

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2772

AN ORDINANCE ordering the improvement of certain properties within the City by the construction and installation of street, sidewalk and storm drainage improvements, facilities and betterments all in accordance with Resolution No. R-3044 of the City Council; establishing Local Improvement District No. 121 and ordering the carrying out of the proposed improvement; providing that payment for the improvement be made in part 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 or other short term financing and local improvement district bonds.

WHEREAS, by Resolution No. R-3044 adopted September 6, 1983, the City Council declared its intention to order, pursuant to a property owners' petition therefor, the improvement of certain properties within the City by the construction and installation of street, sidewalk and storm drainage improvements, facilities and betterments, and fixed October 3, 1983, 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 Public Works for the City, 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 proposed Local Improvement District (the "District"), a statement of what portion of the cost and expense of the improvement should be borne by the property 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, 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 objections to the proposed improvement were duly considered and overruled by the City Council, and all persons appearing at such hearing and wishing to be heard were heard; 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 the 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 (the "City"), orders the improvements more particularly described in Exhibit A, attached hereto and by this reference incorporated herein.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the Director of Public Works, 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 created and established a local improvement district to be called Local Improvement District No. 121 of the City of Kirkland, Washington (the "District"), the boundaries or territorial extent of which District being 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 declared to be \$300,000. Approximately \$61,155 of the cost and expense shall be paid by the United States Postal Service as a direct contribution to the District and the balance of such cost and expense shall be borne by and assessed

against the property specially benefited by such improvement included in the District embracing as nearly as practicable all property specially benefited by such improvement.

Section 4. 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 5. Local improvement district warrants may be issued in payment of the cost and expense of the improvement herein ordered to be assessed, such warrants to be paid out of the "Local Improvement Fund, District No. 121," 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 established hereafter 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." In the alternative, the City hereafter may provide by ordinance for the issuance of other short-term obligations pursuant to Chapter 216, Laws of 1982.

The City is authorized to issue local improvement district bonds for the District which shall bear interest at a rate and to be payable on or before a date to be hereafter fixed by

ordinance. The bonds shall be issued in exchange for and/or in redemption of any and all revenue warrants issued hereunder or other short-term obligations hereafter authorized and not redeemed in cash within twenty days after the expiration of the thirty-day period for the cash payment of assessments without interest on the assessment roll for the District. 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. The exact form, amount, date, interest rate and denominations of such bonds shall be hereafter fixed by ordinance of the City Council. Such bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. In all cases where the work necessary to be done in connection with the making of such improvement is carried out pursuant to contract upon competitive bids, the call for bids shall include a statement that payment for such work will be made in cash warrants drawn upon the "Local Improvement Fund."

Section 7. There is created and established in the office of the City Director of Administration and Finance for the District the "Local Improvement Fund," into which fund shall be deposited the proceeds from the sale of revenue warrants drawn

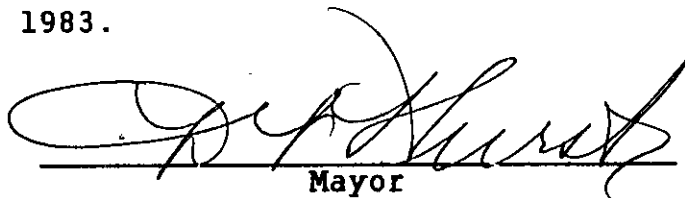
against the fund or other short-term obligations which may be issued and sold by the City and collections pertaining to assessments, and against which fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvement, and against which fund cash warrants shall be issued in payment for all other items of expense in connection with the improvement.

Section 8. Within fifteen (15) days of the passage of this ordinance there shall be filed with the City Director of Administration and Finance the title of the improvement and District number, a copy of the diagram or print showing the boundaries of the District and the preliminary assessment roll or abstract of such roll showing thereon the lots, tracts and parcels of land that will be specially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract or parcel of land. The City Director of Administration and Finance shall immediately post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local 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.

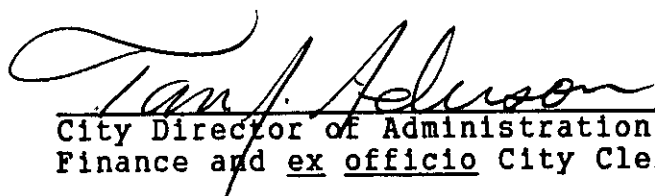
PASSED by the City Council of the City of Kirkland, Washington, at a regular open public meeting thereof this 17th

day of October, 1983, and signed in authentication of its passage this 17th day of October, 1983.



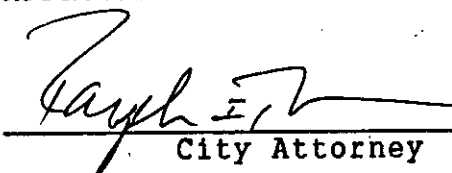
Mayor

AUTHENTICATED:



City Director of Administration and
Finance and ex officio City Clerk

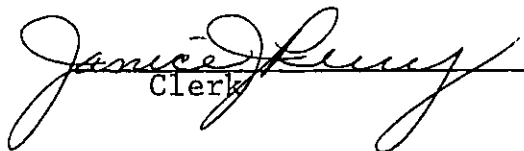
APPROVED AS TO FORM:



City Attorney

0582k

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 20th day of October, 1983, in accordance with the provisions of RCW 35.22.260 and City of Kirkland Ordinance No. 2600.



Clerk

EXHIBIT A

Description of Improvements

A 36 foot street along the east side of 6th Street from Central Way to Kirkland Avenue, including curbs, gutters and sidewalk, bus turnout and necessary storm drainage. A 36 foot wide street along 4th Avenue easterly from 6th Street, a distance of 184 feet and then deflecting left and running northeast to the 5th Avenue right-of-way; then deflecting right and running along the 5th Avenue right-of-way to its intersection with 10th Street; then deflecting right and running along 10th Street a distance of 250 feet. Improvements are to include curb and gutter and necessary storm drainage with sidewalk installations from 6th Street eastward to the point whereby the street deflects left and runs to 5th Avenue.

Legal Description PA-5 Preliminary LID

Beginning at the northeast corner of Lot 1, Block 16, Burke and Farrar's Kirkland Addition Division #8; Thence running westerly along the north boundary of said Lot 1 a distance of 207.89 feet to the northwest corner of said Lot 1; Thence deflecting right 90⁰ and running a distance of 60 feet to the south boundary of Block 219 Supplementary Plat to Kirkland; Thence deflecting left and running along the south boundary of Block 219 and Block 218 extended of the Supplementary Plat to Kirkland to its intersection with the centerline of 6th Street; Thence deflecting left and running south along the centerline of 6th Street to a point due west of the southwest corner of Lot 32A, Block 53, Burke and Farrar's Kirkland Gardens Division #15 unrecorded; Thence deflecting left and running to the southwest corner of said Lot 32A; Thence continuing along the south boundary of Lot 32A and Lot 32, Block 53, Burke and Farrar's Gardens Division #15 unrecorded; to the southeast corner of said Lot 32; Thence deflecting left and running a distance of 227.2 feet along the easterly boundary of said Lot 32; Thence deflecting right and running a distance of 168.02 feet along the east-west centerline of Lots 31 and 30, to the west boundary of Lot 29, Block 53, Burke and Farrar's Kirkland Gardens Division #15 unrecorded; Thence deflecting right and running along the west boundary of Lot 29, a distance of 31.63 feet; Thence deflecting left and running a distance of 84.01 feet along a line parallel to and 258.51 feet south of the north boundary of said Lot 29 to a point on the east boundary of said Lot 29; Thence deflecting left and running

along the east boundary of said Lot 29 a distance of 258.51 feet to the northeast corner of said Lot 29 Block 53, Burke and Farrar's Kirkland Gardens Division #15; Thence deflecting right and running easterly along the north boundary of Block 53, Burke and Farrar's Kirkland Gardens Division #15 a distance of 984.3 feet to the northeast corner of said Block 53, Burke and Farrar's Kirkland Gardens Division #15; Thence deflecting left and running to the southwest corner of Lot 1, Block 16, Burke and Farrar's Kirkland Addition Division #8; Thence running east along the south boundary of said Lot 1 a distance of 185.90 feet to the southeast corner of said Lot 1 said point also being on the westerly right-of-way line of the Northern Pacific Railroad Company; Thence deflecting left and running along the easterly boundary of said Lot 1 and westerly right-of-way line of the Northern Pacific Railroad Company along a curve to the left with a radius of 1587.28 feet a distance of 300 feet to the northeast corner of Lot 1, Block 16, Burke and Farrar's Kirkland Addition Division #8, SAID POINT BEING THE POINT OF BEGINNING.

3215B/pj