

ORDINANCE NO. 564

AN ORDINANCE of the City of Gig Harbor, Washington, approving and confirming the final assessment roll for Utility Local Improvement District No. 2, which has been created and established for the purpose of paying the cost of certain sewer system improvements in the Westside Business District; and levying and assessing the amount thereof against the lots, tracts, parcels of land and other property shown on said roll.

WHEREAS, an assessment roll levying special assessments against the properties located in Utility Local Improvement District No. 2 ("ULID No. 2"), in the City of Gig Harbor, Washington, created under Ordinance No. 515, was filed with the City Administrator of the City of Gig Harbor as provided by law; and

WHEREAS, notice of the time and place of a hearing on and of making objections to the assessment roll was duly published at and for the time and in the manner provided by law, fixing the time and place of hearing thereon for the 25th day of September, 1989, at the hour of 7:00 p.m. in the Council chambers of the City Hall, 3105 Judson Street, Gig Harbor, Washington, and further notice thereof was duly mailed by the City Administrator to each property owner on said roll; and

WHEREAS, at the time and place fixed and designated in said notice, the hearing on said assessment roll was duly held and the Council, sitting as a board of equalization, gave due consideration to all written and oral protests received and all persons appearing at said hearing;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The Council, sitting as a board of equalization and having made all revisions to the roll it deems necessary, hereby finds and determines that the final assessment roll for ULID No. 2 is just and equitable and that no assessment against property within ULID No. 2 is greater than the special benefits to be derived from the improvements. Accordingly, the final assessment roll, in the total amount of \$ 1,503,200.00, is hereby approved and confirmed, and the assessments set forth therein are hereby levied against each lot, tract and parcel of property described in the roll.

Section 2. The City Administrator is hereby directed to place in the hands of the Treasurer of the City for collection the final assessment roll for ULID No. 2. Upon such placement, the amount of each assessment set forth in the roll, together with any interest or penalty imposed from time to time, shall become a lien against the property so assessed. The lien shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes.

Section 3. Upon receipt of the final assessment roll for ULID No. 2, the Treasurer of the City is hereby directed to publish notice at the times and in the manner required by RCW 35.49.010, stating that the roll is in his/her hands for collection and that such assessments or any portion thereof may be paid to the City at

any time within 30 days from the date of the first publication of such notice, without penalty, interest or costs.

Section 4. The amount of any assessment, or any portion thereof, against property in ULID No. 2 not paid within the 30-day period from the date of the first publication of the Treasurer's notice shall be payable in 14 equal annual installments, together with interest on the diminishing principal balance thereof at a rate of 8.5% per annum. Interest shall commence on the 30th day following first publication of such notice. The first installment shall become due and payable upon the expiration of the 30-day prepayment period. Annual installments, including interest and any penalty, shall be paid in full when due, and no partial payments shall be accepted by the Treasurer of the City.

Section 5. Any installment not paid when due shall thereupon become delinquent. All delinquent installments shall be subject to a penalty equal to 12 % per annum of the amount of the installment, including interest, from the date of the delinquency until paid.

Section 6. The lien of any assessment may be discharged at any time after the 30-day prepayment period by payment of the entire principal amount of the assessment remaining unpaid together with interest thereon to the due date of the next installment.

Section 7. If any one or more of the provisions of this ordinance shall be declared by a court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed severable from the remaining provisions of this

ordinance and shall in no way affect the validity of the other provisions of this ordinance.

Section 8. This ordinance shall be in full force and effect five days after its passage and publication as provided by law.

INTRODUCED on September 11, 1989, and PASSED by the Council of the City of Gig Harbor, Washington at its regular meeting on the 25th day of September, 1989.

CITY OF GIG HARBOR, WASHINGTON

By Howard J. Wetherby
Mayor

ATTEST:

Ron Roberts

City Administrator/Clerk

Filed with city clerk: 9/8/89
Passed by city council: 9/25/89
Date published: 10/4/89
Date effective: 10/9/89