

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 2781

AN ORDINANCE of the City of Kirkland, Washington, authorizing the issuance and sale of local improvement district bond anticipation notes in Local Improvement District No. 121 pending the receipt of the proceeds of the local improvement district bonds authorized to be issued by Ordinance No. 2772 and providing for the sale of such bond anticipation notes to Boettcher & Company of Seattle, Washington.

WHEREAS, by Ordinance No. 2772 passed by the City Council on October 17, 1983, the City ordered the improvement of certain properties within the City by the construction and installation of street, sidewalk and storm drainage improvements, all pursuant to Resolution No. R-3044 adopted September 6, 1983, and, after a public hearing thereon, established Local Improvement District No. 121, provided 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 a contribution from the United States Postal Service and provided for the issuance and sale of local improvement district warrants or other short-term obligations redeemable by cash and/or by local improvement district bonds; and

WHEREAS, the City Council deems it to be in the best interest of the City that the City borrow money and issue short-term obligations in anticipation of the sale of local improvement district bonds authorized by Ordinance No. 2772 and receipt of the contribution from the United States Postal

Service for the purpose of providing the funds with which to pay the costs of carrying out the improvements ordered in Local Improvement District No. 121; and

WHEREAS, Boettcher & Company of Seattle, Washington, has submitted an offer to purchase such short-term bond anticipation notes on the terms and conditions hereinafter set forth; NOW, THEREFORE,

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

Section 1. The total estimated cost and expense of the improvements ordered to be carried out in Local Improvement District No. 121 (the "District") by Ordinance No. 2772 anticipated to be assessed against the specially benefited properties in the District is approximately \$238,845 and the contribution from the United States Postal Service is anticipated to be approximately \$61,155. Local improvement district bond anticipation notes of the District (the "Notes") shall therefore be issued in the aggregate principal amount of \$300,000. The Notes shall be in the denomination of \$25,000 each and shall be numbered from 1 to 12, inclusive. The Notes shall be dated December 12, 1983; shall bear interest at the rate of 7% per annum, payable at maturity; and shall mature on November 26, 1984. Both principal of and interest on the Notes shall be payable solely out of the "Local Improvement Fund, District No. 121," created by Ordinance No. 2772 from the proceeds of local

improvement district bonds authorized to be issued by such ordinance to be deposited in such fund or other short-term obligations, funds received as a contribution from the United States Postal Service, and/or prepaid special benefit assessments deposited in such fund, and from 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 City Director of Administration and Finance in Kirkland, Washington. The Notes shall be issued without the right or option of the City to redeem the same prior to their maturity date. The City Council declares and finds that the fixing of the above interest rate is in the best interests of the City.

Section 2. The Notes shall be printed or lithographed on good bond paper or may be in typewritten form in a form consistent with this ordinance and state law. The Notes shall be signed by the Mayor, attested by the City Director of Administration and Finance and ex officio City Clerk, and shall have the seal of the City affixed thereto.

Section 3. The City covenants that it will spend the principal proceeds of the Notes with due diligence to completion of the purposes specified in this ordinance and will make no use of the proceeds of the Notes or of its other money at any time during the term of the Notes which will cause the Notes to be arbitrage obligations within the meaning of Section 103(c) of

the United States Internal Revenue Code of 1954, as amended, and applicable regulations promulgated thereunder.

Section 4. Boettcher & Company of Seattle, Washington, has submitted an offer to purchase the Notes at a price of \$99.25 per each \$100 par value, plus accrued interest from the date of the Notes to the date of their delivery to the purchaser, the City to furnish the printed or typewritten Notes and the approving legal opinion of Roberts & Shefelman, municipal bond counsel of Seattle, Washington, at the City's expense. Bond counsel shall not be required to review or express any opinion concerning the completeness or accuracy of any official statement, offering circular or other sales material issued or used in connection with the Notes, 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 Notes shall, therefore, immediately upon their execution, be delivered to Boettcher & Company of Seattle, Washington, upon payment therefor in accordance with such offer.


The principal proceeds received from the sale of the Notes shall be paid into the "Local Improvement Fund, District No. 121," and used to pay the costs of the improvements ordered to be carried out by Ordinance No. 2772.

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

PASSED by the City Council of the City of Kirkland,
Washington, at a regular open public meeting thereof, this 5th
day of December, 1983, and signed in authentication of its
passage this 5th day of December, 1983.


MAYOR

AUTHENTICATED:


City Director of Administration
and Finance and ex officio
City Clerk

APPROVED AS TO FORM:


City Attorney

0665k

I hereby certify under penalty of perjury that the foregoing
ordinance was posted on the 6th day of December, 1983
in accordance with the provisions of RCW 35A.12.120 and City of
Kirkland Ordinance No. 2600.

