



ORDINANCE NO. 28288

L.I.D. No. 8662

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AN ORDINANCE providing for the construction of pervious asphalt concrete paving with a structural section and reservoir course, concrete banding along both sides of the pervious pavement and City sidewalks along the proposed meandering street surface or other green infrastructure options, modifying the existing storm drain lines, and storm water catch basins, where needed, on Bennett Street from North 35th Street to North 37th Street, which may include driveway entrances, sanitary sewer connections from the sewer main to the property line, the removal and planting of trees, together with all work necessary to complete the improvements in full accordance with the plans and specifications to be prepared by the City Engineer; creating Local Improvement District No. 8662; providing for a special fund for the payment of the improvement by special assessment upon the property within the district benefited thereby, for the issuance of warrants, installment notes, bond anticipation notes, or other short-term obligations to pay that part of the cost and expense of the improvement assessed against the property in the district, and for the payment of the remainder of the cost thereof.

WHEREAS all of the preliminary proceedings for the establishment of Local Improvement District ("L.I.D.") No. 8662 have been taken as provided by law, and

WHEREAS the Hearing Examiner of the City, after public hearing duly held, has recommended to the City Council the formation of L.I.D. No. 8662; Now,

Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That there shall be constructed pervious asphalt concrete paving with a structural section and reservoir course, concrete banding along both sides of the pervious pavement and City sidewalks along the proposed meandering street surface or other green infrastructure options, modifying the existing storm drain lines, and storm water catch basins, where needed, on Bennett Street from North 35th Street to North 37th Street, which may include driveway entrances, sanitary



1 sewer connections from the sewer main to the property line, the removal and
2 planting of trees, and all work necessary to complete the improvements in full
3 accordance with the plans and specifications to be prepared by the City Engineer,
4 together with all other work necessary to complete the project in accordance with
5 the maps, plans, and specifications prepared and now on file in the office of the
6 Director of the Department of Public Works, which maps, plans, and specifications
7 are hereby adopted.

8 Section 2. That there is hereby created a local improvement district, to be
9 known as L.I.D. No. 8662, which shall embrace as nearly as practicable all the
10 property specially benefited by the improvements described above, which property
11 is described as follows:
12

13 That portion of the Southeast Quarter of the Northeast
14 Quarter of Section 26, Township 21 North, Range 02
15 East, W.M., described as follows:

16 The West 1/2 of Lots 1 through 4, all of Lots 5 through
17 20, the West 1/2 of Lots 21 through 24, Block 6; Lots 6
18 through 22, the East 60 feet of Lots 23 and 24, Block 7;
19 Glenn's Second Addition to Tacoma, W.T. as per plat
20 recorded in Volume 4, Page 10, filed November 8, 1889,
21 records of Pierce County Auditor.

22 Together with the portion of vacated North 35th Street
23 abutting the West 1/2 of Lot 24, of said Block 6.

24 Also, the portion of vacated North 35th Street abutting
25 the East 60 feet of Lot 24, of said Block 7.

26 Also, Parcel 'B' of DBLR 92-04-27-0465 described as
follows: commencing at the Southwest corner of Lot 5,
said Block 7, thence along the South line of said Lot 5,
North 89°56'34" East, 60.00 feet to the Point of
Beginning; thence North 00°00'04" East, 120.00 feet to
southerly Right-of-Way line of North 37th street according



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to said Plat; thence along said Right-of-Way line North 89°56'34" East, 60.00 feet to the West Right-of-Way line of Bennett Street, thence along said Right-of-Way line South 00°00'04" West, 120.00 feet, thence South 89°56'34" West, 60.00 feet to the Point of Beginning.

All land Situate in the City of Tacoma, County of Pierce, state of Washington.

Section 3. That the estimated cost and expense of the improvement is \$482,891.70; that \$300,000 of the cost thereof shall be contributed by the Environmental Services Surface Water Utility Fund; and that the balance of \$182,891.70 shall be borne and assessed against the benefitted properties included in the L.I.D.

The assessments levied against the property described above shall become due and payable at the option of the benefitted property owners in cash, without interest, within 30 days after publication of the notice of assessment, or in 15 equal annual installments with interest on deferred payments at a rate to be hereafter fixed, but in no event greater than .05 percent above the rate of interest fixed upon sale of bonds for the district; and each year one of such installments, together with interest due thereon and on all installments thereafter to become due, shall be collected in the manner provided by law.

Section 4. That a special fund is hereby created, to be called Local Improvement Fund, District No. 8662, which shall consist in the aggregate of the several amounts assessed, levied, and collected upon the several lots and parcels of land in the local improvement district for the purpose of defraying the cost and expense of the improvement to be borne by the property within the district, and into



1 which fund shall be deposited the proceeds of the sale of warrants, installment
2 notes, bond anticipation notes, or other short-term obligations drawn against the
3 fund which may be sold by the City. Out of the fund shall be paid the warrants,
4 installment notes, bond anticipation notes, or other short-term obligations, interest
5 thereon, and the cost of the improvement to be borne by the property included in
6 the district.

7 Section 5. The Director of the Department of Public Works is hereby ordered
8 to call for bids for said improvements, and to proceed and complete the
9 improvements and to make out and certify to the City Council an assessment roll,
10 all as provided by law.

12 In case no bid is accepted, the Director of Public Works is hereby authorized
13 to proceed and complete the improvement by the method of day labor or force
14 account and by use of materials, supplies, and equipment, as authorized by the City
15 Charter and ordinances of the City. The Director of Public Works shall keep a
16 separate account of the expenditures as made and the exact cost of the
17 improvements separately computed. Upon certification by the Director of Public
18 Works that any sums are due to any person for labor or materials for the
19 improvements, the proper officers shall issue a warrant therefor drawn upon the
20 L.I.D. Fund, District No. 8662. The Director of Public Works shall certify to the City
21 Council the assessment roll on the property as provided by law.

24 Section 6. Under the provisions of the laws of the state of Washington,
25 amendments thereto, and this ordinance, there shall be issued warrants, installment
26 notes, bond anticipation notes, or other short-term obligations, issued pursuant to



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Ordinance No. 23412, as it may be amended, in payment of the cost and expense of the district, payable out of the Local Improvement District Fund. Such warrants, installment notes, bond anticipation notes, or other short-term obligations shall bear interest from the date of their issuance at a rate to be hereafter fixed by the Director of the Department of Finance in accordance with Ordinance No. 23412, and shall be redeemed from the Local Improvement District Fund or by other warrants, installment notes, bond anticipation notes, or other short-term obligations, or from the proceeds of local improvement bonds hereafter issued.

Section 7. Pursuant to the provisions of the laws of the state of Washington, the City Council hereby directs that the improvements be paid for by the City in cash and that the warrants, installment notes, bond anticipation notes, or other short-term obligations authorized to be issued under the provisions of this ordinance be sold by the proper officers of the City in accordance with Ordinance No. 23412, as it may be amended, and that the proceeds thereof shall be applied in payment of the cost and expense of the improvement.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved

Chief Surveyor
Public Works Department