

ORDINANCE NO. 11-0366

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO.1 TO FINANCE CERTAIN SEWER MAIN EXTENSIONS ALONG MERIDIAN AVENUE, AS PROVIDED BY ORDINANCE NO. 08-0306, AND LEVYING AND ASSESSING THE COST AGAINST THE PROPERTY AS SHOWN ON THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the assessment roll levying the special assessments against the property located in Local Improvement District No. 1 in the City of Edgewood, Washington (the "City"), has been filed with the City Clerk as provided by law; and

WHEREAS, by Ordinance No. 11-0361, the City Council appointed Stephen Causseaux, Jr. to act as the hearing examiner to conduct the hearing; and

WHEREAS, notice of the time and place of hearing thereon and making objections and protests to the roll was published at and for the time and in the manner provided by law fixing the time and place of hearing before a hearing examiner thereon for the 1st day of June, 2011, at the hour of 6:00 p.m., local time, at Edgewood Junior High School, 2300 110th Avenue East, Edgewood, Washington, and further notice thereof was mailed by the City Clerk to each property owner shown on the roll; and

WHEREAS, at the time and place fixed and designated in the notice the hearing examiner held the hearing and all written protests received were considered and all persons appearing at the hearing who wished to be heard were heard, and the hearing examiner, sitting and acting as a Board of Equalization for the purpose of considering the roll and the special benefits to be received by each lot, parcel and tract of land shown upon such roll, including the increase and enhancement of the fair market value of each such parcel of land by reason of the improvement, issued Findings of Fact, Conclusions and Recommendations; and

WHEREAS, in accordance with RCW 35.44.047, the City Council concurs in the special benefits appraisal and assessment methodology utilized by Macaulay & Associates and deems this methodology to more fairly reflect the special benefits to the properties being assessed; and

WHEREAS, any property owner that filed a written objection prior to the hearing could appeal the hearing examiner's decision by filing a written protest with the City within 14 days of the date of the notice of the hearing examiner's decision for the City Council's consideration.

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

Section 1. Appeal of Hearing Examiner's Decision. Ten appeals of the hearing examiner's decision were received. The Council has considered each appeal and the assessments

and assessment roll for Local Improvement District No. 1. The Council adopts the Findings of Fact, Conclusions and Recommendations of the Hearing Examiner, which are attached hereto as Exhibit A, with two corrections:

1. The final assessment for the overall Edgewood Bible Church parcels (LID Parcel Nos. 52, 59, 61, 63 and 66) is reduced from \$181,297 to \$167,294.
2. The City Council agrees with and sustains the appeal filed by Doug Hutchens of Plemmons Hutchens LLC regarding LID Parcel Nos. 35, 36, 37 and 38. The assessment for said parcels is accordingly reduced by \$88,886.

The final assessment roll in the total amount of \$21,006,029, as shown on Exhibit B, is hereby confirmed, which roll reflects the reduction in LID Parcel Nos. 27, 66 and 73, as recommended by the hearing examiner and the reduction in the Plemmon Hutchens LLC properties as set forth in the Hutchens appeal.

Section 2. Special Benefit Assessment. Each of the lots, tracts, parcels of land and other property shown on the assessment roll is determined and declared to be specially benefited by this improvement in at least the amount charged against the same, and the assessment appearing against the same is in proportion to the several assessments appearing upon the roll. There is levied and assessed against each lot, tract or parcel of land and other property appearing upon the roll the amount finally charged against the same thereon.

Section 3. Final Assessment Roll. The assessment roll as approved and confirmed shall be filed with the City Finance Director for collection and the City Finance Director is authorized and directed to publish notice as required by law stating that the roll is in her hands for collection and that payment of any assessment thereon or any portion of such assessment can be made at any time within 30 days from the date of first publication of such notice without penalty, interest or cost, and that thereafter the sum remaining unpaid may be paid in 20 equal annual installments of principal and interest. The assessments for property owners that prepay in full will be reduced by the amount that the City will not be required to deposit in the Guaranty Fund. The notice shall indicate that the assessment for those property owners that prepay in whole will be reduced by the amount the City will not be required to fund for the Guaranty Fund. The estimated interest rate is stated to be .25% per annum above the rates on the bonds that will be issued, with the exact interest rate to be fixed in the ordinance authorizing the issuance and sale of the local improvement bonds for Local Improvement District No. 1. The first installment of assessments on the assessment roll shall become due and payable during the 30-day period succeeding the date one year after the date of first publication by the City Clerk of notice that the assessment roll is in her hands for collection and annually thereafter each succeeding installment shall become due and payable in like manner.

If the whole or any portion of the assessment remains unpaid after the first 30-day period, interest upon the whole unpaid sum shall be charged at the rate as determined above, and each year thereafter one of the installments of principal and interest shall be collected. Any installment not paid prior to expiration of the 30-day period during which such installment is due and payable shall thereupon become delinquent. Each delinquent installment shall be subject, at the time of delinquency, to a penalty of 12% per year levied on both principal and interest due upon that installment, and all delinquent installments also shall be charged interest at the rate as

determined above. The collection of such delinquent installments shall be enforced in the manner provided by law.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. A summary of this Ordinance consisting of its title 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 publication.

Presented to Council for first reading on July 19, 2011

ADOPTED BY THE CITY COUNCIL ON JULY 19, 2011



Mike Kelley Jr., Deputy Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:



Janet Caviezel, Finance Director/City Clerk



Zach Lell, City Attorney

Date of Publication: July 27, 2011
Effective Date: August 1, 2011

CERTIFICATION

I, the undersigned, City Clerk of the City of Edgewood, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. 11-0366 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a special meeting of the City Council of the City held at the regular meeting place thereof on July 19, 2011, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after publication in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of July, 2011.

CITY OF EDGEWOOD, WASHINGTON

Janet Couruzel
City Clerk

City/County of Edgewood/Pierce
State of Washington
I certify this to be a complete, exact and true copy of the original document. Certified this 24th day of January, 2014
Deborah Lee Zabel Notary Public
My commission expires 11/19/17



CITY OF EDGEWOOD
2224 104th Avenue East, Edgewood, WA 98372-1513
(253) 952-3299 Fax: (253) 952-3537

LEGAL NOTICE

July 20, 2011

NOTICE OF ORDINANCE ADOPTED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance adopted by the City of Edgewood City Council on the 19th day of July, 2011, and shall take effect and be in full force on the 1st day of August, 2011.

ORDINANCE NO. 11-0366

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 1 TO FINANCE CERTAIN SEWER MAIN EXTENSIONS ALONG MERIDIAN AVENUE, AS PROVIDED BY ORDINANCE NO. 08-0306, AND LEVYING AND ASSESSING THE COST AGAINST THE PROPERTY AS SHOWN ON THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at Edgewood City Hall, 2224 104th Avenue East, Edgewood, WA 98372-1513 (253) 952-3299.



Janet Caviezel, Finance Director/City Clerk

Published in the Herald on July 27, 2011