

ORDINANCE NO. 3386

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**AN ORDINANCE ORDERING THE IMPROVEMENT OF PROPERTY IN THE CITY OF LONGVIEW ALL IN ACCORDANCE WITH RESOLUTION NO 2269 OF THE CITY COUNCIL; ESTABLISHING LOCAL IMPROVEMENT DISTRICT NO. 352 AND ORDERING THE CARRYING OUT OF THE PROPOSED IMPROVEMENT; PROVIDING THAT PAYMENT FOR THE IMPROVEMENT BE MADE BY SPECIAL ASSESSMENTS UPON THE PROPERTY IN THE DISTRICT, PAYABLE BY THE MODE OF PAYMENT BY BONDS.**

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WHEREAS, by Resolution No. 2269 adopted June 14, 2018, the City Council declared its intention to order the improvement of property in the City of Longview, for the purpose of constructing a new roadway on Beech Street from Oregon Way to California Way, and fixed July 12, 2018 at 7:00 p.m., local time, in the Council Chambers of the City Hall as the time and place for hearing all matters relating to the proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, the City Engineer of the City of Longview caused an estimate to be made of the cost and expense of the proposed improvement and certified that estimate to the City Council; and

WHEREAS, Valbridge Property Advisors, experts in land appraisal, valuation, and special assessments, was retained and determined the boundary of the proposed local improvement district along with the special benefit derived by each property within the boundary; and

WHEREAS, the City Engineer caused a description of the boundary of the proposed local improvement district to be prepared, along with a diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property which will be specially benefited by the proposed improvement and the estimated cost and expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, the City Engineer certified that a petition signed by the owners of property aggregating 72% of the area within the proposed local improvement district was submitted prior to the hearing; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the City Council on the date and at the time above mentioned, and all objections to the proposed improvement were duly considered and overruled by the

City Council, and all persons appearing at such hearing and wishing to be heard were heard; and

WHEREAS, during the hearing, one property owner representative requested their signature on the petition be removed, and the City Engineer subsequently certified the petition remained signed by the owners of property aggregating 69% of the area within the proposed local improvement district; and;

WHEREAS, the City Council has determined it to be in the best interests of the City that the improvement as hereinafter described be carried out and that a local improvement district be created in connection therewith.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LONGVIEW DO ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Longview, Washington (the "City") , orders the construction of the improvements more particularly described in Exhibit A attached hereto and by this reference incorporated herein.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared to construct such improvements, and may be modified by the City Council as long as such modification does not affect the purpose of the improvement.

Section 2. There is created and established a local improvement district to be called Local Improvement District No. 352 of the City of Longview, Washington (the "District"), the boundary or territorial extent of the District being more particularly described in Exhibit B attached hereto and by this reference incorporated herein.

Section 3. The total estimated cost and expense of the improvement is declared to be \$4,430,000 and the City intends to assess the final cost of the improvements and related expenses against the property within the District, less any non-District funding used to pay a portion of the improvement and related costs. As required by State law, the assessment against any property cannot exceed the increased true and fair value the improvements add to the property. Valbridge Property Advisors has estimated that the current increased value of the improvements to the property within the District is \$3,699,232. The actual assessments will depend on the final costs of the improvements and related expenses and the value to the property at the time the assessment roll is prepared.

Section 4. In accordance with the provisions of RCW 35.44. 047, the City may use any method or combination of methods to compute assessments which may be deemed to fairly reflect the special benefits to the properties being assessed.

Section 5. Local improvement district warrants may be issued in payment of the cost and expense of the improvement herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund, District No. 352, hereinafter created and referred to as the Local Improvement Fund, and, until the bonds referred to in this section are issued and delivered to the purchaser thereof, to bear interest from the date thereof at a rate to be established hereafter by the City Finance Officer, as issuing officer, and to be redeemed in cash and/or by local improvement district bonds herein authorized to be issued, such interest-bearing warrants to be hereafter referred to as 'revenue warrants'. In the alternative, the City hereafter may provide by ordinance for the issuance of other short-term obligations pursuant to Chapter 39.50 RCW.

The City is authorized to issue local improvement district bonds for the District which shall bear interest at a rate and be payable on or before a date to be hereafter fixed by ordinance. The bonds shall be issued in exchange for and/or in redemption of any and all revenue warrants issued hereunder or other short-term obligations hereafter authorized and not redeemed in cash within twenty days after the expiration of the thirty-day period for the cash payment without interest of assessments on the assessment roll for the District. The bonds shall be redeemed by the collection of special assessments to be levied and assessed against the property within the District, payable in annual installments, with interest at a rate to be hereafter fixed by ordinance under the mode of "payment by bonds", as defined by law and the ordinances of the City. The exact form, amount, date, interest rate or rates and denominations of such bonds hereafter shall be fixed by ordinance of the City Council. Such bonds shall be sold in such manner as the City Council hereafter shall determine.

Section 6. In all cases where the work necessary to be done in connection with the making of such improvement is carried out pursuant to contract upon competitive bids (and the City shall have and reserves the right to reject any and all bids), the call for bids shall include a statement that payment for such work will be made in cash warrants drawn upon the Local Improvement Fund.

Section 7. The Local Improvement Fund for the District is created and established in the office of the Finance Director. The proceeds from the sale of revenue warrants or other short-term obligations drawn against the fund which may be issued and sold by the City and the collections of special assessments, interest and penalties thereon shall be deposited in

the Local Improvement Fund. Cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvement and cash warrants in payment for the all other items of expense in connection with the improvement shall be issued against the Local Improvement Fund.

Section 8. Within fifteen (15) days of the passage of this ordinance there shall be filed with the Finance Director the title of the improvement and District number, a copy of the diagram or print showing the boundary of the District, and the preliminary assessment roll or abstract of such roll showing thereon the lots, tracts and parcels of land that will be specially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract or parcel of land. The Finance Officer immediately shall post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

Section 9. This ordinance shall go into effect five (5) days after publication, subject to all provisions of Ch. 35.43. RCW and other applicable laws.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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James McNamara

City Attorney

Published: \_\_\_\_\_

## **Exhibit A**

That the following described construction of the improvements be made in the City as follows:

**Constructing the roadway of Beech Street in the Assessor's Plat No. 5 in the city of Longview, County of Cowlitz, State of Washington, as per map recorded in Volume 8, Page 26 of Plats in the office of the County Assessor of said county, by grading to proper grade, installation of necessary storm drainage facilities, paving a hard surface 48 feet wide, 5 foot sidewalks on both sides, curb & gutters, illumination system, street trees, pavement markings, signs, and such other work as may be deemed necessary in connection therewith be made in the City of Longview.**

## **Exhibit B**

That Local Improvement District No. 352 of the District be created therefore, within the following described territorial limits, and/or containing the following described property, to-wit:

**A portion of Assessor's Plat No. 5, Volume 8, Page 26 and a portion of the Plat of Central Manufacturing District No. 2, Volume 6, Page 44, Records of the Auditor, Cowlitz County, Washington, more particularly described as follows:**

**Beginning at the Southeasterly corner of Lot 12 of said Assessor's Plat No. 5, said corner being a point on the Southwesterly Right-of-Way line of California Way; thence northwesterly along said Right-of-Way line to the most Northerly corner of Lot 4 as described under AFN 3126341; thence Southwesterly along the Northwesterly line of AFN 3126341 to the most Westerly corner thereof, said corner being a point on the Northeasterly line of Lot 25; thence Northwesterly along the Northeasterly line of Lot 25 to an intersection with the South Right-of-Way line of Baltimore Street; thence West along the South line of Baltimore Street to the Northwesterly corner of Lot 24, said corner being a point on the Easterly Right-of-Way line of 14<sup>th</sup> Avenue; thence Southwesterly along the Easterly Right-of-Way line of 14<sup>th</sup> Avenue to an intersection with the Easterly projection of the Southerly line of a 7 ½ feet wide dedication to the City of Longview in Block 22, Plat of Central Manufacturing District No. 2 as described under AFN 3333303, Volume 474, Page 65; thence West along said Easterly projection and the Southerly line of said dedication to the Northwesterly corner of Lot 13, Plat of Central Manufacturing District No. 2 as described under AFN 871103079, Volume 1030, Page 467; thence South along the West line of said Lot 13 to the Northeast corner of Lot 16; thence West along the North line of said Lot 16 to a corner common to Lot 16 and Lot 17; thence Northwesterly along the Northeasterly line of Lot 17 to the Northwesterly corner thereof said corner being on the Easterly Right-of-Way line of Oregon Way; thence Southwesterly along said Easterly Right-of-Way line to the most westerly corner of that portion of Lot 47 of Assessor's Plat No. 5 as described under AFN 3507819; thence Southeasterly, Southerly and Easterly along the Southwesterly and Southerly boundary of said AFN 3507819 to the Southeasterly corner thereof, said corner also being the Northeasterly corner of that portion of Lot 46, Plat of Assessor's Plat No. 5 described under AFN 3553898; thence South along the Easterly line of AFN 3553898 to the Southeasterly corner thereof, said corner being a point on the**

Northerly line of Alaska Street as described under AFN 333303, Volume 474, Page 65; thence East along the North line of Alaska Street and the Easterly projection thereof to an intersection with the Easterly Right-of-Way line of Fourteenth Avenue; thence Southwesterly along the Easterly line of Fourteenth Avenue to an intersection with North line of Lot 34 of said Assessor's Plat No. 5; thence East on the North line of said Lot 34 to the Northeast corner thereof, said corner also being the Northwesterly corner of Lot 27A of Assessor's Plat No. 5 as described under AFN 3438445; thence Southeasterly along the Northerly line of said Lot 27A to the Northeasterly corner thereof; thence Southwesterly along the Easterly line of said AFN 3438445, and AFN 3341315 to the Southeasterly corner thereof, said corner also being a point on the North line of Consolidated Diking Improvement District No. 1, Ditch No. 3; thence East along the North line of said ditch to the point of beginning.