

## ORDINANCE NO. 3451

AN ORDINANCE OF THE CITY OF KIRKLAND ORDERING CERTAIN LOCAL IMPROVEMENTS AND CREATING A LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE PAYMENT OF THE COST OF SUCH IMPROVEMENTS BY SPECIAL ASSESSMENTS; CREATING A LOCAL IMPROVEMENT DISTRICT FUND; AND PROVIDING FOR THE ISSUANCE AND SALE OF LOCAL IMPROVEMENT DISTRICT BONDS AN INTERIM FINANCING WARRANTS OR NOTES.

WHEREAS, on May 16, 1995, the City Council of the City of Kirkland, Washington (the "City") adopted Resolution No. R-3936 declaring its intention to order certain local improvements within the City and to create a local improvement district; and

WHEREAS, the proposed improvements are within the comprehensive plan of the City, as amended; and

WHEREAS, an environmental review of the proposed improvements has been undertaken; and

WHEREAS, a hearing was held on June 20, 1995, after notice as provided by law, and after discussion of the proposed improvements and due consideration thereof and of all objections thereto, the Council has determined to order the local improvements described below and to create a local improvement district; and

WHEREAS, estimates of the costs and expenses of the proposed improvements, a description of the boundaries of the district, a statement of what portion of the costs and expenses of the improvements would be borne by the property within the proposed district, and a diagram showing the lots, tracts, and parcels to be benefitted and other information pertaining to the proposed district, have been filed with the City Clerk and certified to the City Council;

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

Section 1. The City shall acquire, construct, and install the following improvements within the following described areas of the city:

This project includes approximately 700 lineal feet of street and utility improvements on NE 62nd Street, between Lakeview Drive and Burlington Northern Railroad right-of-way. The street improvement will include widening and repaving the street, installation of curb and gutter on both sides of the street, sidewalk on the north side of the street, and streetlights on the south side of the street, filling of existing ditches, installation of rock retaining walls, as necessary. Utility improvements include

installation of catch basins and storm drain pipe, sanitary side sewer stubs, and undergrounding of existing telephone, power, and cable TV utilities, within the public rights-of-way, easements, and private property within the L.I.D.

The foregoing improvements are hereafter referred to as the "Improvements." The above-described street and utility improvements shall be installed complete with all necessary catch basins, junction boxes, and other appurtenances necessary to the proper operation of the street and utility systems.

Section 2. The improvements, when completed, shall be in accordance with the provisions of this ordinance and any other ordinances as hereafter may be adopted in connection herewith; provided, however, that changes in detail of such plans that do not significantly alter the scope of costs of the Improvements will not require further approval.

Section 3. There is hereby established a local improvement district of the City to be known as "Local Improvement District No. 126" (herein referred to as "LID No. 126"). The boundaries of LID No. 126 shall be described in Exhibit A attached hereto and incorporated herein by this reference.

It is hereby found that the above-described boundaries embrace as nearly as practicable all the property specially benefitted by the Improvements.

Section 4. The total cost and expense of the Improvements thereto is estimated to be \$369,400, of which 67.4% shall be borne by and assessed against the property within LID No. 126 specially benefitted by the Improvements. Assessments shall be made against the property within LID No. 126 in accordance with the special benefits accruing to such property.

Section 5. Upon completion of the Improvements, an assessment roll shall be prepared and, after notice and hearing in the manner provided by law, an assessment roll shall be confirmed. Assessments not paid within the 30-day prepayment period provided by law shall be payable in installments, and the City shall issue improvement district bonds payable from such unpaid installments. The number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid instaliments shall bear shall be as hereafter fixed by ordinance.

Section 6. There is hereby created a fund of the City to be known as the "Local Improvement District No. 126 Fund" for the purpose of paying the cost of the Improvements provided for in this ordinance and into which there shall be paid all of the assessments collected in LID No. 126 as and when directed by the ordinance confirming the assessment roll. All moneys

received from the sale of bonds, notes, and warrants drawn on the LID No. 126 Fund shall be deposited into said Fund and applied solely in payment of the costs and expenses of the Improvements.

Section 7. Pending the issuance of local improvement district bonds, the City may, for the purpose of meeting any and all costs and expenses of constructing the Improvements for which funds are not otherwise available, as the same are installed prior to the sale of the bonds, issue interim financing warrants against the LID No. 126 Fund, or issue local improvement district bond anticipation notes pursuant to RCW Ch. 39.50, bearing interest at such rate or rates and with such terms as may hereafter be established by the Council by ordinance. Such interim warrants or notes, together with the interest due thereon to the date of delivery of the bonds, shall be redeemed and retired from the proceeds of the sale of local improvement district bonds or prepayments of assessments. Such warrants or notes shall be issued in an aggregate principal amount not in excess of the cost and expense of the Improvements.

Section 8. Effective Date. This ordinance shall be effective 5 days from and after the date of its final passage and publication as provided by law.

PASSED by the Council of the City of Kirkland, Washington at a regular meeting thereof held this 20th day of June, 1995.

SIGNED IN AUTHENTICATION thereof this 20th day of June, 1995.

CITY OF Kirkland  
Washington  
Steve Russell  
Mayor

Attest:

Jean Perry  
City Clerk

ORD-3936.DEC/RS:ct

Approved as to form:

Gail Bond  
City Attorney

EXHIBIT "A"LEGAL DESCRIPTION OF BOUNDARY  
(N.E. 62ND STREET L.I.D. NO. 126)

Beginning at a point on the northwest corner of "Lakeview Villa" Plat, as filed in Volume 24 of plats, on pages 6 and 7, Records of King County, Washington; said point being the true point of beginning;

Thence S 88° 36' 31" E for a distance of 100 feet to the northeast corner of said "Lakeview Villa" Plat; thence S 01° 35' 10" W for a distance of 106.6 feet to the southeast corner of said "Lakeview Villa" Plat; thence N 88° 36' 31" W for a distance of 100 feet to the southwest corner of said "Lakeview Villa" Plat;

Thence S 01° 12' 44" W for a distance of 8 feet, to the southwest corner of vacant alley; thence N 89° 24' 50" E for a distance of 606.75 feet along the southerly border of said vacant alley, to the westerly boundary of the Burlington Northern Railroad right-of-way.

Thence N 15° 53' 50" E for a distance of 438.88 feet, along the westerly boundary of the Burlington Northern Railroad right-of-way, to the northeast corner of Lot 10 of the Plat of "Spiritview Estates", as filed in Volume 109 of plats, on page 67 and 68, Records of King County, Washington;

Thence N 74° 06' 10" W for a distance of 30 feet along the northerly boundary of Lot 10 of said Plat of "Spiritview Estates"; thence N 15° 53' 50" E for a distance of 130 feet; thence S 74° 06' 10" E for a distance of 30 feet; thence N 15° 53' 50" E for a distance of 73.26 feet to the northeast corner of said Plat of Spiritview Estates;

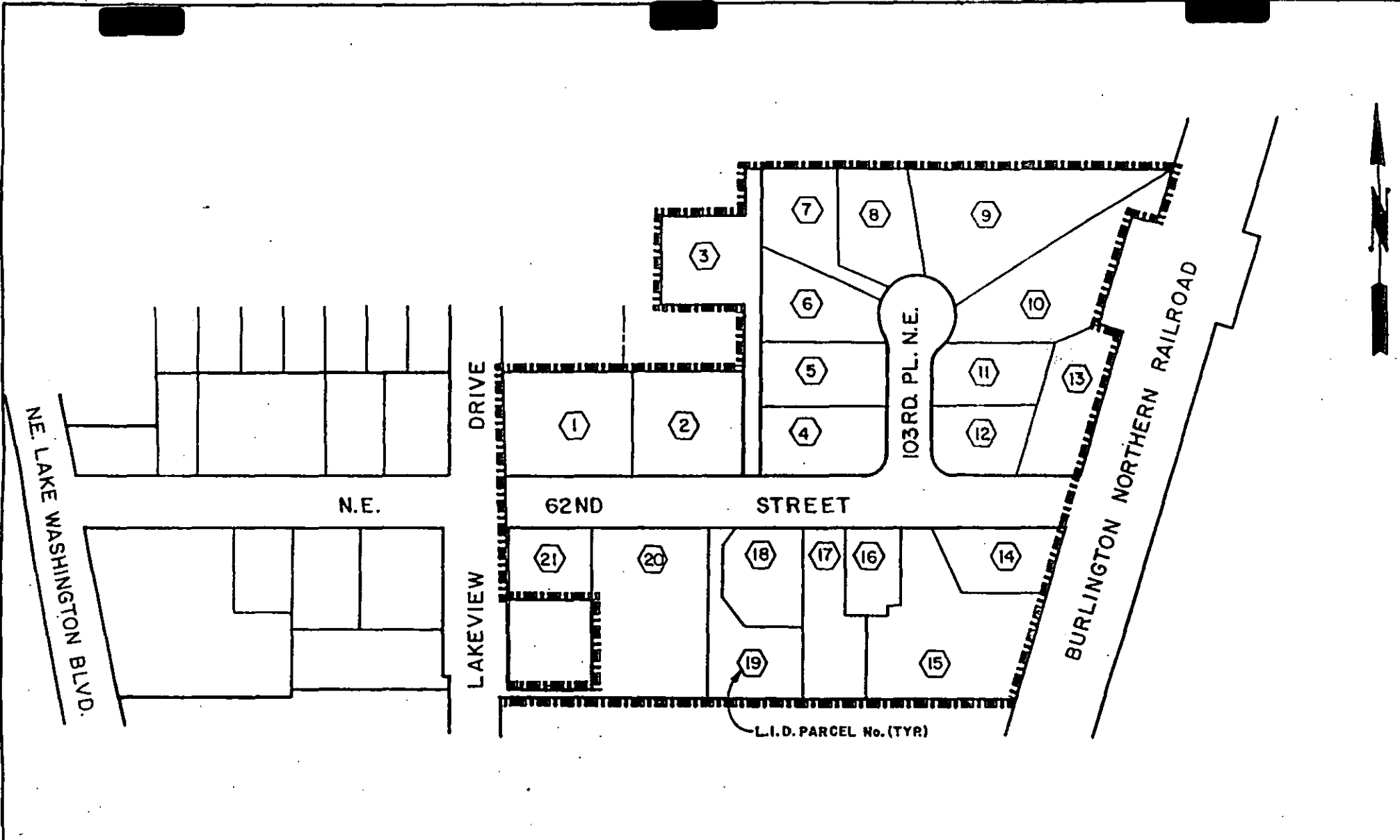
Thence N 89° 45' 10" E for a distance of 477.21 feet along the northerly border of said Plat of "Spiritview Estates", to the northwest corner of said Plat;

Thence N 89° 39' 40" W for a distance of 20 feet; thence S 00° 20' 20" W for a distance of 60 feet; thence N 89° 39' 40" W for a distance of 100 feet, to the easterly boundary of the Plat of "The Brookside Villa" as filed in Volume 74 of plats, on pages 95 through 100, Records of King County, Washington; thence S 00° 20' 20" E for a distance of 105.13 feet along the easterly boundary of said Plat of "The Brookside Villa", to the southeast corner of said Plat;

Thence S 89° 57' 29" E for a distance of 100 feet; thence S 00° 20' 20" W for a distance of 75 feet; thence S 89° 24' 50" W for a distance of 290.4 feet, to the easterly boundary of Lakeview Drive (102nd Avenue NE);

Thence southerly for a distance of 120 feet, along the easterly boundary of Lakeview Drive (102nd Avenue NE) to the southwest corner of lot 188 of Government lot 4, in Section 8, Township 25 north, Range 5 east; thence southerly for a distance of 60 feet across NE 62nd Street right-of-way to the northwest corner of the Lakeview Villa Plat and the true point of beginning.

All as situated in the County of King, State of Washington.



L.I.D. PARCEL No. (TYR)

**EXHIBIT "A"**

<b>CITY OF KIRKLAND</b>		DATE: 9/1992 DRAWN: E.S.T. CHKD: T.L.S. APPD: T.J.O.	<i>Gray &amp; Osborne, Inc. P.S.</i> <b>CONSULTING ENGINEERS</b> SEATTLE & YAKIMA WASHINGTON	SCALE: 1" = 100' SHEET 1 OF 1
<b>PROPOSED N.E. 62ND STREET</b>				
<b>L.I.D. BOUNDARY</b>				

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