

CITY OF LYNNWOOD, WASHINGTON

ORDINANCE NO. 881

AN ORDINANCE ordering the improvement of 53rd Avenue West from 208th Street Southwest, to 700 feet south of said street by excavating, grading, shaping, ballasting and paving with asphalt concrete, to a width of 36 feet measured from face to face of curbs, constructing and installing portland cement concrete curbs, gutters and sidewalks, storm sewers with surface inlets, retention and control facilities, and appurtenances, six-inch diameter water mains and appurtenances on 53rd Avenue West from 208th to 210th Street Southwest and on 210th Street Southwest from 53rd to 54th Avenues West, and extension of sanitary sewer laterals, all being one continuous unit of improvement, all in accordance with Resolution No. 76-21 of the City Council of the City of Lynnwood, Washington; establishing Local Improvement District No. 76-3; providing the method of assessment in said district; providing that payment for such improvement be made by special assessments on properties in said district payable by the mode of "payment by bonds;" and providing for the issuance and sale of local improvement district warrants redeemable in cash and local improvement district bonds.

WHEREAS, by Resolution No. 76-21 adopted September 13, 1976, the City Council of the City of Lynnwood, Washington, declared its intention to improve 53rd Avenue West from 208th Street Southwest, to 700 feet south of said street by excavating, grading, shaping, ballasting and paving with asphalt concrete, to a width of 36 feet measured from face to face of curbs, constructing and installing portland cement concrete curbs, gutters and sidewalks, storm sewers with surface inlets, retention and control facilities, and appurtenances, six-inch diameter water mains and appurtenances on 53rd Avenue West from 208th to 210th Street Southwest and on 210th Street Southwest from 53rd to 54th Avenues West, and extension of

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sanitary sewer laterals, all being one continuous unit of improvement, and to create a local improvement district to assess the cost and expense of carrying out such improvement against the property specially benefited thereby, and fixed the 25th day of October, 1976, at 7:30 o'clock P.M. (PDST) in the Council Chambers in the City Hall in the City of Lynnwood, Washington, as the time and place for hearing all matters relating to said proposed improvement and all objections thereto and for determining the method of payment for said improvement; and

WHEREAS, Gray & Osborne, Inc., consulting engineers to the City, have caused an estimate to be made of the cost and expense of the proposed improvement and have certified said estimate to the City Council, together with all papers and information in their possession touching the proposed improvement, a description of the boundaries of the district, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding or unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate, including 25% of the actual valuation of the improvements in the proposed district, according to the valuation last placed upon it for the purpose of general taxation; and

WHEREAS, said 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 amount of the cost and

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expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, due notice of the hearing upon said Resolution No. 76-21 was given in the manner provided by law and said hearing was held by the City Council on October 25, 1976, and all written protests filed with the City Council on or before said date were duly considered and overruled and all persons appearing at said hearing were heard; and

WHEREAS, at said hearing the City Council has given due consideration to the special benefits to be received from such proposed improvement by all of the properties to be included within the proposed local improvement district; and

WHEREAS, the City Council has determined it to be in the best interests of the City that said 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 LYNNWOOD, WASHINGTON, DO ORDAIN, as follows:

Section 1. It is hereby ordered that improvement be made to 53rd Avenue West from 208th Street Southwest, to 700 feet south of said street by excavating, grading, shaping, ballasting and paving with asphalt concrete, to a width of 36 feet measured from face to face of curbs, constructing and installing portland cement concrete curbs, gutters and sidewalks, storm sewers with surface inlets, retention and control facilities, and appurtenances, six-inch diameter water mains and appurtenances on 53rd Avenue West from 208th to 210th Street Southwest and on 210th Street Southwest

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from 53rd to 54th Avenues West, and extension of sanitary sewer laterals, all being one continuous unit of improvement.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by Gray & Osborne, Inc., P.S., consulting engineers to the City.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 76-3 of the City of Lynnwood, Washington," the boundaries of such local improvement district being described as follows:

Beginning at the northeast corner of lot 2, block N, plat of Hall Lake Town Site Division 3, said point beginning the true point of beginning; thence south, along the east boundaries of lots 2, 3, 6, 7, 8 and 10 of said block and lots 2, 3, 6, 7 and 10 of block O of said plat; thence continuing south to the northwest boundary of Interstate 5; thence southwesterly, along said northwest boundary, to the west boundary of lot 8, block Q, of said plat; thence north along the west boundaries of lots 8, 5, 4 and 1 of said block; thence continuing north across 210th Street southwest, to the southwest corner of lot 9, block 5, plat of Hall Lake Town Site Division 1; thence north, along the west boundaries of lots 9, 8, 5, 4 and 1 of said block, and lots 8, 7, 4, 3 and 1 of block E, plat of Hall Lake Town Site, to the northwest corner of said lot 1; thence northeasterly, along the northwest boundary of said lot 1, to the south boundary of 208th Street southwest; thence east, along said south boundary, to the northeast corner of lot 2, block N, plat of Hall Lake Town Site Division 3, said point being the true point of beginning.

Section 3. The total estimated cost and expense of the entire improvement is declared to be \$80,900.00. The total cost and expense shall be borne by and assessed against the property specially benefited by such improvement included in the local improvement district herein established embracing as near as may be all property specially benefited by such improvement.

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Section 4. In accordance with the provisions of Section 7 of Chapter 258, Laws of Washington, 1969, 1st Ex. Sess., 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 property being assessed.

Section 5. Local improvement district warrants shall be issued in payment of the cost and expense of the improvement herein ordered to be assessed, such warrants to be payable out of the "Local Improvement Fund, District No. 76-3," hereinafter created, to bear interest from the date thereof at a rate to be hereafter fixed by ordinance and to be redeemed in cash, and/or by local improvement district bonds, herein authorized to be issued, and interest-bearing warrants to be hereafter referred to as "revenue warrants." Such bonds shall bear interest at a rate to be hereafter fixed by ordinance, shall be payable on or before twelve (12) years from the date of issuance, the life of the improvement ordered being not less than twelve years, and shall be issued in exchange for and in redemption of any and all revenue warrants issued hereunder and not redeemed in cash within a period of not to exceed sixty (60) days after the first publication by the Finance Officer of the City of notice that the assessment roll for Local Improvement District No. 76-3 is in his hands for collection. The bonds shall be redeemed by the collection of special assessments to be levied and assessed upon the property within said District, payable in ten (10) equal annual installments, with interest at a rate to be hereafter fixed by ordinance under the mode of "payment by bonds," as defined by law

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and the ordinances of the City of Lynnwood. In the case of default in the payment of any assessment when the same shall become due, there shall be added interest at a rate to be hereafter fixed by ordinance and a penalty of 5% which shall also be collected. The exact form, amount, date, interest rate and denominations of said warrants and bonds shall be hereafter fixed by ordinance of the City Council. Said warrants and bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. There is hereby created and established in the office of the Finance Officer of the City of Lynnwood for Local Improvement District No. 76-3 a special fund to be known and designated as "Local Improvement Fund, District No. 76-3," into which fund shall be deposited the proceeds from the sale of revenue warrants drawn against said fund which may be issued and sold by the City and collections pertaining to assessments, and against which fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with said improvement, and against which fund cash warrants shall be issued in payment for all other items of expense in connection with said improvement.

Section 7. All the work necessary to be done in connection with the making of said improvement shall be done by and made by contract upon competitive bids and the City shall have and reserves the right to reject any and all bids. The call for bids for work authorized pursuant to this ordinance shall include a statement that payment for said work shall be made in cash warrants drawn upon the "Local Improvement Fund, District No. 76-3."

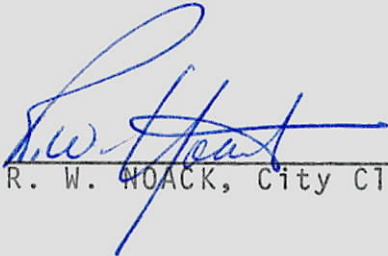
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PASSED by the City Council and APPROVED by the Mayor of the City of Lynnwood, Washington, at a regular open public meeting thereof, this 8th day of November, 1976.


M. J. HRDLICKA, Mayor

ATTEST:


R. W. ROACK, City Clerk

APPROVED AS TO FORM:


J. GAYLORD RIACH, City Attorney

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