

RESOLUTION NO. R - 3700

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND DECLARING ITS INTENT TO MODIFY, ADJUST AND AMEND THE ANNUAL ASSESSMENT RATES FOR THE BUSINESS IMPROVEMENT AREA CREATED BY ORDINANCE 3128, (AS AMENDED BY ORDINANCE 3231) TO AMEND APPROPRIATE SECTIONS OF SAID ORDINANCE AND ESTABLISH A DATE FOR PUBLIC HEARING ON SAID PROPOSED MODIFICATIONS, CHANGES AND AMENDMENTS.

Section 1. The Kirkland Downtown Association, contract administrator for the Business Improvement Area created by Ordinance 3128 (as amended by Ordinance 3231), has recommended to the City Council certain modifications, changes and amendments to Ordinance 3128 (as amended by Ordinance 3231) as to the rates for annual assessments within each benefit sub-area. The Kirkland City Council hereby declares its intention to adopt such recommendations and so amend Ordinance 3128 (as amended by Ordinance 3231) all as authorized by RCW Chapter 35 87 A.

Section 2 Notice of Hearing Date The City Council will hold a hearing on the proposed modifications, changes and amendments set forth in this Resolution as part of its regular City Council meeting to commence at 7:30 p m on the 5th day of November, 1991.

Notice of said hearing shall be given by mailing a copy of this Resolution to each business located within the Business Improvement Area as described in Section 1 of Ordinance 3128 (as amended by Ordinance 3231) at the addresses therefore appearing on the current business license records of the City Mailing to any business within the area which has failed to apply for a City Business License may be addressed to such business at the address therefore appearing on the records of the Kirkland Fire Department

Additional notice of hearing shall be given by publication of this Resolution at least once on the official newspaper of the

City Publication and mailing of notice shall be completed at least ten (10) days prior to the date of the hearing as set forth above.

If written protest is made by businesses located within the Business Improvement Area as identified above who would pay more than fifty percent (50%) of the special assessments as herein proposed to be amended, then the City Council shall lose jurisdiction to proceed further on the proposal to change or amend said assessments and the special assessments for the year 1992 shall be made on the same basis and in the same amounts as were made for the year 1991. All such protests must be in writing signed by the business owner identifying the protesting business including its address and be filed with the Kirkland City Clerk by 4:30 p.m. November 4th, 1991

Changes, Modifications and Adjustments to the Rate of Annual Assessments within the Respective Benefit Assessment Sub-areas. Section 3 of Ordinance 3128 as amended by Ordinance 3231 is proposed to be as amended to read as follows:

Section 3. Assessments. Annual assessments shall be levied against each business within the Business Improvement Area as follows. For the purpose of levying annual assessments against the businesses operating within the Business Improvement Area, said area shall be subdivided into six (6) sub-areas all as described in Attachment A to this Resolution. Businesses shall be classified as either "retail", "retail/service", or "non-retail" as defined in subsection c. below.

Business Improvement Area annual assessments shall be calculated by applying the following rates against the gross floor area square footage of each business in the area: (floor area square footage to be determined from the records of the Kirkland Fire Department).

a.

Assessment Area	Rate/ Sq. Ft.	Minimum Assessmt.	Maximum Assessmt.
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Area 1

Retail	45	\$225	\$3,000
Ret. Srvc	30	150	3,000
Non-Ret	25	125	3,000

Area 2

Retail	15	\$ 75	\$3,000
Ret. Srvc.	.10	50	3,000
Non-Ret.	.10	50	3,000

Area 3

Retail	.30	\$150	\$3,000
Ret. Srvc.	.10	50	3,000
Non-Ret.	.10	50	3,000

Area 4

Retail	.10	\$ 50	\$3,000
Ret. Srvc	.10	50	3,000
Non-Ret.	.10	50	3,000

Area 5

Retail	10	\$ 50	\$3,000
Ret. Srvc.	.10	50	3,000
Non-Ret	10	50	3,000

Area 6

Retail	10	\$ 50	\$3,000
Ret. Srvc.	.10	50	3,000
Non-Ret.	10	50	3,000

b. Special Provisions for Outdoor Vendors. Outdoor vendors permitted to operate within the Business Improvement Area shall pay the minimum retail assessment prorated for the period of time operation is authorized by street or other outdoor vendors permit, provided that said assessment amount shall be not less than \$50.00. Payment of the annual assessment under this special provision shall be made at the time of application or renewal for Kirkland business license.

For the purposes of this subsection "outdoor vendor" means a business conducted from a "vendor's mobile cart" or other temporary facility located either within a public right-of-way pursuant to City use

permit or upon private property with the permission of the occupying owner or tenant

c "Retail" as used in this Petition, means those business establishments whose activities fall within either definition set forth in Section 5.10.790 (restaurant or tavern) or Section 5.10.795 (retail establishment), Ordinance 2740, the Zoning Ordinance; provided that the following business establishments shall not be included in "retail" but as "retail/service"

Laundry, Cleaning and Garment Services
 Photographic Studios
 Beauty Shops
 Barber Shops
 Shoe Repair Shops
 Computer and Data Processing Services
 Reupholstery and Furniture Repair Shops
 Locksmiths

All other businesses shall be classified as "non-retail"

d All organizations which the Internal Revenue Service has determined as charitable organizations and are qualified for charitable contributions under the United States Internal Revenue Code (26 USC 170(c)) shall be exempt from paying BIA assessments

e. The total annual assessment is estimated to be [~~\$247,000~~]\$185,000 00

f. Assessments shall be billed on an annual basis at least thirty (30) days prior to the assessment due date and may at the option of the assessed business be paid in four (4) equal quarterly installments with the first installment due on or before January 10th, the second installment on or before April 10th, the third installment on or before July 10th, the fourth installment due on or before October 10th, in each year, provided that if any quarterly installment is not timely paid, then the entire amount of the annual assessment shall become immediately past due and delinquent Past due and delinquent assessments shall be subject to interest at

the rate of twelve percent (12%) per annum (1% per month) beginning with the month in which the assessment or quarterly assessment installment was originally due. Interest on delinquent assessments shall be compounded annually. All costs or expense incurred by the Business Improvement Area for collection of past due or delinquent assessments or assessment installments, including costs of suit and attorneys fees, shall be added to the amount of the delinquent or past due balance and become an obligation of the assessment payor.

g. A business, except for outdoor vendors, which after January 1, 1991 first commences operation within the Business Improvement Area shall for the calendar year during which it commences business, be assessed on a prorated, quarterly basis with the first quarterly installment due on the 10th day of the first month of the first quarter following the commencement of business within the Business Improvement Area. Any unpaid prorata assessment shall be past due if not paid within sixty (60) days of said date. In all subsequent years, such business shall be assessed at one hundred percent (100%) of the then current assessment rate

h. Any business that moves out of the Business Improvement Area or ceases doing business within the Business Improvement Area, whose assessment obligation is not at such time past due or delinquent, may upon written request signed by the business owner, have the balance of the annual assessment payment which has not yet become due, be abated. If such business has prepaid an assessment installment for any quarter which commences following the date of business cessation within the Business Improvement Area, the owner of such business may request a refund of such prepaid quarterly installment.

1. Disputes Any assessment payor aggrieved by the amount of an assessment or a delinquency charge may on request obtain a meeting with the Director of Administration and Finance and if not satisfied, the assessment payor may appeal the matter to the City Manager who shall

review the information submitted on appeal by both the assessment payor and the Director of Administration and Finance. Any decision of the City Manager shall be in writing and given to both the assessment payor and the Director of Administration and Finance. The decision of the City Manager shall be final.

J. Notices. Notices of assessment installment payment or delinquency and all other notices contemplated by this Resolution shall be sent by ordinary mail to the address appearing in the current business license records for the City Or, if no address appears therein, the notice may be mailed to the address for such business appearing on the records of the Kirkland Fire Department Failure of the owner of an assessed business to receive any mailed notice shall not release such owner from the duty to pay the assessment or from payment on the due date and any delinquency charge or interest.

K. 1992 BIA Assessment Equalization Credit. In establishing the 1991 assessment levy, including maximum levies for retail businesses within Assessment Areas 1, 2 and 3, the City Council in Ordinance No. 3231 adopted the written recommendations of the Kirkland Downtown Association (KDA), however the Ordinance in establishing the maximum assessment levies within area 1, 2 and 3 differed from the intended maximums. The City Council finds a special one-time equalization credit should be permitted. Such credit against the 1992 assessments shall be determined as follows:

A special one-time equalization credit against the 1992 BIA assessment may be available to certain retail businesses located with Assessment Areas 1, 2 & 3 as follows.

A. Assessment Area 1:

A retail business within Assessment Area 1 whose area square footage for the purposes of the 1991 assessment calculation was 7,500 square feet or more, but less than 10,000 square feet, and whose 1991 BIA

assessment has been paid in full shall be entitled, upon written request, to a credit against such retail business' 1992 assessment in an amount calculated according to the following formula:

1. The lesser of \$4,000, or the sum of:

(1) The business area square footage times .4 (but not to exceed \$3,000), plus

(11) The business area square footage times .1.

2. Subtracted from the amount of the 1991 assessment.

B. Assessment Areas 2 and 3:

Any retail business with BIA Assessment Areas 2 or 3 whose business area square footage for the purposes of the 1991 BIA assessment calculation was more than 5,000 square feet and less than 25,000 square feet, and who has paid said 1991 BIA assessment in full, shall be entitled, upon written request, to a credit against such retail business' 1992 BIA assessment in an amount calculated in accordance with the following formula:

1. The lesser of \$4,000, or the sum of.

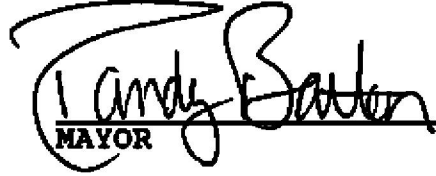
(1) The business area square footage times .3 (but not to exceed \$1,500), plus

(11) The business area square footage times .1.

2. Subtracted from the amount of the 1991 assessment.

PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 1st day of October, 1991

SIGNED IN AUTHENTICATION THEREOF on
the 1st day of October, 1991.


MAYOR

ATTEST•


City Clerk

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