



ORDINANCE NO. 28605

L.I.D. No. 8645

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AN ORDINANCE relating to Local Improvement Districts; approving and confirming the assessment and assessment roll certified to the City Council by the Director of Public Works on December 29, 2016, for the cost of the improvements in Local Improvement District No. 8645 in the City of Tacoma, pursuant to Substitute Ordinance No. 27475, passed April 18, 2006; and providing for the disposition of the moneys collected upon said assessment.

WHEREAS the assessment roll for Local Improvement District No. 8645 ("Project") has been prepared and filed with the City Clerk on or about December 29, 2016, the Project was completed in 2011, and a public hearing thereon was held before the former Hearing Examiner of the City, on March 29 and 30, 2017, as required by law, and

WHEREAS two appeals of the Hearing Examiner's recommendation were received and ultimately heard by the City Council on August 29, 2017, with the City Council remanding the matter to the City's administration and the Hearing Examiner for additional analysis of the percentage of benefit, and

WHEREAS, in light of the six-year delay between the completion of the project, the former Hearing Examiner's recommendations and the City Council's appeal hearing both of which occurred in 2017, the City Council determined that the interest accrued during that delay calculated at \$331,500, should be borne by the City, and

WHEREAS the City Council hereby affirms that it was not the Council's intent to reduce all interest attributable to the project to \$331,500, but rather it



1 was the City Council's intent to make the LID properties whole for the six-year
2 delay, and

3 WHEREAS the City Council further remanded the assessments of the
4 appealing parties for further review by the City, including non-profit owners, in
5 light of their specific circumstances, and
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7 WHEREAS, the City Council further rejected the proposed general four
8 percent benefit based on the information provided at the August 29, 2017
9 hearing, and remanded the proposed general benefit to the City's administration
10 and the Hearing Examiner for further review, including the appellants' proposal
11 of one percent, and
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13 WHEREAS the City Council hereby affirms that it was not the Council's
14 intent to preclude all future consideration of a four percent benefit, but rather it
15 was the Council's intent to ensure that the final assessed benefit is clearly
16 supported in the record, and
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18 WHEREAS, fully consistent with and pursuant to the City Council's
19 direction, the City's administration reached settlements with both appealing
20 parties in consideration of their special circumstances, and
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22 WHEREAS the City further engaged a supplemental review of the
23 special benefit percentage which, due to the passage of time was able to utilize
24 actual sales data, and concluded that a four percent benefit was accurate, and
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26 WHEREAS, consistent with the City Council's direction, the City
transmitted all the information to the Hearing Examiner who issued a



1 Supplemental Recommendation After Remand on July 15th, 2019, and
2 Findings and Initial Order on Remand from the City Council on August 31,
3 2017, and

4 WHEREAS the Hearing Examiner determined that no further hearings
5 were necessary in this matter, and that any benefit from one percent to four
6 percent is fully supported in the record, leaving the final determination of benefit
7 percentage to the discretion of the City Council; Now, Therefore,

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9 BE IT ORDAINED BY THE CITY OF TACOMA:

10 Section 1. The foregoing recitals are hereby adopted as the City
11 Council's expression of collective intent and its legislative findings on this
12 matter.
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14 Section 2. That the objections to the assessment and assessment roll
15 are settled, and that the assessment and assessment roll certified to the City
16 Council by the Director of Public Works on September 17, 2019, for the cost of
17 constructing permanent pavement, reconstruction, repair, and renewal of
18 sidewalks, installation of ornamental street lighting and landscaping, including,
19 but not limited to, the renewing of shade and ornamental trees and shrubbery
20 thereon, and the construction of surface water, wastewater, and water main
21 utility replacement, together with limited maintenance of the landscaping from
22 Broadway from South 2nd Street to South 9th Street; St. Helens Avenue from
23 South 7th Street to South 9th Street; Market Street from St. Helens Avenue to
24 South 9th Street; South 4th Street from Stadium Way to Broadway; and,
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1 South 7th Street from Broadway to St. Helens Avenue, constituting Local
2 Improvement District No. 8645 in the City, pursuant to Substitute Ordinance
3 No. 27475, passed April 18, 2006, and the levy and charge of the cost of the
4 improvements as shown upon the assessment roll and thereby apportioned
5 upon the adjoining, contiguous, and proximate lots and parcels of land specially
6 benefited, in accordance with the laws of the state of Washington and
7 ordinances of the City, are hereby approved and confirmed in all respects, and
8 the City Treasurer is hereby directed to collect the assessment, which may be
9 paid without interest, penalty, or cost within 30 days after due notice shall have
10 been given to the owners of the property within the assessment district by
11 publication, in the manner provided by law; and, if the assessment is not paid
12 within 30 days from the date of the first publication of the notice, the same shall
13 bear interest thereafter at the estimated rate of 3.75 percent per annum, the
14 actual interest rate to be fixed by the ordinance authorizing the issuance and
15 sale of bonds for this district.

19 Section 3. That the moneys collected upon the assessment, approved
20 and confirmed by this ordinance, are hereby ordered to be placed in Local
21 Improvement Fund, District No. 8645, the special fund created by Substitute
22 Ordinance No. 27475. Under the provisions of the laws of the state of
23 Washington and amendments thereto, and this ordinance, there shall be issued
24 a warrant, or warrants, or installment note, or notes, in payment of the cost and
25 expense of District No. 8645 payable out of said local improvement district fund.
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Such warrants or notes shall bear interest at the estimated rate of 3.75 percent per annum, the actual interest rate to be fixed by the ordinance authorizing the issuance and sale of bonds for this district; and shall be redeemed in cash from said local improvement district fund or by other warrants or notes, and the warrants or notes shall be sold, as provided by law, by the proper officers of the City of Tacoma at private sale, and 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