



Req. #10860

## SUBSTITUTE ORDINANCE NO. 27475

L.I.D. No. 8645

1  
2  
3 AN ORDINANCE providing for the construction of permanent pavement,  
4 reconstruction, repair, renewal of sidewalks, ornamental street lighting,  
5 and landscaping, including, but not restricted to, the renewing of shade  
6 and ornamental trees and shrubbery thereon, and the construction of  
7 surface water, wastewater, and water main utility replacement, together  
8 with limited maintenance of the landscaping thereof; creating Local  
9 Improvement District No. 8645, providing for a special fund for the  
10 payment of the improvement by special assessment upon the property  
11 within the district benefited thereby, for the issuance of warrants,  
12 installment notes, bond anticipation notes, or other short-term obligations  
13 to pay that part of the cost and expense of the improvement assessed  
14 against the property in the district, and for the payment of the remainder  
15 of the cost thereof.

16 WHEREAS all of the preliminary proceedings for the establishment of  
17 Local Improvement District ("L.I.D.") No. 8645 have been taken as provided by  
18 law, and

19 WHEREAS the Hearing Examiner of the City, after public hearing duly  
20 held, and based on City Council policy on the formation of L.I.D.s, adopted  
21 pursuant to Resolution No. 32989, recommended to the City Council against  
22 the formation of L.I.D. No. 8645 because there was 53.8 percent protest filed  
23 by the property owners, and

24 WHEREAS the City Council policy relating to the formation of L.I.D.s,  
25 when the protest level is over 50 percent, can be modified, waived, or  
26 superseded as the Council finds to be in the best interest of the City, and

WHEREAS the City Council finds that the benefits of L.I.D. 8645 will  
have a substantial positive impact on one of the City's core business areas, and



1           WHEREAS the City Council finds that it in the best interest of the City to  
2 waive the protest requirements on L.I.D. 8645 and approve its formation; Now,  
3 Therefore,

4           BE IT ORDAINED BY THE CITY OF TACOMA:

5           Section 1. That there shall be constructed permanent pavement,  
6 reconstruction, repair, renewal of sidewalks, ornamental street lighting and  
7 landscaping, including, but not restricted to, the renewing of shade and  
8 ornamental trees and shrubbery thereon, and the construction of surface water,  
9 wastewater, and water main utility replacement, together with limited  
10 maintenance of the landscaping thereof, together with all other work necessary  
11 to complete the project in accordance with the maps, plans, and specifications  
12 prepared and now on file in the office of the Director of the Department of  
13 Public Works, which maps, plans, and specifications are hereby adopted.  
14

15           Section 2. That there is hereby created a local improvement district, to  
16 be known as L.I.D. No. 8645, which shall embrace as nearly as practicable all  
17 the property specially benefited by the improvements described above, which  
18 property is described as follows:  
19

20           Platted property:

21           That portion of Lots 12 through 16, Block 607, Map of New  
22 Tacoma, Washington Territory as filed February 3, 1875,  
23 records of the Pierce County Auditor, lying southerly of a line  
24 parallel with and 120 feet northerly as measured at right  
25 angles to the northerly right-of-way line of South 7th Street  
26 abutting said Block; together with all of Blocks 205, 206,  
405, 406, 505, 606, 705, 706, 707, 708, and 807 in said plat.



1 Section 3. That the estimated cost and expense of the improvement is  
2 \$12,005,250; that \$2,881,401 of the cost thereof shall be contributed by  
3 Tacoma Water; that \$2,433,856 of the cost thereof shall be contributed by  
4 Surface Water Utility; that \$2,362,749 of the cost thereof shall be contributed  
5 by Wastewater Utility; that \$382,500 of the cost thereof shall be contributed by  
6 the Arterial Street Fund; and that the balance of \$3,915,000 shall be borne and  
7 assessed against the property included in the L.I.D.  
8

9 The assessments levied against the property described above shall  
10 become due and payable at the option of the property owners in cash, without  
11 interest, within 30 days after publication of the notice of assessment, or in  
12 30 equal annual installments with interest on deferred payments at a rate to be  
13 hereafter fixed, but in no event greater than .05 percent above the rate of  
14 interest fixed upon sale of bond for the district; and each year one of such  
15 installments, together with interest due thereon and on all installments  
16 thereafter to become due, shall be collected in the manner provided by law.  
17

18 Section 4. That a special fund is hereby created, to be called Local  
19 Improvement Fund, District No. 8645, which shall consist in the aggregate of  
20 the several amounts assessed, levied, and collected upon the several lots and  
21 parcels of land in the local improvement district for the purpose of defraying the  
22 cost and expense of the improvement to be borne by the property within the  
23 district, and into which fund shall be deposited the proceeds of the sale of  
24 warrants, installment notes, bond anticipation notes, or other short-term  
25 obligations drawn against the fund which may be sold by the City. Out of the  
26



1 fund shall be paid the warrants, installment notes, bond anticipation notes, or  
2 other short-term obligations, interest thereon, and the cost of the improvement  
3 to be borne by the property included in the district.

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

8 In case no bid is accepted, the Director of Public Works is hereby  
9 authorized to proceed and complete the improvement by the method of day  
10 labor or force account and by use of materials, supplies, and equipment, as  
11 authorized by the City Charter and ordinances of the City. The Director of  
12 Public Works shall keep a separate account of the expenditures as made and  
13 the exact cost of the improvements separately computed. Upon certification by  
14 the Director of Public Works that any sums are due to any person for labor or  
15 materials for the improvements, the proper officers shall issue a warrant  
16 therefor drawn upon the L.I.D. Fund, District No. 8645. The Director of Public  
17 Works shall certify to the City Council the assessment roll on the property as  
18 provided by law.

19 Section 6. Under the provisions of the laws of the state of Washington,  
20 amendments thereto, and this ordinance, there shall be issued warrants,  
21 installment notes, bond anticipation notes, or other short-term obligations,  
22 issued pursuant to Ordinance No. 23412, as it may be amended, in payment of  
23 the cost and expense of the district, payable out of the Local Improvement  
24  
25  
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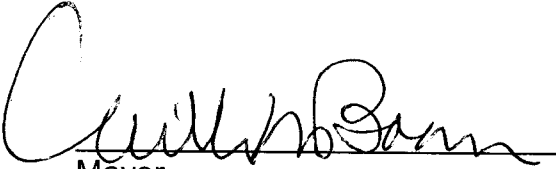


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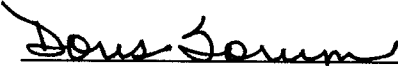
District Fund. Such warrants, installment notes, bond anticipation notes, or other short-term obligations shall bear interest from the date of their issuance at a rate to be hereafter fixed by the Director of the Department of Finance in accordance with the Ordinance No. 23412, and shall be redeemed 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.

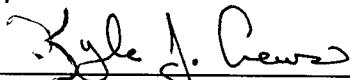
Section 7. Pursuant to the provisions of the laws of the state of Washington, the City Council hereby directs that the improvements be paid for by the City in cash and that the warrants, installment notes, bond anticipation notes, or other short-term obligations authorized to be issued under the provisions 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.

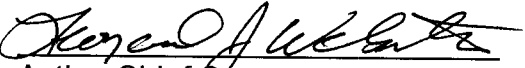
Passed APR 18 2006

  
Mayor

Attest:

  
City Clerk

Approved as to form and legality:  
  
Assistant City Attorney

Property description approved  
  
Acting Chief Surveyor  
Public Works Department



# REQUEST FOR ORDINANCE OR RESOLUTION

CITY CLERK USE

Request #:	10860
Ordinance #:	27475
Resolution #:	

2006 MAR 16 PM 1:35

1. DATE: March 15, 2006

CITY CLERK'S  
OFFICE

SPONSORED BY: Economic Development Committee-Chair, Council Member Talbert; Committee: Council Member Evans, Council Member Ladenburg, and Council Member Manthou

2. REQUESTING DEPARTMENT/DIVISION/PROGRAM Public Works Department/Director's Office	3. CONTACT PERSON (for questions): Craig S. Sivley, P.E., Asst/ P.W. Director/City Engineer	PHONE/EXTENSION 591-5526
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4. PREPARATION OF an Ordinance IS REQUESTED FOR THE CITY COUNCIL MEETING OF TUESDAY, MARCH 21, 2006.

5. SUMMARY TITLE/RECOMMENDATION: (A concise sentence, as it will appear on the Council agenda.)

Authorize the formation of Local Improvement District 8645 for the placement of permanent pavement; the reconstruction, repair, and renewal of sidewalks and landscaping; and the construction of surface water, wastewater and water main utility replacement together with limited maintenance of landscaping on Broadway from South 2<sup>nd</sup> to South 9<sup>th</sup> Streets; St. Helens Avenue from South 7<sup>th</sup> to South 9<sup>th</sup> Streets; Market Street from St. Helens Avenue to South 9<sup>th</sup> Street; South 4<sup>th</sup> Street from Stadium Way to Broadway; and, South 7<sup>th</sup> Street from Broadway to St. Helens Avenue.

6. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

On June 7, 2005, the City Council passed Resolution 36529 authorizing a public hearing on June 30<sup>th</sup> be conducted by the Hearing Examiner to form LID 8645. On August 22, 2005, the Hearing Examiner recommended formation of LID 8645. A motion for reconsideration was filed with additional protests submitted. The Hearing Examiner on January 30, 2006 amended his decision and recommended against formation of LID 8645 since the level of protest exceeded 50%. The Economic Development Committee, at their meeting of February 28, 2006, reviewed the facts and recommended formation of the LID based on it being in the best interest of the City.

This request received a do pass at the February 28, 2006 Economic Development Committee meeting.

7. FINANCIAL IMPACT:

- A.  NO
- B.  YES OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, Provide funding source information below

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
				\$12,005,250.00

If an expenditure, is it budgeted?  Yes  No Where? Cost Center:  
Acct #:

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Hearing Examiner Report dated 8-22-2005 and 1-30-2006	City Clerk
PWD (DPW/L.I.D. Section) Preliminary Report	City Clerk

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9. ATTORNEY CONTACT: Kyle Crews, 591-5638

10. Department Director/Utility Division Approval	OMB/Finance Director Approval	City Manager/Director Utilities Approval
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**CITY CLERK USE**

Request #: **10860**  
 Ord/Res #: **27475**

**FISCAL NOTE**

Each piece of legislation that has a financial impact or creates positions authority requires a fiscal note. After preparation by departmental staff, the Office of Management, Budget, and Analysis will review the fiscal note and make any necessary revisions before transmittal to the Legal department for legislation preparation.

<b>DEPARTMENT:</b>	<b>CONTACT PERSON/PHONE:</b>	<b>OMBA CONSULTANT/PHONE:</b>
PWD/Construction Division	Ralph K. Rodriguez / 591-5522	Beth Anne Wroe / 591-5067

Is it currently budgeted?  Yes  No  
 Is this a grant?  Yes  No      If Yes,  Operating  Capital

**EXPENDITURES:**

FUND NAME & NUMBER *	COST CENTER	WBS	ACCOUNT	2005-2006 EXPENDITURES
Arterial Street Fund 1060	661600	LID-8645R		5,000
ES Surface Water Utility 4301	529700	LID-8645S		50,000
ES Wastewater Utility 4300	524700	LID-8645W		50,000
Tacoma Water				50,000
<b>TOTAL</b>				<b>155,000</b>

**REVENUES:**

FUND NAME & NUMBER	COST CENTER	WBS	ACCOUNT	2005-2006 REVENUES
Property Assessments – 1060	661600	LID-8645R-FS-AD-06	4368110	
Arterial Street Fund – 1060	661600	LID-8645R-FS-AD-01	4335410	5,000
Tacoma Water	581200	WTR-00089-05-03		50,000
ES Wastewater Utility	524700	LID-8645-FS-AD-08	4300020	50,000
ES Surface Water Utility	529700	LID-8645S-FS-AD-08	6311245	50,000
<b>TOTAL</b>				<b>155,000</b>

**Notes:**

FUNDING SOURCE	2006	2007	2008	2009	2010	TOTAL
Property Assessments – 1060					3,915,000	3,915,000
Arterial Street Fund – 1060		200,000	177,500			382,500
Tacoma Water		1,750,000	1,081,401			2,881,401
ES Wastewater Utility		1,800,000	542,493			2,392,493
ES Surface Water Utility		1,900,000	483,856			2,433,856
<b>TOTAL</b>						<b>12,005,250</b>

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Ordinance No. 27475

First Reading of Ordinance: APR 18 2006

Final Reading of Ordinance: APR 18 2006

Passed: APR 18 2006

*3/21/06 Continued to the meeting  
of April 18, 2006*

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson	✓			
Mr. Evans	✓			
Mr. Fey		✓		
Ms. Ladenburg	✓			
Mr. Lonergan		✓		
Mr. Manthou	✓			
Mr. Stenger		✓		
Mr. Talbert	✓			
Mayor Baarsma	✓			

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Evans				
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Mr. Stenger				
Mr. Talbert				
Mayor Baarsma				