

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 3347

AN ORDINANCE ordering the installation of sewer improvements along N.E. 104th Street all in accordance with Resolution No. R-3772 of the City Council; establishing Local Improvement District No. 124 and ordering the carrying out of the proposed improvement; 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 or other short-term financing and local improvement district bonds.

WHEREAS, by Resolution No. R-3772 adopted November 17, 1992, the City Council declared its intention to order sewer improvements in the area on N.E. 104th Street from 128th Avenue N.E. to 132nd Avenue N.E., and fixed January 5, 1993, at 7:30 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, Tim Osborne of Gray & Osborne, Inc., consulting engineers for the City's Public Works Department, 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 and a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district; 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 a local improvement 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 installation of 3700 linear feet of 8-inch sewer mains, side sewers, manholes and pavement restoration along N.E. 104th Street from 128th Avenue NE to 132nd Street N.E., as more fully shown on 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 Gray & Osborne, Inc., consulting engineers, 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. 124 of the City of Kirkland, Washington (the "District"), the boundaries or territorial extent of the 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 \$478,000. The entire cost and expense shall be borne by and assessed against the property specially benefited by such improvement included in the District which embraces 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. 124, 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 Director of Administration and Finance of the City, 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 39.50 RCW.

The City is authorized to issue local improvement district bonds for the District which shall bear interest at a rate and 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 without interest of assessments 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,

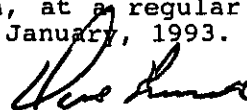
interest rate and denominations of such bonds hereafter shall be fixed by ordinance of the City Council. Such bonds shall be sold in such manner as the City Council hereafter shall determine.

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 (and the City shall have and reserves the right to reject any and all 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. The Local Improvement Fund for the District is created and established in the office of the Director of Administration and Finance. The proceeds from the sale of revenue warrants or other short-term obligations drawn against the fund which may be issued and sold by the City and the collections of special assessments, interest and penalties thereon shall be deposited in the Local Improvement Fund. Cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvement and cash warrants in payment for all other items of expense in connection with the improvement shall be issued against the Local Improvement Fund.

Section 8. Within fifteen (15) days of the passage of this ordinance there shall be filed with the 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 Director of Administration and Finance immediately shall post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

PASSED by the City Council and APPROVED by the Mayor of the City of Kirkland, Washington, at a regular open public meeting thereof, this 5th day of January, 1993.



Mayor

ATTEST:


Deputy City Clerk

APPROVED AS TO FORM:


City Attorney

EXHIBIT A

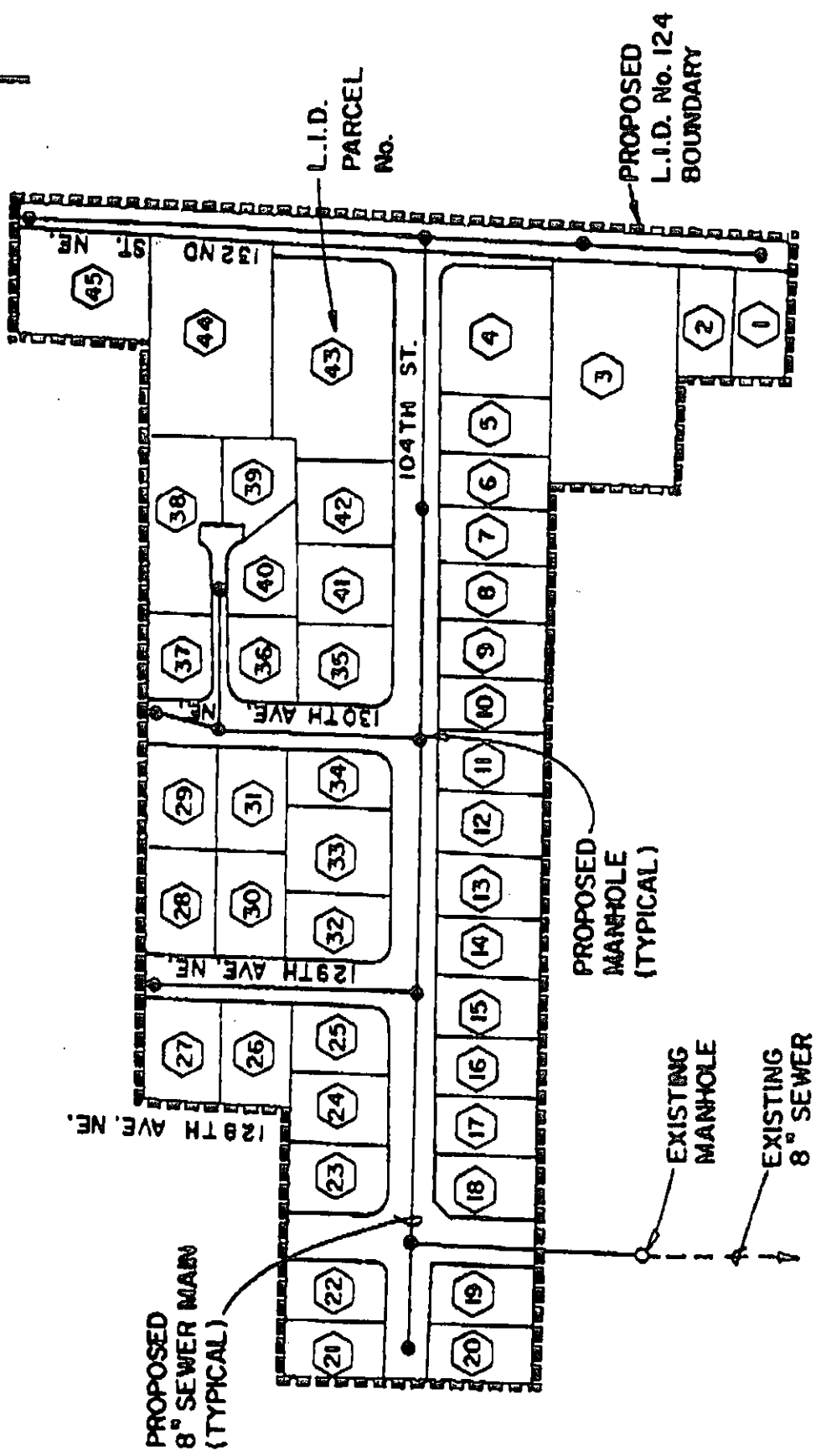


EXHIBIT BN.E. 104TH STREET: SANITARY SEWER L.I.D. NO. 124DESCRIPTION OF BOUNDARY
(LEGAL DESCRIPTION)

Beginning at the centerline intersection of N.E. 104th Street and 132nd Avenue N.E., said point also lying on the easterly boundary of the S.E. 1/4 of Section 33, Twp. 26 No., Rng 5E, W.M. according to the Plat of "Zewatch Sunview Addition" as filed on September 25th, 1962, in Volume 71 of plats, on page 19 Records of King County, Washington;

Thence S 2° 30' 20" E along said easterly boundary (centerline of 132nd Avenue N.E.) for a distance of 511.35 feet;

Thence N 88° 55' 50" W for a distance of 30 feet more to the or less intersection of the north boundary of N.E. 102nd Place and the west boundary of 132nd Avenue N.E.;

Thence continuing N 88° 55' 50" W along the north boundary of N.E. 102nd Place for a distance of 192.03 feet;

Thence N 1° 51' 27" E for a distance of 140.26 feet;

Thence N 88° 55' 50" W for a distance of 150 feet to the northwest corner of Lot 14 the Plat of "La Rose Park No. 2" as filed in Volume 71 of plats, on page 34 Records of King County, Washington;

Thence northerly along the easterly boundary of the Plat of "Springwalk" as filed in Volume 146 of plats, on pages 59 and 60 Records of King County, Washington, for a distance of 169.49 feet more or less, to the northeast corner of Lot 14 of said Plat of Springwalk;

Thence westerly N 89° 00' 40" W along the south boundary of the Plat of "Warner's 1st Addition", as recorded on September 25th, 1962, in Volume 71 of plats, page 18 Records of King County, Washington, for a distance of 984.84 feet, more or less, to the southwest corner of Lot 1 of said Plat, said point also lying on the easterly right-of-way line of 128th Avenue N.E.;

Thence westerly for a distance of sixty (60) feet, more or less, to a point on the westerly boundary of 128th Avenue N.E., said point also begin the southeasterly corner of Lot 20, Block 3, of the Plat of H.C. Pettit's Aldergrove An Addition to Kirkland as recorded on December 15th, 1914 in Volume 21 of plats, page 83, Records of King County, Washington;

Thence westerly along the south boundary of said Plat of H.C. Pettit's Aldergrove an Addition" for a distance of 150 feet to the southwest corner of Lot 21 of Block 3, of said Plat;

Thence northerly and parallel to the westerly boundary of 128th Avenue N.E. for a distance of 128.7 feet, more or less, to the southerly boundary of N.E. 104th Street;

Thence Northerly for a distance of sixty (60) feet, more or less, to a point on the northerly boundary of N.E. 104th Street, said point also being the southwest corner of Lot 2 of the Plat of Knedlik Replat No. 1 as recorded on June 25th, 1963 in Volume 73 of Plats, page 77, Records of King County, Washington;