

**CITY OF GIG HARBOR
ORDINANCE NO. 833**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDERING CERTAIN LOCAL IMPROVEMENTS AND CREATING
A LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE
PAYMENT OF THE COST OF SUCH IMPROVEMENTS BY
SPECIAL ASSESSMENTS; AND PROVIDING FOR THE ISSUANCE
AND SALE OF LOCAL IMPROVEMENT DISTRICT BONDS AND
INTERIM FINANCING WARRANTS OR NOTES.**

WHEREAS, on October 11, 1999 the City Council of the City of Gig Harbor, Washington (the "City") adopted resolution No. 538 declaring its intention to order certain local improvements within the City and to create a local improvement district; and

WHEREAS, the proposed improvements are within the transportation element of the comprehensive plan of the City, as amended; and

WHEREAS, an environmental review of the proposed improvements has been undertaken; and

WHEREAS, a hearing was held on November 8, 1999, after notice as provided by law, and after discussion of the proposed improvements and due consideration thereof and of all objections thereto, the Council has determined to order the local improvements described below and to create a local improvement district; and

WHEREAS, estimates of the costs and expenses of the proposed improvements, a description of the boundaries of the district, a statement of what portion of the costs and expenses of the improvements would be borne by the property within the proposed district, and a diagram showing the lots, tracts and parcels to be benefited and other information pertaining to the proposed district, have been filed with the City Clerk and certified to the City Council;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington
ORDAINS as follows:

Section 1. The City shall acquire, construct and install the following improvements within the following described areas of the City:

Phase 1 of the improvements will construct a single lane roundabout intersection connecting the proposed East – West Road, Canterwood Boulevard, Burnham Drive, the northbound ramps to and from State Route 16. The remainder of the Phase 1 improvements will provide two travel lanes, storm drainage improvements (including storm water detention and water quality facilities), and curb, gutter, planter strips, and a sidewalk on the south side extending east from the roundabout to Peacock Hill Avenue. Additional improvements include wetland mitigation, and provisions for lighting and underground utilities.

The foregoing improvements are hereafter referred to as the “Improvements.”

Section 2. The plans and specifications, which are 95% complete, for the Improvements, as prepared by the Public Works Department, and now on file in the City Clerk’s office, are hereby adopted and approved. The Improvements, when completed, shall be in accordance with said plans, the provisions of this ordinance and any other ordinances as hereafter may be adopted in connection herewith; provided, however, that changes in detail of such plans that do not significantly alter the scope or costs of the Improvements will not require further approval.

Section 3. There is hereby established a local improvement district of the City to be known as “Local Improvement District No. 99-1” (herein referred to as “LID No. 99-1”). The boundaries of LID No. 99-1 shall be as described in Exhibit A attached hereto and incorporated by this reference.

It is hereby found that the above-described boundaries embrace as nearly as practicable all the property specially benefited by the Improvements.

Section 4. The total cost and expense of the Improvements thereto is estimated to be \$3,500,000 of which an estimated 47% (the balance of the costs after application of available grants and contributions) shall be borne by and assessed against the property within LID No. 99-1 specially benefited by the Improvements. Assessments shall be made against the property within LID No. 99-1 in accordance with the special benefits accruing to such property.

Section 5. Upon completion of the Improvements, an assessment roll shall be prepared and, after notice and hearing in the manner provided by law, an assessment roll shall be confirmed. Assessments not paid within the 30-day prepayment period provided by law shall be payable in installments and the City shall issue improvement district bonds payable from such unpaid installments. The number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid installments shall bear shall be as hereafter fixed by ordinance.

Section 6. There is hereby created a fund of the City to be known as the “Local Improvement District No. 99-1 Fund” for the purpose of paying the cost of the Improvements provided for in this ordinance and into which there shall be paid all of the assessments collected in LID No. 99-1 as and when directed by the ordinance confirming

the assessment roll. All moneys received from the sale of bonds, notes and warrants drawn on the LID No. 99-1 Fund shall be deposited into said Fund, and applied solely in payment of the costs and expenses of the improvements.

Section 7. Pending the issuance of local improvement district bonds, the City may, for the purpose of meeting any and all costs and expenses of constructing the Improvements for which funds are not otherwise available, as the same are installed prior to the sale of the bonds, issue interim financing warrants against the LID No. 99-1 Fund, or issue local improvement district bond anticipation notes pursuant to RCW 39.50, bearing interest at such rate or rates and with such terms as may hereafter be established by the Council by ordinance. Such interim warrants or notes, together with the interest due thereon to the date of delivery of the bonds, shall be redeemed and retired from the proceeds of the sale of local improvement district bonds or prepayments of assessments. Such warrants or notes shall be issued in an aggregate principal amount not in excess of the cost and expense of the improvements.

Section 8. Upon its approval, this ordinance shall be published in the official newspaper of the city, and shall take effect and be in full force five(5) days after the date of its publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 13 day of December, 1999.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee
City Clerk

Filed with city clerk: 11/8/99
Passed by the city council: 12/13/99
Date published: 12/22/99
Date effective: 12/27/99

EXHIBIT A

LEGAL DESCRIPTION FOR PROPOSED LID:

The North half, East half of the Southeast quarter, North 80 feet of that portion of the North half of the Southwest quarter lying easterly of Lake Cushman Tacoma Power Line right-of-way together with the North 60 feet of the North 333 feet of the West half of the Southeast quarter, and the North 60 feet of the North 330 feet as measured along the West line of that portion of the Southwest of the Northwest line Northerly and Easterly of Gig Harbor Burnham Drive and Westerly of Lake Cushman Tacoma Power Line right-of-way, of the Northwest quarter of Section 31.

EXCEPT a tract of land bounded and described as follows:

Beginning at the Northwest corner of SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE W.M.;
Running thence-East 54 feet;
Thence South 14 degrees 49 feet East 679 feet to the South line of the North half of the Northwest quarter of the Northwest quarter of said Section 31;
Thence-West 238 feet to the Section line;
Thence North along the same 666 feet to the beginning containing 2.23 acres.

TOGETHER WITH the perpetual right to slash and keep slashed all "danger" trees within a distance of 200 feet from the East line of the above described tract. "Danger" trees being those of such height that in falling might damage the poles or wires erected and maintained on the said tract.

The North half, Southwest quarter, and North half of the Southeast quarter; of the Northeast quarter of Section 31.

The Northeast quarter, the Southeast quarter, the Northwest quarter, and the East half of the Southwest quarter; of the Northwest quarter of the Southeast quarter of Section 31.

The North half of the Northeast quarter of the Northeast quarter of the Southwest quarter of Section 31.

The West half of the Southeast quarter; the South half of the Southwest quarter of Section 30. All within TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY.

EXCEPT the following described property:

Beginning at the Southwest corner of SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE W.M., run, thence North on Section line 792 feet;

Thence South 14 degrees 49 minutes East 819 feet to the South line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 30;

Thence West along the same, 209 feet to the beginning, conveyed to the City of Tacoma by Deed recorded under Recording No. 675729, records of Pierce County, Washington.

That portion East of Canterwood Blvd. and Burnham Drive within the East half of the Northeast quarter of the Northeast quarter of Section 36 within TOWNSHIP 22 NORTH, RANGE 1 EAST, W.M., PIERCE COUNTY. EXCEPT that portion conveyed to the State of Washington Road No. 16 MP 8.34 to MP 18.87 Narrows Bridge to Olympic Drive, as described in Deed for State recorded under Recording No. 2397369. Also EXEPT Canterwood Boulevard – Burnham Drive City Streets.

**SUMMARY OF ORDINANCE NO. 833
of the City of Gig Harbor, Washington**

On December 13, 1999, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 833, the summary of text of which is as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ORDERING CERTAIN LOCAL IMPROVEMENTS AND CREATING A LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE PAYMENT OF THE COST OF SUCH IMPROVEMENTS BY SPECIAL ASSESSMENTS; AND PROVIDING FOR THE ISSUANCE AND SALE OF LOCAL IMPROVEMENT DISTRICT BONDS AND INTERIM FINANCING WARRANTS OR NOTES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of December 13, 1999.

BY: _____
Molly M. Towslee, City Clerk