

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1909

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ORDERING CONSTRUCTION OF A NEW STREET FROM THE SOUTH BOUNDARY OF PIERCE COUNTY ASSESSOR'S PARCEL NO. 0420071705 TO 26<sup>TH</sup> STREET EAST; ESTABLISHING LOCAL IMPROVEMENT DISTRICT NO. 14-1 AND ORDERING THE CARRYING OUT OF THE PROPOSED IMPROVEMENTS; PROVIDING THAT PAYMENT FOR THE IMPROVEMENTS BE MADE IN PART BY SPECIAL ASSESSMENTS ON PROPERTY IN THE DISTRICT, PAYABLE BY THE MODE OF "PAYMENT BY BONDS"; AND PROVIDING FOR THE ISSUANCE AND SALE OF LOCAL IMPROVEMENT DISTRICT WARRANTS REDEEMABLE IN CASH OR OTHER SHORT-TERM FINANCING AND LOCAL IMPROVEMENT DISTRICT BONDS**

WHEREAS, on January 13, 2015, the City Council adopted Resolution No. 1641, declaring its intention to order the construction of a new street to commercial and multifamily access standards in accordance with FMC 12.20.050 from the south boundary of Pierce County Assessor's Parcel No. 0420071705 to 26th Street East, including demolition, grading, and construction of curb, gutter, sidewalk, landscape strip, street lighting, undergrounding of utilities, and related storm drainage facilities, and to form a local improvement district to pay for all or some of the cost of the improvements; and

WHEREAS, Resolution No. 1641 also fixed March 24, 2015 at 7:00pm as the time for hearing all matters relating to the proposed improvements and local improvement district formation, and all objections thereto and for determining the method of payment for the improvements; and

WHEREAS, due notice of the above hearing was given in the manner provided by law; and

WHEREAS, the Public Works Director caused an estimate to be made of the cost and expense of the proposed improvements and certified that estimate to the City Council together with all papers and information in his possession touching the proposed improvements, a description of the boundaries of the proposed local improvement district and a statement of what

portion of the cost and expense of the improvements should be borne by the property within the proposed district; and

WHEREAS, the estimate is accompanied by a diagram of the proposed improvements showing thereon property within the proposed boundaries of the local improvement district which will be specially benefited by the proposed improvements and the estimated cost and expense thereof to be borne by each parcel of land; and

WHEREAS, the hearing was held by the City Council on March 24, 2015 at 7:00pm, and all persons appearing at such hearing and wishing to be heard were heard; and

WHEREAS, at the hearing, the City Council allowed additional written comments to be submitted by April 21, 2015; and

WHEREAS, a Determination of Non-significance was issued on February 21, 2015 on the proposed improvements; and

WHEREAS, the City Council has determined it to be in the best interest of the City that the improvements 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 FIFE, WASHINGTON  
DO ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Fife, Washington (the "City"), orders the design and construction a new street to commercial and multifamily access standards in accordance with FMC 12.20.050 from the south boundary of Pierce County Assessor's Parcel No. 0420071705 to 26th Street East, including demolition, grading, and construction of curb, gutter, sidewalk, landscape strip, street lighting, undergrounding of utilities, and related storm drainage facilities, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein. All of the forgoing shall be in accordance with the plans and specifications therefore to be prepared by the Public Works Director and consulting engineers duly hired by the City, and may be modified by the City Council as long as such modification does not affect the purpose of the improvements.

Section 2. There is created a local improvement district to be called Local Improvement District No. 14-1 of the City of Fife, Washington (the "District"), the boundaries of which are more particularly described in Exhibit "B" attached hereto and by this reference incorporated herein.

Section 3. The total estimated cost and expense of the improvements is declared to be \$3,850,000, a portion of the cost and expense of the improvements, in an amount equal to the

special benefit, shall be borne by and assessed against the properties specially benefited by such improvement included in the District, and the remainder shall be borne by the City. A copy of the preliminary assessment is attached hereto as Exhibit "C." Actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

Section 4. The City shall compute the assessments based on the amount of special benefit or such other method or combination of methods which may be deemed to fairly reflect the specific benefits to the properties being assessed, as provided in RCW 35.44.047.

Section 5. Local improvement district warrants may be issued in payment of the cost and expense of the improvements herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund, District No. 14-1, 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 Director, 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.

Section 6. 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 LID or 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 of bonds," as defined by law and the ordinances of the City. The exact form, amount, date, interest rate 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 7. In all cases where the work necessary to be done in connection with the making of such improvements 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 8. The Local Improvement Fund, District No. 14-1 is created and established in the office of the City Finance Director. The proceeds from the sale of LID or 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 improvements and cash warrants in payment for all other items of expense in connection with the improvements shall be issued against the Local Improvement Fund.

Section 9. Within fifteen days after passage of this ordinance, there shall be filed with the City Finance Director the title of the improvements and District number, a copy of the diagram or print showing the boundaries of the District and the preliminary assessment roll showing thereon the lots, tracts and parcels of land that will be specially benefited thereby and the estimated cost and expense of such improvements to be borne by each lot, tract or parcel of land. The City Finance Director immediately shall post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvements.

Section 10. This Ordinance shall be in full force and effect five (5) 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 the 28<sup>th</sup> day of April, 2015.

Passed by the City Council on the 28<sup>th</sup> day of April, 2015.

  
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Subir Mukerjee, City Manager

ATTEST:

  
for Michelle Merkins  
\_\_\_\_\_  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Loren D. Combs, City Attorney  
*assisted city attorney*

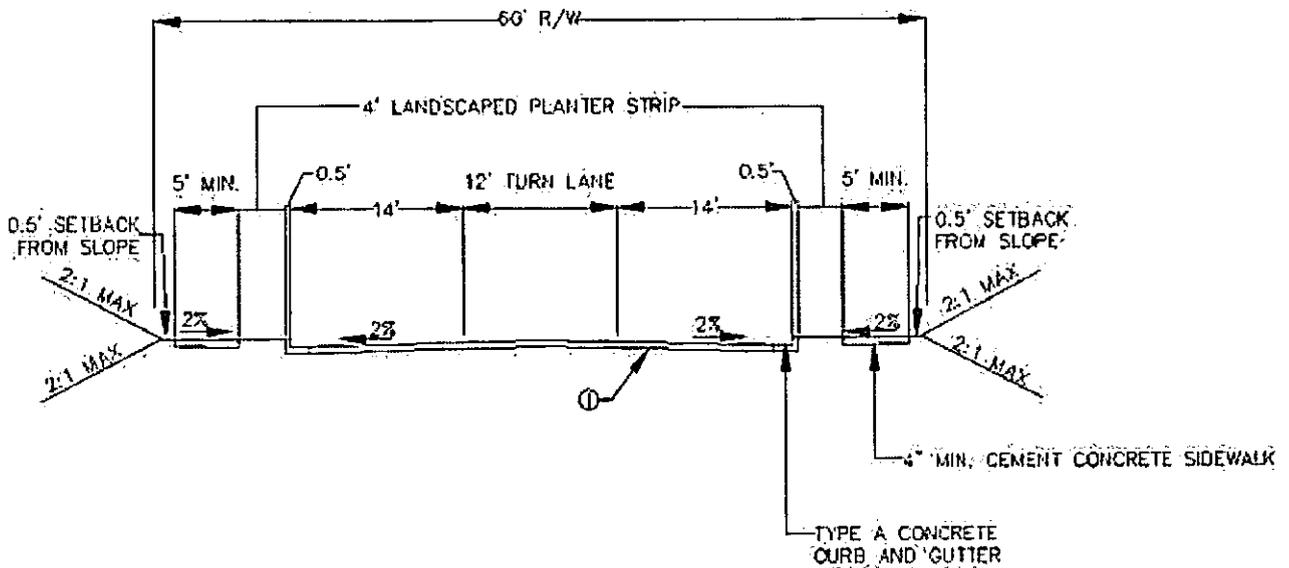
Published: 4/30/15  
Effective Date: 5/5, 2015

# EXHIBIT A

## Description of Improvements

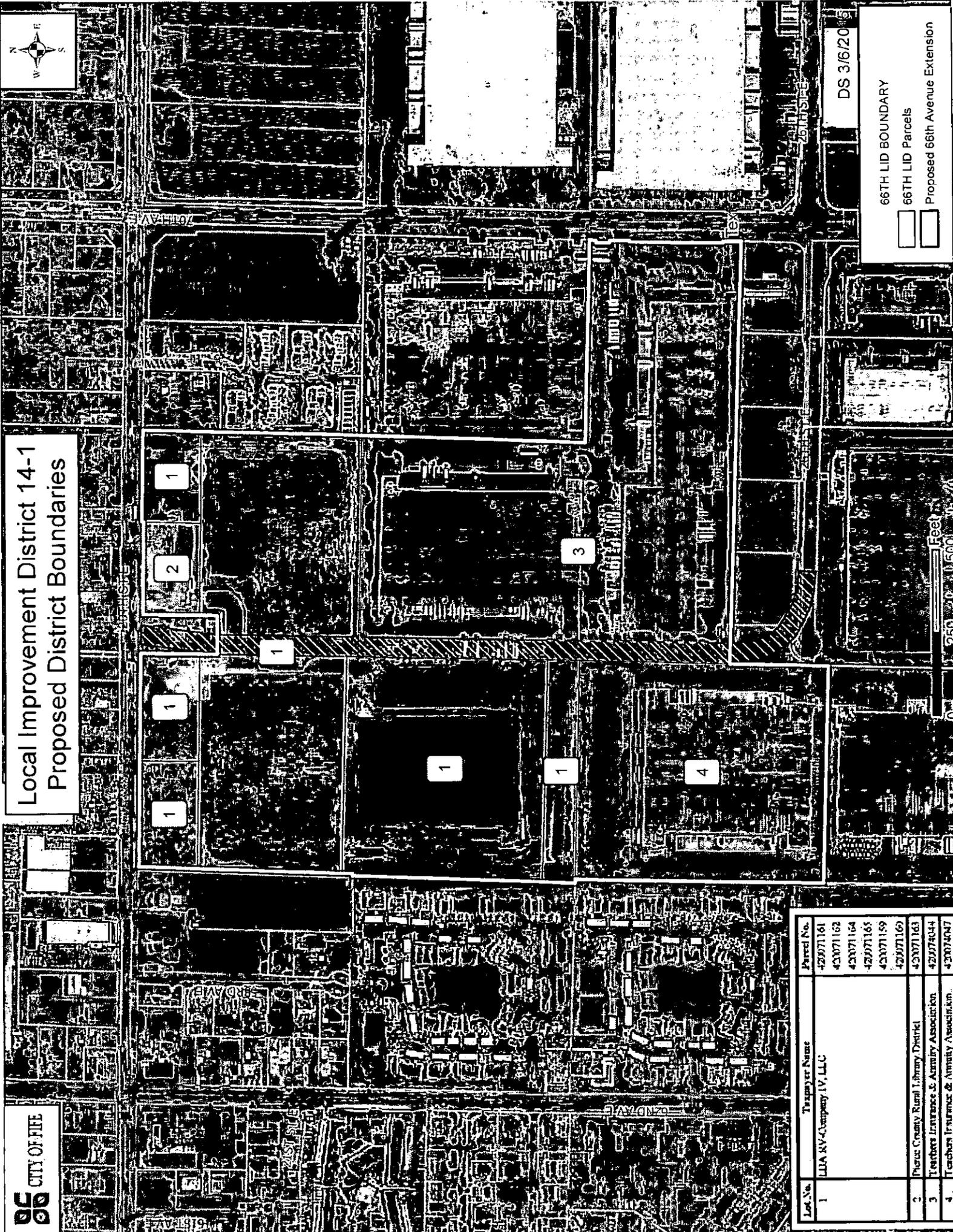
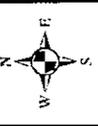
Construction of a new street to commercial and multifamily access standards in accordance with FMC 12.20.050 from the south boundary of Pierce County Assessor's Parcel No. 0420071705, to 26<sup>th</sup> Street East, including, demolition, grading, and construction of curb, gutter, sidewalk, landscape strip, street lighting, undergrounding of utilities, and related storm drainage facilities.

### FMC 12.20.050 Commercial and multifamily access street:





# Local Improvement District 14-1 Proposed District Boundaries



DS 3/6/20

66TH LID BOUNDARY

66TH LID Parcels

Proposed 66th Avenue Extension

Lot No.	Tranpayer Name	Parcel No.
1	LDA RV-Company IV, LLC	420071161 420071162 420071164 420071165 420071159 420071160
2	Pierce County Rural Library District	420071163
3	Teachers Insurance & Annuity Association	42007R044
4	Teachers Insurance & Annuity Association	42007A047

**EXHIBIT C**

**City of Fife  
Local Improvement District 14-1  
For Construction of a New 66<sup>th</sup> Avenue East  
Connecting 20<sup>th</sup> Street East and 26<sup>th</sup> Street East**

**Preliminary Assessment Roll  
March 6, 2015**

Lot No.	Taxpayer Name	Parcel No.	Total Acres	FMV (land only) before project	FMV (land only) after project	Special Benefit	Preliminary Assessment
1	LBA RV-Company IV, LLC	0420071161 0420071162 0420071164 0420071165 0420071159 0420071160	27.69	\$10,313,000	\$11,458,000	\$1,145,058	\$1,445,058*
2	Pierce County Rural Library District	0420071163	1.08	\$657,000	\$704,000	\$47,000	\$47,000
3	Teachers Insurance & Annuity Association	0420074044	21.97	\$8,610,840	\$9,089,220	\$478,380	\$478,380
4	Teachers Insurance & Annuity Association	0420074047	12.75	\$4,997,493	\$5,275,132	\$277,639	\$277,639
	<b>Total Preliminary Assessment</b>						<b>\$2,248,077</b>
	<b>Total Est. Improvement Costs</b>						<b>\$3,850,000</b>
	<b>Total Est. City of Fife contribution</b>						<b>\$1,601,923</b>

The portion of the cost and expense of the improvement borne by the property within the district shall be equal to the special benefit. The remainder of the cost and expense of the improvement shall be borne by the City of Fife.

\* In accordance with Section 5.13 of the Restated Development Agreement recorded July 17, 2014 under Auditor's Recording No. 201407170116, Lot 1 will assume an addition assessment of \$300,000.

**ACTUAL ASSESSMENTS MAY VARY FROM ASSESSMENT ESTIMATES SO LONG AS THEY DO NOT EXCEED A FIGURE EQUAL TO THE INCREASED TRUE AND FAIR VALUE THE IMPROVEMENT ADDS TO THE PROPERTY.**