

CITY OF LYNNWOOD, WASHINGTON

ORDINANCE NO. 1742

AN ORDINANCE ordering the improvement of property in the Moody Annexation Area all in accordance with Resolution No. 89-14 of the City Council; establishing Local Improvement District No. 89-3 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. 89-14 adopted December 27, 1989, the City Council declared its intention to order the improvement of property in the Moody Annexation Area, and fixed January 22, 1990, 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, Gray & Osborne, inc., consulting engineers, 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 its 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 LYNNWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. The City Council of the City of Lynnwood, Washington (the "City"), orders the construction of the improvements more particularly described in 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. 89-3 of the City of Lynnwood, 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 \$845,000, all of which cost and expense shall be borne by and assessed against the property specially benefited by the 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. 89-3, 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 City Finance Officer, 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 or rates 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 Finance Officer. 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 Finance Officer 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

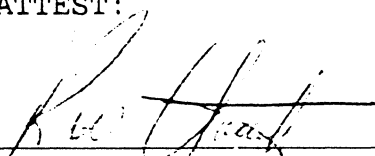
of such improvement to be borne by each lot, tract or parcel of land. The Finance Officer immediately shall post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

PASSED by the City Council and APPROVED by the Mayor of the City of Lynnwood, Washington, at a regular open public meeting thereof, this 22nd day of January, 1990.



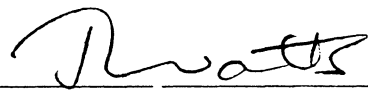
M. J. HRDLICKA, MAYOR

ATTEST:



R. W. NOACK, CITY CLERK

APPROVED AS TO FORM:



JOHN P. WATTS, ASST. CITY ATTORNEY

MLC-302*

PUBLISHED: FEB. 1, 1990

EXHIBIT A

CITY OF LYNNWOOD

SEWERAGE OF THE MOODY ANNEXATION AREA

DESCRIPTION OF IMPROVEMENTS

Construction of an 8-inch diameter sanitary sewer and appurtenances, beginning at the existing sanitary sewer manhole at the intersection of 179th Street S.W. (Maple Road) and 40th Avenue W.; thence east 250 feet, more or less, on 179th Street S.W. (Maple Road); thence northerly and easterly on easements through lots 8, 9 and 10 of block 3, Plat of Alderwood Manor No. 2, to the south boundary of the Plat of Sunny Crest; thence north, on easements in lot 3 of said Plat to 177th Place S.W.; thence on 177th Place S.W. from opposite lots 7 and 8 to opposite lots 1 and 13 of said Plat; thence north, on easements in lot 13 of said Plat; thence continuing east and northerly on easements in lots 6, 5, 4, 3, 2 and 1 of block 3, Plat of Alderwood Manor No. 2, to 172nd Street S.W.; thence approximately 350 feet east and 350 feet west on 172nd Street S.W.

EXHIBIT B

CITY OF LYNNWOOD

SEWERAGE OF THE MOODY ANNEXATION AREA

DESCRIPTION OF BOUNDARIES

Beginning at the southeast corner of the plat of Alderwood Homes No. 2, said point being the true point of beginning; thence north along the east boundary of said plat to the northeast corner of said plat; thence continuing northerly along the east boundary of short plat 78-5-32 to the northeast corner of said short plat; thence east, along the north boundary of lot 11, of block 3, plat of Alderwood Manor No. 2; to the southwest corner of the Plat of Sunny Crest; thence north, along the west boundary of said Plat, and continuing north, along the west boundaries of lots 6 and 5 of said block 3, to the northwest corner of said lot 5, thence east, 174 feet, more or less, along the north boundary of said lot 5, to the southeast corner of the Spruce Elementary School property; thence north, parallel with the west boundaries of lots 4 and 3, along the east boundary of the Spruce Elementary School property, to the south boundary of lot 2, said block 3, said point being the northeast corner of the Spruce Elementary School property; thence west along said south boundary to the southwest corner of lot 2; thence north, along the west boundaries of lots 2 and 1 of said block 3; thence west along the north boundary of lot 1, to the northeast corner of said lot; thence south along the east boundary of said block 3, to the northeast corner of lot 9 of said block 3; thence west, along the north boundary of said lot 9, to a point lying 290 feet east of the west line of said lot 9; thence south, parallel with the west boundary of said lot 9, to a point lying 140 feet north of the north boundary of 179th Street S.W. (Maple Road); thence westerly, parallel with the north boundary of said street, to the west boundary of said lot 9; thence south, along said west boundary to the southeast corner of lot 10 of said block 3; thence west, along the south boundary of said lot 10, a distance of 314.76; thence north 10 feet to the southeast corner of the Plat of Alderwood Homes No. 2, said point being the true point of beginning.