

ORDINANCE NO. 2716

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND FIXING THE INTEREST RATE ON SPECIAL ASSESSMENT INSTALLMENTS TO BE PAID IN LOCAL IMPROVEMENT DISTRICT NO. 115, FIXING THE AMOUNT, FORM, DATE, INTEREST RATES, MATURITY AND DENOMINATIONS OF LOCAL IMPROVEMENT DISTRICT NO. 115 BONDS AND DIRECTING THE ISSUANCE AND SALE THEREOF TO SEATTLE-NORTHWEST SECURITIES CORPORATION OF SEATTLE, WASHINGTON.

WHEREAS, Local Improvement District No. 115 (the "District") was duly created in response to petitions submitted by property owners by Ordinance No. 2345 passed on April 4, 1977; and

WHEREAS, by Ordinance No. 2543 passed on August 18, 1980, assessments were levied and confirmed against property in the District in the total amount of \$2,330,774; and

WHEREAS, after confirmation of such final assessments and assessment roll certain property owners in the District appealed from the assessments against their respective properties which appeals together with three other lawsuits for declaratory and injunctive relief were consolidated in the Superior Court of the State of Washington for King County under Cause No. 80-2-12395-5; and

WHEREAS, following motions by several parties in such litigation the appeals in lawsuits brought by those property owners were remanded to the City Council for additional assessment proceedings after which Ordinance No. 2595 was adopted on May 4, 1981, ratifying and confirming Ordinance No. 2543, and approving and confirming the assessments and the final assessment roll for the District in the amount of \$2,330,774; and

WHEREAS, thereafter certain property owners appealed the assessments levied against their respective properties which appeals were consolidated, together with Cause No. 80-2-12395-5 in the Superior Court of the State of Washington for King County under Cause No. 81-2-07173-2; and

WHEREAS, findings of fact, conclusions of law, order and judgment were entered in such litigation on January 5, 1982, modifying, approving and confirming the assessments of the appealing property owners, resulting in reductions totaling \$19,727 from the assessments as originally confirmed in the District by the City Council, after which certain property owners filed notices of appeal to the Court of Appeals of the State of Washington, Division I, which appeals were consolidated under Cause No. 11245-7-I; and

WHEREAS, by Resolution No. 2981 passed November 15, 1982, the City Council approved the terms and conditions of a certain settlement agreement resolving, among other things, all pending litigation regarding the District to which the City is a party and such settlement agreement since has been approved and accepted by all the parties thereto to be effective as of November 30, 1982; and

WHEREAS, during the pendency of such litigation, the City had caused to be filed for collection all the assessments in the District that were not the subject of appeals, being informally designated by the Director of Administration and Finance of the City as the "A" assessment roll, having an anniversary date September 29 on which eight installments remain to be paid; and

WHEREAS, the balance of assessments now remaining unpaid on such "A" assessment roll and "B" assessment roll totals \$1,998,313.08; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Local Improvement District bonds of the District shall be issued in the total principal sum of \$1,998,313.08 (the "Bonds"). Bond No. 1 shall be in the denomination of \$3,313.08, and the remaining bonds numbered 2 to 400, inclusive, shall be in the denomination of \$5,000 each. The Bonds shall all be dated December 1, 1982, and shall be payable on November 1, 1993 with the right reserved to the City to redeem the Bonds prior to maturity on any interest payment date, in numerical order, lowest numbers first, whenever there shall be sufficient money in the Local Improvement Fund, District No. 115, created by Ordinance No. 2345, to pay the bonds so called and all earlier numbered Bonds over and above the amount required for the payment of the interest on all unpaid Bonds, by publishing notice of such call once in the official newspaper of the City or, if there is no official newspaper, then in a newspaper of general circulation in the City not less than ten nor more than twenty days prior to the call date, and by mailing a copy of such notice within the same period to the main office of Seattle-Northwest Securities Corporation in Seattle, Washington, and upon such date the interest on Bonds so called shall cease and each and every coupon representing interest not accrued on such date shall be void. The Bonds shall bear interest at the rate of 11.50% per annum, payable on November 1, 1983, and annually thereafter on each succeeding November 1, to be represented by interest coupons to maturity attached to each Bond. Both principal of and interest on the Bonds shall be payable solely out of the Local Improvement Guaranty Fund of the City, and shall be payable in lawful money of the United States of America at the office of the Director of Administration and Finance of the City or, at the option of the holder, at either

fiscal agency of the State of Washington in Seattle, Washington, or New York, New York.

Section 2. The Bonds and coupons shall be printed or lithographed on engraved paper in a form consistent with this ordinance and state law. The Bonds shall be signed by the facsimile signature of the Mayor, attested by the manual signature of the Director of Administration and Finance of the City and shall have a facsimile reproduction of the seal of the City printed thereon, and the coupons shall bear the facsimile signatures of the Mayor and the Director of Administration and Finance of the City.

Section 3. Seattle-Northwest Securities Corporation of Seattle, Washington, has submitted an offer to purchase all of the Bonds at a price of par, plus accrued interest from the date of the Bonds to the date of their delivery to the purchaser, the City to furnish the printed bonds and the approving legal opinion of Roberts & Shefelman (Roberts, Shefelman, Lawrence, Gay & Moch), municipal bond counsel of Seattle, Washington, at the City's expense. Bond counsel shall not be required to review nor express an opinion concerning the completeness or accuracy of any official statement, offering circular or other sales material issued or used in connection with the Bonds, and bond counsel's opinion shall so state. The City Council, deeming that it is in the best interest of the City that such offer be accepted, accepts the same. The Bonds shall, therefore, immediately upon their execution, be delivered to Seattle-Northwest Securities Corporation, Seattle, Washington, upon payment therefor in accordance with such offer.

Section 4. Pending the printing, execution and delivery of the definitive Bonds, the City may cause to be executed and delivered to such purchaser a single temporary Bond in the principal amount of \$1,998,313.08. Such temporary Bond shall bear the same date of issuance, interest rates, principal payment dates and terms and covenants as the definitive Bonds, and shall be issued as a fully registered bond in the name of such purchaser, and shall be in such form as acceptable to such purchaser. Such temporary Bond shall be exchanged for the definitive Bonds as soon as the same are printed, executed and available for delivery.

Section 5. The interest rate on the installments and delinquent payments of the special assessments in the District is fixed at the rate of 12% per annum, which is one-half of one percent more than the interest rate on the Bonds.

Section 6. All actions heretofore taken by representatives or officials of the City in furtherance of the purposes of this ordinance are hereby confirmed in all respects, and all provisions of any ordinances or resolutions of the City Council inconsistent with the provisions of this ordinance are hereby deemed amended to conform to the terms and conditions hereof.

ADOPTED by a majority of vote of the Kirkland City Council  
in regular meeting on the 6th day of December, 1982.

SIGNED IN AUTHENTICATION THEREOF ON THE 6th day of  
December, 1982.

*Loris Cooper*  
Mayor PRO-TEM

Attest:

*Tam. Johnson*  
Director of Administration & Finance  
(ex officio City Clerk)

Approved as to form:

*Taylor*  
City Attorney

I hereby certify under penalty of perjury that the  
foregoing ordinance was posted on the 8th day of  
December, 1982 in accordance with the provisions of RCW  
35A.12.160 and City of Kirkland Ordinance No. 2600.

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Deputy City Clerk

2518B/0136A:br



December 6, 1982

The Honorable Mayor and City Council  
City of Kirkland  
City Hall  
Kirkland, Washington 98033

Re: \$1,998,313.08 Local Improvement District No. 115 Bonds

Mayor and City Council:

For the above described legally issued bonds to be dated December 1, 1982, we will pay \$100 for each \$100 par value of bonds plus accrued interest to date of delivery to us. The bonds are to mature on or before November 1, 1993 and are to bear interest payable annually, at the rate of 11.50%.

The bonds are to be in the denomination of \$5,000 each, with the exception of bond number one, which is in the denomination of \$3,313.08.

Our offer is subject to the following conditions:

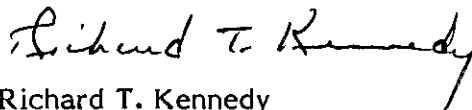
- (1) Receipt of an approving legal opinion and non-litigation certificate from Messrs. Roberts & Shefelman at the time of delivery.
- (2) Adoption of a bond ordinance in conformance with this agreement.
- (3) Delivery of the printed bonds to us on or before December 31, 1982. If the bonds are not delivered within this period, we reserve the right to cancel this agreement or extend the period.

The City will mail to Seattle-Northwest Securities Corporation a copy of all notices of bonds called. It is understood that the City will pay the costs of bond printing and the approving legal opinion.

The Honorable Mayor and City Council  
City of Kirkland  
December 6, 1982  
Page Two

This offer is submitted for immediate acceptance or rejection on December 6, 1982.

Respectfully submitted,



Richard T. Kennedy  
Vice President

RTK/lj

ACCEPTED this 6th day of December, 1982

