said Lot 8 thence southerly 186 feet more or less to a point on the southern boundary of Lot 9, Block 37, Division 14, lying 94.87 feet westerly of the southeast corner of said lot; thence easterly along the southern boundry of said lot 94.87 feet to the southeast corner thereof; thence southerly along a line produced southerly 60 feet across NE 85th Street to the northwest corner of Lot 15, Block 10, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 6, according to Volume 19 of Plats, Page 68, in King County, Washington (hereinafter referred to as DIVISION 6); thence southerly along the western boundry of lots 15, 14, 13, 12, 11, and 10, 750 feet more or less, to the southwest corner of said Lot 10 (which is also the southeast corner of Lot 6, Block 10); thence westerly, along the southern boundry of Lot 6, Block 10, and a line produced westerly across 120th AVENUE N.E., 309.87 feet more or less, to the northeast corner of Lot 14, Block 2 DIVISION 6; thence southerly, along the eastern boundry of Lots 14 and 13, 250 feet more or less to the southeast corner of Lot 13; thence westerly along the southern boundry of Lots 13 and 8 of said Block 2 and a line produced westerly to the southeast corner of Lot 13, Block 1, DIVISION 6, 660 feet, more or less; thence continuing westerly along the southern boundry of Lot 13, Block 1, DIVISION 6, to the intersection with the easterly boundry of Primary State Highway No.1 Limited Access line, 146 feet more or less, thence northeasterly to a point opposite Highway Engineer's Station (hereinafter referred to as HES) L557+00 on the L line survey of SR 405, Northrup Interchange to NE 140th Street, and 230 feet easterly therefrom; thence northeasterly to a point opposite HES L 558+00 on said line survey and 270 feet easterly therefrom; thence northeasterly to a point opposite HES L 560+50 on said line survey and 550 feet easterly therefrom; thence northerly parallel with said line survey to a point 70 feet distant southerly of the SR 901 (now SR 908) line survey of said highway when measured at right

angels thereto; thence easterly to a point opposite SR 901 HES 65+30 ;on said SR 901 line survey and 55 feet southerly therefrom; thence northerly through said SR 901 HES 65+30 to a point opposite said SR 901 HES 65+30 and 60 feet northerly therefrom when measured at right angles to said SR 901 line survey; thence westerly parallel with said SR 901 line survey to the westerly boundary line of Lot 10, Block 36, DIVISION 14; thence northerly on said boundary line of Lot 10 a distance of 10 feet to a point 70 feet distant northerly of the SR 901 line survey when measured at right angles thereto; thence westerly parallel with said SR 901 line survey to an intersection with a line drawn parallel with the SR 405 L line survey of said highway and 550 feet easterly therefrom when measured at right angles to and/or radially from said L line survey; thence northerly parallel with said L line survey to a point opposite HES L 568+50 on said L line survey; thence northwesterly to the southwest corner of Lot 4, said Block 36; thence northerly on the westerly boundary line of said Lot 4 to intersect a curve to the left with a radius of 45 feet, the center of said radius being 15 feet westerly of the easterly right of way margin of 118th Avenue NE at a point opposite HES L 572+25 on said L line survey; thence northeasterly, northerly and northwesterly on said curve to the left an arc distance of 120 feet; more or less, to said easterly margin of 118th Avenue NE being the westerly boundary line of Lots 2, 3, and 4 or portions thereof in said Block 36 DIVISION 14; thence northerly on said right of way margin to a point of intersection with a line drawn parallel ;with said SR 405 L line survey and 230 feet easterly therefrom when measured at right angles to and/or radially from said L line survey; thence northeasterly on said parallel line to the southerly right of way margin of NE 90th Street ;and the northern boundry of Block 36, DIVISION 14; thence easterly along said northern boundry and a line produced easterly to the northwest corner of Block 37, Division 14, 550 feet more or less; thence continuing easterly along the northern boundry of Block 37, 498.75 feet to the TRUE POINT OF BEGINNING, except Lot 3 Block 36 DIVISION 14.

I, TOM ANDERSON, City Director of Administration and Finance and ex officio City Clerk of the City of Kirkland, Washington, hereby certify that the attached copy of Ordinance No. 2638 is a true and correct copy of the original ordinance passed on the 7th day of December, 1981, as that ordinance appears on the Minute Book of the City.

DATED this 7th day of December, 1981.



TOM ANDERSON, City Director of
Administration and Finance and
ex officio City Clerk