

ORDINANCE NO. 1817

CITY OF FIFE, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REGARDING PAYMENT OF ASSESSMENTS FOR LOCAL IMPROVEMENT DISTRICT NO. 08-1

WHEREAS, the final assessment roll ("Assessment Roll") for City of Fife Local Improvement District ("LID") No. 08-1 was approved and confirmed by Ordinance No. 1786 on September 24, 2012; and

WHEREAS, the total amount of the Assessment Roll is \$2,360,902; and

WHEREAS, Washington State Department of Transportation ("WSDOT"), which owns property within LID No. 08-1 having a total assessment of \$955,543, has filed an appeal of its assessment in the Pierce County Superior Court in accordance with RCW 35.44.210; and

WHEREAS, if the City waits to sell local improvement district bonds until after the appeal has been decided, the City will need to issue new bond anticipation notes in the interim, thereby increasing the financing costs of the LID; and

WHEREAS, the City may proceed with the bond sale if it agrees to pay the difference if the highest court hearing the appeal reduces or eliminates WSDOT's assessment; and

WHEREAS, even if WSDOT's appeal is successful, the City does not intend to increase the assessments on the other properties within the LID, except property owned by the City; now, therefore

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON
DO ORDAIN AS FOLLOWS:

Section 1. In the event the highest court in which review is granted orders the reduction or elimination of WSDOT's assessments, the City Finance Director-Treasurer shall modify the Assessment Roll by reducing or eliminating WSDOT's assessments in accordance with the court's order, and increasing the assessment on the City of Fife owned parcel 0420174035 by like amount. The intent of this section is that the City shall pay the difference between WSDOT's total assessment as set forth in Ordinance No. 1786 and WSDOT's total assessment as ordered by the highest court in which review is granted, and any accrued interest on such difference, through the increased assessment of City-owned parcel 0420174035, and that no other parcel's assessment be increased. The City hereby waives all right to hearing, notice, or appeal regarding any increase in assessment on parcel 0420174035 in accordance with this Ordinance. During the pendency of WSDOT's appeal, the City shall pay, from water and sewer utility funds, the interest due on WSDOT's assessment. However, should WSDOT's appeal be

unsuccessful, the City shall seek reimbursement from WSDOT under the provisions of RCW 35.44.220.

Section 2. Each and every provision of this ordinance shall be deemed severable. In the event that any portion of this ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this ordinance can still be furthered without the invalid provision.

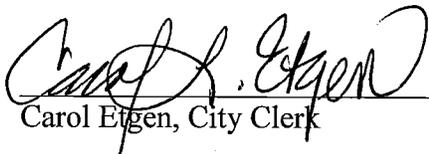
Section 3. This ordinance shall be in full force and effect five days after publication as required by law. A summary of this ordinance may be published in lieu of the entire ordinance, as authorized by state law.

Introduced on the ¹⁵16 day of October, 2012.

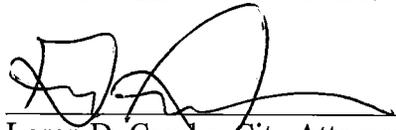
Passed by the City Council on the ¹⁵16 day of October, 2012.


David K. Zabel, City Manager

ATTEST:


Carol Eigen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney
assist of att

Published: 10/18/12
Effective Date: 10/23/12

Ad Order Confirmation

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Phone Number 2
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Amount Due \$155.91

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Placement Legal
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Product	Start Date	Stop Date	# Inserts
The News Tribune	10/18/2012	10/18/2012	1

NOTICE OF ORDINANCES PASSED BY
THE CITY OF FIFE
ORDINANCE NO. 1814
AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF FIFE, PIERCE COUNTY
WASHINGTON, PROVIDING CREDITS TO
WATER AND SEWER GENERAL FACILITIES
CHARGES FOR PROPERTY USED FOR
STATE HIGHWAY PURPOSES AND
AMENDING SECTIONS 13.04.095 AND
13.08.465 OF THE FIFE MUNICIPAL CODE

A COMPLETE COPY OF THE ORDINANCE CAN BE
OBTAINED BY CONTACTING THE OFFICE OF THE
CITY OF FIFE, CITY CLERK - 253-922-2489
Carol Elyson
City Clerk

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THE CITY OF FIFE, PIERCE COUNTY
WASHINGTON, REGARDING PAYMENT OF
ASSESSMENTS FOR LOCAL
IMPROVEMENT DISTRICT NO. 08-1

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