

ORDINANCE NO. 02-3497

AN ORDINANCE OF THE CITY OF KELSO ORDERING THE IMPROVEMENT OF LOTS 7 AND 8, BLOCK 7, ORIGINAL TOWN OF KELSO BY THE CONSTRUCTION AND INSTALLATION OF A PARKING LOT ALL IN ACCORDANCE WITH RESOLUTION OF THE CITY COUNCIL NO. 02-853; ESTABLISHING PARKING AND BUSINESS IMPROVEMENT AREA NO. 1; PROVIDING THAT PAYMENT FOR THE IMPROVEMENT BE MADE BY SPECIAL ASSESSMENTS UPON THE PROPERTY IN THE AREA, PAYABLE BY THE MODE OF "PAYMENT BY WARRANTS"; AND PROVIDING FOR THE ISSUANCE AND SALE OF PARKING AND BUSINESS IMPROVEMENT WARRANTS REDEEMABLE IN CASH

WHEREAS, by Resolution No.02-853 adopted April 10, 2002, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO DECLARING ITS INTENTION TO ESTABLISH A PARKING AND BUSINESS IMPROVEMENT AREA IN THE CITY; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE BOUNDARIES OF THE AREA, THE NATURE OF THE PROJECT AND THE ESTIMATED RATES OF ASSESSMENT"

the City Council declared its intention to order the improvement of Lots 7 and 8, Block 7, Original Town of Kelso by the construction and installation of a parking lot with drainage and necessary appurtenances, all in accordance with plans and specifications prepared by the city Public Works Department and fixed May 7, 2002, at 7:00 p.m., local time, in the Council Chambers at 501 South First Avenue, Kelso, Washington, 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, the City 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, a description of the boundaries of the Area a statement if what portion of the cost and expense of the improvement should be borne by the property within the proposed Area, a statement in detail of the local improvement assessments outstanding or unpaid against the property in the proposed Area, and a statement of the actual valuation of the property in the area according to the valuation last placed upon it for the purposes of general taxation; 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 parcels 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 written protests filed with the City Council on or before that date were duly considered and overruled and all persons appearing at such hearing 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 Parking and Business Improvement Area as authorized by RCW Chapter 35.87A be created in connection therewith; now therefore,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1: It is hereby ordered that Lots 7 and 8, Block 7, Original Town of Kelso be improved by the construction and installation of a parking lot with drainage and necessary appurtenances.

All of the foregoing shall be in accordance with plans and specifications therefore prepared by the Public Works Department of the City 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 hereby created a parking and business improvement area pursuant to RCW Chapter 35.87A to be called Parking and Business Area No. 1 of the City of Kelso, which Area is more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 3: The total estimated cost and expense of the improvement is hereby declared to be \$63,269. The total cost and expense shall be borne by and assessed against the property specially benefited by such improvement included in the parking and business improvement area herein established embracing as near as may be all property specially benefited by such improvement. The businesses and properties in the area established by this ordinance shall be subject to the provisions of the special assessments authorized by RCW 35.87A.010.

SECTION 4: The initial rate or levy of special assessment to be imposed is forty-four and one-half (0.445) cents per square foot. No classification of business and multifamily residential or mixed-use project is being used.

SECTION 5: Parking and Improvement Area warrants shall be issued in payment of the cost and expense of the improvement such warrants to be payable out of the "Parking and Business Improvement Fund, Area No. 1", to bear interest from the date thereof at a rate to be hereafter fixed by ordinance and to be redeemed in cash. Such interest bearing warrants shall be payable on or before twenty (20) years, the life of the improvement ordered being not less than twenty years, and shall be issued in exchange for and in redemption of any warrants issued

hereunder and not redeemed in cash within a period of not to exceed sixty (60) days after the first publication by the City Finance Director of notice that the assessment roll for Parking and Business Improvement Area No. 1 is in her hands for collection. The warrants shall be redeemed by the collection of special assessments to be levied and assessed upon the property within said Area, payable in twenty equal annual installments, with interest at a rate to be hereafter fixed by ordinance under the mode of "payment by warrants", as defined by law and the ordinances of the City of Kelso. 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 8% which shall be collected. The exact form, amount, date, interest rate and denomination of said warrants shall be hereafter fixed by ordinance. Said warrants shall be sold in such manner as the City Council shall hereafter determine.

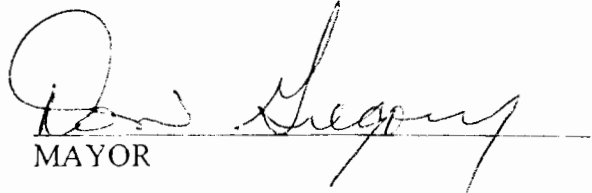
SECTION 6: All the work necessary to be done in connection with the making of such improvement shall be done by contract upon competitive bids and the City shall have and reserve the right to reject any and all bids. The call for bids shall include a statement that payment for such work will be made in cash warrants drawn upon the "Parking and Business Improvement Fund, Area No. 1."

SECTION 7: There is hereby created and established in the office of the Finance Director of the City for Parking and Business Improvement Area No. 1, a special fund to be known and designated as "Parking and Business Improvement Fund, Area No. 1," into which fund shall be deposited the proceeds from the sale of revenue warrants drawn against the 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

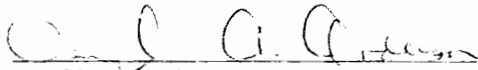
to be done by them in connection with the improvement, and against which fund cash warrants shall be issued in payment for all other items of expense in connection with the improvement.

SECTION 8: This ordinance shall be in full force and effect five days from and after its adoption and publication of summary as required by law.

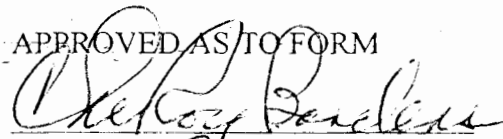
ADOPTED by the City Council and SIGNED by the Mayor this 21st day of May, 2002.


MAYOR

ATTEST/AUTHENTICATION


CITY CLERK

APPROVED AS TO FORM


CITY ATTORNEY

PUBLISHED: 5/20/02

**LEGAL DESCRIPTION
PARKING AND BUSINESS IMPROVEMENT AREA NO. 1**

The South one-half of Blocks 17 and 8; all of Block 6, including the vacated portion of Oak Street; all of Block 7, except Lots 7 and 8; Original Town of Kelso; and all of Blocks H and I, Commercial Addition to Kelso; according to the plats thereof recorded in the office of the Cowlitz County Auditor, State of Washington; EXCEPT that portion of said property which constitutes the right of way for Allen Street and the Allen Street Bridge.



DRAWN BY: MRB
 DATE: 2-5-02
 PROJECT:

