

LID 5.6000

02/13/95

ORDINANCE NO. M-3174

AN ORDINANCE providing for the construction of a system of water mains and of sanitary sewers to serve property bounded by portions of S.E. 168th Avenue and S.E. 15th Street in the City of Vancouver service area; providing for the construction and installation of such water mains and sewers by establishment of a Local Improvement District designated LID 544-WS, and providing for the payment of part of the costs of such improvements by special assessments upon property in the district and for payment of part of the costs of the sanitary sewer improvements from the Water-Sewer Fund; establishing the LID 544-WS Construction Fund and Debt Service Funds; and setting an immediate effective date.

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That City Council on January 3, 1994, adopted Resolution M-2936 declaring an intention to proceed to order the construction and installation of a system of water mains and of sanitary sewers to serve property bounded by portions of S.E. 168th Avenue and S.E. 15th Street in the City of Vancouver utility service area, and to do so by establishment of a local improvement district.

Said Resolution set a public hearing thereon for 7:00 p.m., February 6, 1995, in Council Chambers of City Hall, 210 East 13th Street, Vancouver, Washington.

Pursuant to said Resolution and to City Council instructions, the City Clerk duly notified all owners of property within the area and who would be specifically benefitted by the sewers, by mailing notices in proper form in due time and by publishing the Resolution as required by law.

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Section 2. On February 6, 1995, the public hearing was duly held and all interested persons were invited to speak for or against, or to comment upon the proposed local improvement district. At the conclusion of the public hearing, City Council discussed the same and decided to proceed with the improvements and with the LID and to adopt this Ordinance.

Section 3. It is hereby found as a fact that water mains and sanitary sewers are needed now to serve the area of the district. It is hereby ordered that the property in the area above described, and as shown on the map attached hereto at Exhibit "A", and incorporated herein, be improved by the construction and installation of a system of water mains together with all appurtenances thereto, and a system of sanitary sewers, together with all necessary manholes, house branches, wye-branch connections and other appurtenances relative thereto. The work to be done, and locations of the water mains and sewers to be installed, are shown upon the plans therefor prepared in the Office of the Department of Public Works, which plans are hereby adopted and incorporated in this Ordinance. The improvements shall be constructed in substantial conformity with such plans.

Section 4. The entire costs of said improvements, including all necessary and incidental expenses of engineering, surveying, clerical, attorney's fees, and other items as provided by law, shall be borne and paid by special assessments to be levied and assessed against the property included in the local improvement district herein created; provided, the City shall pay for that part of the costs of the sanitary sewer improvements in excess of \$3,900 per property. The sum of \$31,000 is hereby appropriated from the Water-Sewer Fund to the LID 544-WS Construction Fund created by this Ordinance for such City contribution for sanitary sewer construction costs.

Section 5. There is hereby created and established Local Improvement District 544-WS, which shall include all property specially benefitted by the improvements herein provided for, consisting of all the property described in Exhibit "A", attached hereto. The method of assessment, unless otherwise determined by City Council at the time of the final assessment roll, will be the equal assessment per lot method.

Section 6. Bonds, warrants or installment notes may be issued by the City in payment of the cost and expense of the improvements provided for herein. Such bonds, warrants or installment notes shall bear interest at a rate to be determined at the time of issuance and shall have a maturity not exceeding ten (10) years from the date of issuance. Any such bonds, warrants or installment notes issued shall be redeemed by the collection of payments on the special assessments to be levied and assessed upon the property benefitted within the district. Such assessments shall be payable in 120 equal monthly or 10 equal annual installments, including interest. The rate of interest to be charged on such assessments shall be the rate payable on the LID bonds, warrants or installment notes issued to finance the district improvements, plus one percent. Each assessment thus made shall become a lien on the property assessed. Assessments or installments of assessments not paid when due shall be delinquent. A penalty equal to 5 percent of the amount of the overdue installments shall be added to the assessment balance, and such penalty shall also become a lien upon the property assessed. The owner of each property included within the district shall elect within thirty days of the date the final assessment role is approved by City Council, whether to:

- (1) Pay the total assessment in full without interest; or
- (2) Pay the assessment in equal annual installments, including interest; or

(3) Pay the assessment in equal monthly installments, including interest.

If a timely election is not made, the assessment shall be paid in equal monthly assessments, including interest.

Section 7. There is hereby created a fund of the City to be known as Local Improvement District 544-WS Construction Fund and a fund of the City to be known as the Local Improvement District 544-WS Debt Service Fund. All monies received in payment of the assessments to be levied as herein provided shall be placed in the Local Improvement District 544-WS Debt Service Fund and shall be used solely for the retirement of bonds, warrants, or installment notes of said local improvement district. The Debt Service Fund is not to be used as a fixed, estimated, or special construction fund. During the construction period, warrants shall be drawn on the Local Improvement District 544-WS Construction Fund as provided by law, and shall be delivered to the contractor or contractors in payment of the cost of the construction and installation of said improvements subject to all provisions of law as to retainage. Such warrants shall be registered and shall bear interest from the date so registered. The City shall arrange for financing of said warrants by sale thereof to financing institutions at the most favorable interest rate as is then found available or through internal financing through interfund loans. The contractor may at its election, and in lieu of such sale, hold said warrants and receive interest thereon at a mutually agreed rate, which shall not exceed that rate then found by City to be available from financing institutions. Warrants issued and registered during construction shall be redeemed upon the issuance of and with the proceeds from bonds or installment notes issued pursuant to this Ordinance or to the ordinance finally confirming the assessment roll.

Section 8. This Ordinance shall go into effect immediately upon final passage, subject to all provisions of Ch. 35.43 RCW and other applicable laws.

Read first time: February 13, 1995

PASSED BY THE FOLLOWING VOTE:

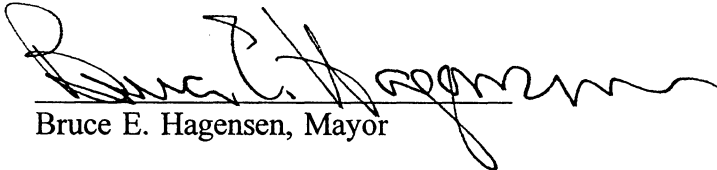
Ayes: Councilmembers Besserman, Tonkovich, Wilson,
Jollota, and Mayor Hagensen
Nays: Councilmembers None
Absent: Councilmembers Pollard, Horowitz

Read second time: February 21, 1995

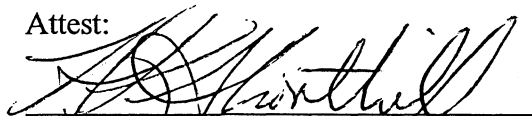
PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Besserman, Tonkovich, Wilson, Pollard,
Horowitz, and Mayor Hagensen
Nays: Councilmembers None
Absent: Councilmembers Jollota

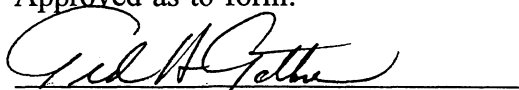
SIGNED this 21ST day of February, 1995.


Bruce E. Hagensen, Mayor

Attest:


H. K. Shorthill, City Clerk

Approved as to form:


Ted H. Gathe, City Attorney

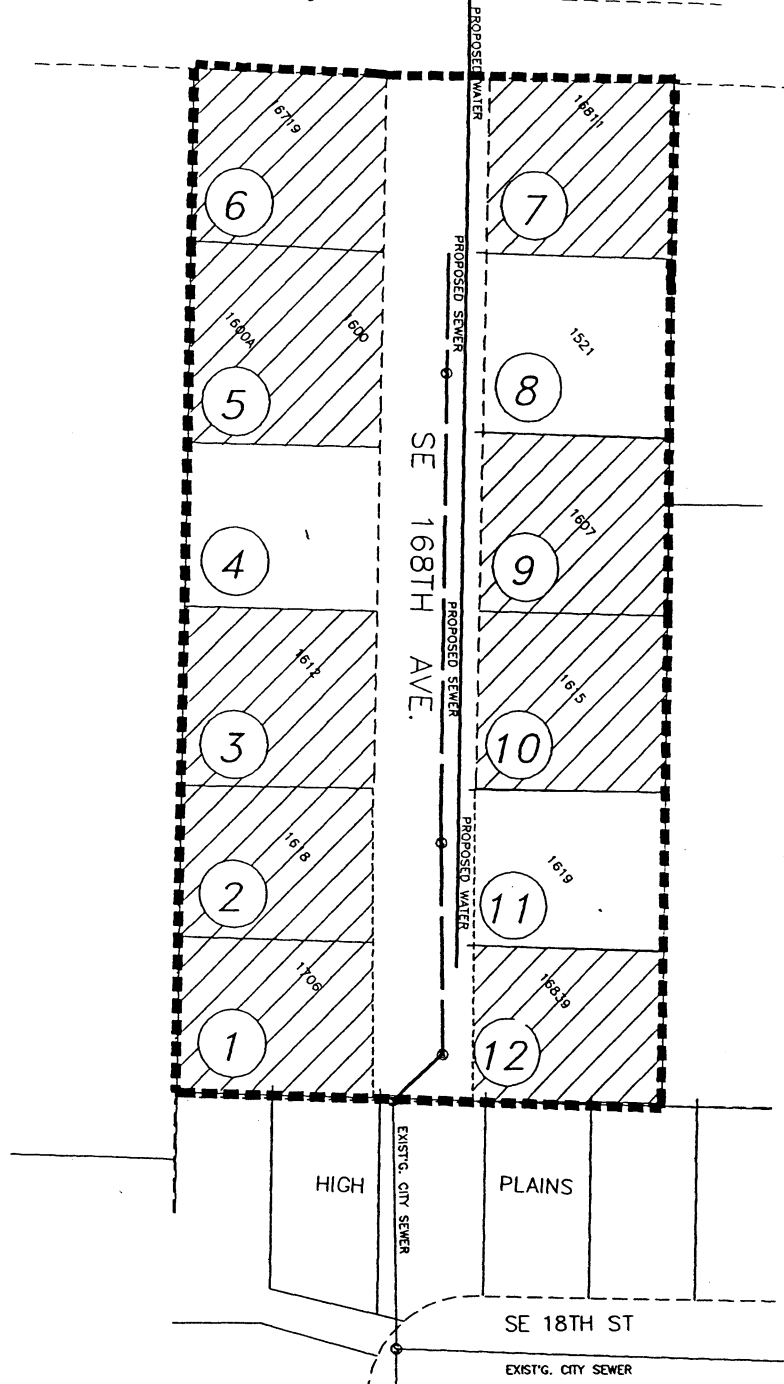
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SE 15TH ST.

EX. 18" D.I.

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EXHIBIT "A"



PROPOSED L.I.D. 544-WS

13 LID ACCOUNT NUMBER

--- PROPOSED BOUNDARY FOR L.I.D. 544-WS

 PROPERTIES IN FAVOR OF L.I.D.

 PROPERTIES UNDECIDED OR NO RECORD OF OPINION

 PROPERTIES AGAINST L.I.D.

— PROPOSED WATER
 - - - EXIST'G. CITY WATER
 —○— PROPOSED SEWER
 —○— EXIST'G. CITY SEWER

