

RESOLUTION NO. 4004

A RESOLUTION OF THE CITY COUNCIL OF KIRKLAND, WASHINGTON, DECLARING THE INTENTION OF THE COUNCIL TO ORDER THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS WITHIN THE BOUNDARIES OF SAID PROPOSED LOCAL IMPROVEMENT DISTRICT; SETTING FORTH THE NATURE AND TERRITORIAL EXTENT OF SUCH PROPOSED IMPROVEMENTS; DESCRIBING THE BOUNDARIES THEREOF; AND FIXING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE INFORMATION OF THE PROPOSED LOCAL DISTRICT.

WHEREAS, the City Council of the City of Kirkland, Washington (herein referred to as the "City"), has received a petition from a majority of the property owners, has additionally conducted a survey in which 64.12% of the property owners have indicated that they are in favor of this project, and has determined that it is necessary to provide for additions and betterments of a portion of the sanitary sewer system for the City in the South Rose Hill area of the City; and

WHEREAS, the City now desires to proceed with the carrying out of said improvements and to establish a local improvement district in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, as follows:

Section 1. It is the intention of the Council to order the improvement of the area shown on Exhibit A attached hereto and incorporated herein by this reference, by the acquisition, design, construction, and installation of the following improvements:

This project includes the installation of approximately 580 linear feet of eight inch diameter sanitary sewer within the public right of way, two manholes, six inch side sewers to each property within the proposed LID, and surface restoration of impacted roadway, shoulders, and landscaping.

Section 2. The City shall acquire by gift, purchase, franchise, lease or condemnation all property, both real and personal, or any interest therein and all right-of-way, franchise, permits and easements which may be found necessary to acquire, construct, and install the above-described improvements.

Section 3. It is hereby further provided that the herein-before authorized plan of improvements shall be subject to such changes as to details of said plan, not affecting the service to be provided by the plan of improvements, as shall be authorized by the Council either prior to or during the actual course of construction.

Section 4. The cost of improvements described in Section 1 and costs of interim notes and bonds shall be assessed against the property specifically benefited by such improvements, on the basis of the amount of the special benefits to such property. The assessments shall be for the sole purpose of

payment into such local improvement district bond fund as may be specified by the City Council for the payment of local improvement district bonds to be issued in part to defray the costs of such improvements.

Section 5. All persons who may desire to object to such improvements and the formation of a local improvement district are hereby notified to appear and present such objections at the meeting of the City Council to be held in the Council Chambers of the City Hall at 123 Fifth Avenue, Kirkland, Washington, at 7:30 p.m. on June 18, 1996, which time and place are hereby fixed for hearing all matters relating to said proposed improvements and all objections thereto and for determining the method of payment of said improvements. The City Clerk is hereby directed to give notice of said hearing by publication of this resolution in at least two consecutive issues of a newspaper of general circulation within the proposed improvement district, with the date of the first publication to be at least 15 days prior to the date of said hearing, and to mail a notice of such hearing setting forth the nature of the proposed improvements, the total estimated cost, the estimated benefits of improvements to the particular lot, tract or parcel of land, the time and date of said hearing, at least 15 days before the date thereof, to each owner or reputed owner of any lot, tract, parcel of land, or other property specially benefitted by said improvements, at the address shown on the tax rolls of the County Assessor.

ADOPTED at a regular meeting of the City Council of Kirkland, Washington, held on the 16 day of April, 1996.

By _____
Mayor

Horah Eddy

ATTEST:

Jane Perry

City Clerk

RESOLUT/RS:rs

EXHIBIT A

LEGAL DESCRIPTION OF BOUNDARY126TH AVENUE N.E. SANITARY SEWER LID

The east 135 feet of the west 165 feet of the north 261.38 feet, more or less, of the NW 1/4 of the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 9, Township 25, Range 5, EWM, and the west 301.7 feet, more or less, of the north 245.37 feet, more or less, of the NE 1/4 of the SW 1/4 of said 1/16 section, and the west 260 feet of the east 290 feet of the north 81.79 feet of the south 245.25 feet, and the west 298.68 feet of the east 328.68 feet of the south 163.46 feet of the SE 1/4 of the NW 1/4 of said 1/16 section.

EXHIBIT "A"

PROPOSED 126TH AVE. N.E. SANITARY SEWER LOCAL IMPROVEMENT DISTRICT BOUNDARY

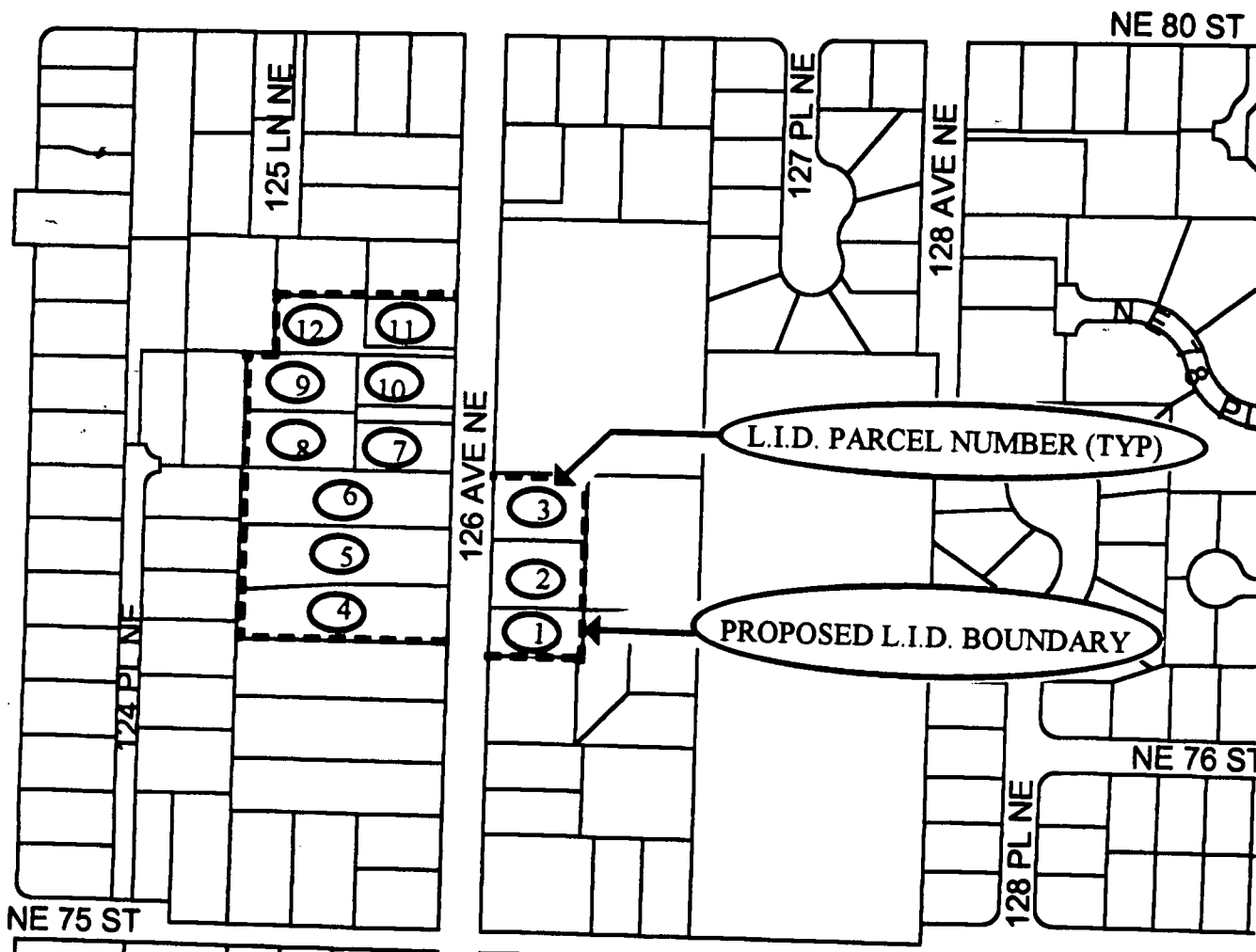


EXHIBIT B

NOTICE OR ADOPTION OF RESOLUTION OF INTENTION TO CREATE AND
NOTICE OF HEARING ON CREATION OF LOCAL IMPROVEMENT DISTRICT

YOU ARE NOTIFIED that on April 16, 1996, the City Council of Kirkland, Washington (the "District"), adopted Resolution No. _____ declaring its intention to create a local improvement district ("LID") and to order the construction of certain improvements within said LID. The boundaries of the proposed LID are as set forth in that resolution.

The proposed improvements consist of the following:

This project includes the installation of approximately 580 linear feet of eight inch diameter sanitary sewer within the public right of way, two manholes, six inch side sewers to each property within the proposed LID, and surface restoration of impacted roadway, shoulders, and landscaping.

The estimated cost of these improvements, and other expenses in connection with the improvements, is \$140,000, of which 100% shall be paid by special assessments levied against the property within the proposed LID specifically benefitted by the proposed improvements. Actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

You are notified that a meeting of the City Council will be held at City Hall, City Council Chambers, 123 Fifth Avenue, Kirkland, Washington, at 7:30 p.m., on June 18, 1996, which time and place are fixed for hearing all matters relating to such information and improvements and for determining the method of payment thereof. Persons desiring to object to the improvements and the formation of the proposed LID may appear at the hearing to state their views.

The estimated amount of the cost and expense of such improvements to be borne by and assessed against the described lot, tract or parcel of land located in Kirkland, Washington, of which you are the owner or reputed owner as shown on the tax rolls of the King County Assessor, is as stated below.

Janice J. Perry, City Clerk

Name of Owner:

Legal Description of Property:

Estimated Amount of Assessment Against the Foregoing Property:

CLERK'S CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Clerk of Kirkland, Washington (the "City"), and keeper of the records of the City Council (the "Council") DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Resolution No. ___ (the "Resolution") of the Council as finally adopted at a meeting of the Council held on the 9th day of April, 1996 and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 19__

City Clerk

[CITY SEAL]

CERTIFICATE

The undersigned, City Clerk of the City of Kirkland, Washington, DO HEREBY CERTIFY that the attached is a true and correct copy of a map of the area within Local Improvement District No. ____ showing the improvements to be constructed therein.

DATED this ____ day of _____, 19 ____.

CITY OF KIRKLAND, WASHINGTON

Janice J. Perry, City Clerk