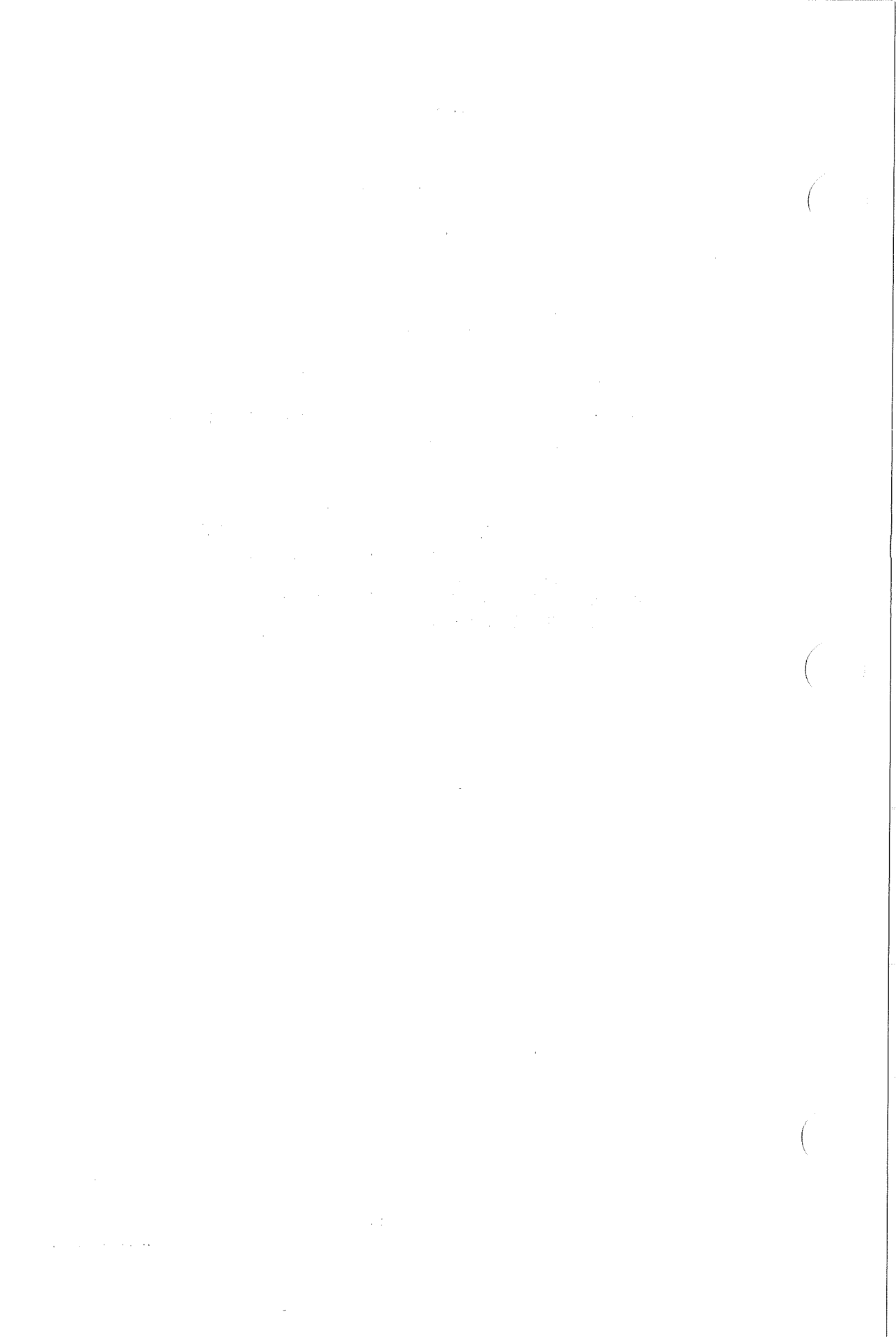


IMPROVEMENTS

Title 20 IMPROVEMENTS

Chapters:

- 20.01 Major Arterial Streets
- 20.04 Datum Point
- 20.12 Local Improvement Procedure
- 20.16 Local Improvement Guaranty Fund
- 20.20 Eminent Domain—Special Assessment Procedure
- 20.24 Filling Lowlands
- 20.28 Sidewalks—Construction of Less Than Block in Length
- 20.32 Sidewalks—Repair, Renewal and Cleaning
- 20.34 Driveways
- 20.36 Relocation of Water Mains
- 20.40 Disposition of Foreclosed Property
- 20.44 Notice of Traffic Restrictions and Water Cut Off
- 20.48 Availability of Appropriation for Public Work
- 20.52 Contractor's Bonds
- 20.56 Contracts—Nondiscrimination Clause
- 20.60 Shoreline Development



Chapter 20.01

MAJOR ARTERIAL STREETS

Sections:

- 20.01.010 Major arterial streets designated.
- 20.01.020 Primary state highways.
- 20.01.030 Secondary state highways.
- 20.01.040 Streets other than state highways.

20.01.010 Major arterial streets designated. The streets described in the following sections shall be designated "major arterial streets" as defined by Chapter 164, Laws of Washington 1949. (See RCW Chapter 35.78). Ord. 78513 § 1 part; December 7, 1949).

20.01.020 Primary state highways.

PRIMARY STATE HIGHWAY NO. 1:

- Aurora Avenue from north city limits to Wall Street;
- Wall Street from Denny Way to 4th Avenue;
- 4th Avenue and 4th Avenue South from Wall Street to East Marginal Way;
- East Marginal Way from 4th Avenue South to south city limits.

PRIMARY STATE HIGHWAY NO. 2:

- Airport Way from 4th Avenue South to Dearborn Street;
- Dearborn Street from Airport Way to Rainier Avenue;
- Rainier Avenue from Dearborn Street to Empire Way;
- Empire Way from Rainier Avenue to south city limits;
- Westlake Avenue from 4th Avenue to Virginia Street;
- Virginia Street from Westlake Avenue to Fairview Avenue;
- Fairview Avenue and Fairview Avenue North from Virginia Street to East Galer Street;
- East Galer Street from Fairview Avenue North to Eastlake Avenue;
- Eastlake Avenue and the extension thereof across University Bridge from East Galer Street to Roosevelt Way;
- Roosevelt Way from University Bridge to Bothell Way;
- Bothell Way from Roosevelt Way to north city limits;
- Atlantic Street from Rainier Avenue to Lake Way;
- Lake Way from Rainier Avenue to east city limits.

PRIMARY STATE HIGHWAY NO. 5:

- Rainier Avenue from Empire Way to south city limits. (Ord. 78513 § 1 part; December 7, 1949).

20.01.030 Secondary state highways.

SECONDARY STATE HIGHWAY NO. 1-S:

- Madison Street and East Madison Street from 4th Avenue to 23rd Avenue North;

23rd Avenue North from East Madison Street to Turner Way;
 Turner Way from 23rd Avenue North to 24th Avenue North;
 24th Avenue North from Turner Way to East Montlake Place;
 East Montlake Place from 24th Avenue North to Montlake Boulevard;
 Montlake Boulevard and the extension thereof across Montlake Bridge
 from East Montlake Place to East 45th Street;
 East 45th Street from Montlake Boulevard to Sand Point Way;
 Sand Point Way, from East 45th Street to North City Limits.

SECONDARY STATE HIGHWAY NO. 1-K:

Cherry Street from 4th Avenue to 1st Avenue;
 1st Avenue and 1st Avenue South from Cherry Street to Myers Way;
 Myers Way from 1st Avenue South to South City Limits. (Ord. 78513
 § 1 part; December 7, 1949).

20.01.040 Streets other than state highways.

23rd Avenue North, 23rd Avenue and 23rd Avenue South from East
 Madison Street to Rainier Avenue;
 Market Street and North Market Street from 24th Avenue Northwest
 to North 46th Street;
 North 46th Street from North Market Street to Midvale Place;
 Midvale Place from North 46th Street to North 45th Street;
 North 45th Street and East 45th Street from Midvale Place to Mont-
 lake Boulevard;
 Phinney Way from North 46th Street to Aurora Avenue;
 Green Lake Way from North 46th Street to Aurora Avenue;
 Harvard Avenue North from Eastlake Avenue to Roanoke Street;
 Roanoke Street from Harvard Avenue North to 10th Avenue North;
 10th Avenue North from Roanoke Street to East Aloha Street;
 East Aloha Street from 10th Avenue North to 12th Avenue North;
 12th Avenue North, 12th Avenue and 12th Avenue South from East
 Aloha Street to Golf Drive;
 Golf Drive from 12th Avenue South to 15th Avenue South;
 15th Avenue South from Golf Drive to Columbian Way on the west;
 Columbian Way from 15th Avenue South on the east to 15th Avenue
 South on the west;
 15th Avenue South from Columbian Way on the east to Swift Avenue;
 Swift Avenue from 15th Avenue South to Albro Place;
 Albro Place from Swift Avenue to Ellis Avenue;
 Ellis Avenue from Albro Place to East Marginal Way;
 Western Avenue West, from Elliott Avenue West to Denny Way;
 Denny Way and East Denny Way from Western Avenue West to Olive
 Way;
 4th Avenue from Denny Way to Wall Street;
 Boren Avenue and Boren Avenue South from Denny Way to Rainier
 Avenue;

Rainier Avenue from Boren Avenue South to Dearborn Street;
Wall Street from Alaskan Way to 4th Avenue;
5th Avenue and 5th Avenue South from Denny Way to Airport Way;
Airport Way from 5th Avenue South to South City Limits;
Diagonal Avenue from Airport Way to Spokane Street;
Olive Way from 4th Avenue to East John Street;
East John Street from Olive Way to 15th Avenue North;
15th Avenue North from East John Street on the west to East Thomas
Street on the east;
East Thomas Street from 15th Avenue North to 20th Avenue North;
20th Avenue North from East Thomas Street on the west to East
John Street on the east;
East John Street from 20th Avenue North to East Madison Street;
East Madison Street from East John Street to 43rd Avenue North;
East Madison Street from 23rd Avenue North to East John Street;
Westlake Avenue and Westlake Avenue North from Virginia Street
to 4th Avenue North;
4th Avenue North and the extension thereof across Fremont Bridge
from Westlake Avenue to Fremont Avenue;
Fremont Avenue from Fremont Bridge to Fremont Place;
Fremont Place from Fremont Avenue to North 36th Street;
North and West 36th Street from Fremont Place to Leary Way;
Leary Way from West 36th Street to Leary Avenue;
Leary Avenue from Leary Way to Market Street;
Valley Street from Westlake Avenue North to Fairview Avenue
North;
Jackson Street from South Alaskan Way to 5th Avenue South;
East Marginal Way from 4th Avenue South to South Alaskan Way;
South Alaskan Way and Alaskan Way from East Marginal Way to
Bay Street;
Bay Street from Alaskan Way to Elliott Avenue;
Elliott Avenue and Elliott Avenue West from Bay Street to 15th
Avenue West;
15th Avenue West and the extension thereof across Ballard Bridge;
and 15th Avenue Northwest from Elliott Avenue West to North
City Limits;
West Alaska Street from California Avenue to Fauntleroy Avenue;
Fauntleroy Avenue from West Alaska Street to Avalon Way;
Avalon Way from Fauntleroy Avenue to 30th Avenue Southwest;
30th Avenue Southwest from Avalon Way to West Spokane Street;
West Spokane Street and Spokane Street from 30th Avenue South-
west to Airport Way;
Columbian Way from Airport Way to 15th Avenue South;

Delridge Way from West Spokane Street to West Roxbury Street;
 Michigan Street from 1st Avenue South to Bailey Street;
 Bailey Street from Michigan Street to Stanley Avenue;
 Stanley Avenue from Bailey Street to Albro Place;
 13th Avenue South from Stanley Avenue to Airport Way;

That the following streets shall be designated as "Secondary Arterial Streets" as defined above:

North and West 85th Street from Aurora Avenue to 32nd Avenue Northwest;

Genesee Street from Rainier Avenue to 50th Avenue South;
 50th Avenue South from Genesee Street to Wilson Avenue;

Wilson Avenue from 50th Avenue South to Seward Park Avenue;

Seward Park Avenue from Wilson Avenue to Rainier Avenue;

East 80th Street, north 80th Street and West 80th Street, from 20th Avenue Northeast to 32nd Avenue Northwest;

East Alder Street from Lake Washington Boulevard to Lake Dell Avenue;

Lake Dell Avenue from East Alder Street to 32nd Avenue;

32nd Avenue from Lake Dell Avenue to Yesler Way;

31st Avenue South from Yesler Way to McClellan Street;

McClellan Street from Rainier Avenue to Mt. Rainier Drive;

North 64th Street from East Green Lake Way to Woodlawn Avenue;

Woodlawn Avenue from North 64th Street to North 65th Street;

North and East 65th Street from Woodlawn Avenue to Princeton Way;

Princeton Way from East 65th Street to Princeton Avenue;

Princeton Avenue from Princeton Way to East 65th Street;

East 65th Street from Princeton Avenue to Sand Point Way;

East 47th Street from East 45th Street to 35th Avenue Northeast;

35th Avenue Northeast from East 47th Street to North City Limits;

West Green Lake Way from Green Lake Way to North 65th Street;

North and West 65th Street from West Green Lake Way to 32nd Avenue Northwest;

25th Avenue Northeast from Montlake Boulevard to Ravenna Avenue;

Ravenna Avenue from 25th Avenue Northeast to North City Limits;

North Green Lake Way from Aurora Avenue to East Green Lake Way;

East Green Lake Way from North Green Lake Way to Ravenna Boulevard;

Ravenna Boulevard from East Green Lake Way to Ravenna Avenue;

Ravenna Avenue from Ravenna Boulevard to East 55th Street;

East 55th Street from Ravenna Avenue to Princeton Avenue;

Princeton Avenue from East 55th Street to Sand Point Way;

23rd Avenue South from Rainier Avenue to Spokane Street;
Spokane Street from 23rd Avenue South to Columbian Way;
Market Street from 24th Avenue Northwest to 32nd Avenue North-
west;
15th Avenue Northeast from East Pacific Street to North City Limits;
North and East 50th Street from Phinney Avenue to 20th Avenue
Northeast;
15th Avenue and 15th Avenue North from East Madison Street to
East Boston Street;
East Boston Street from 15th Avenue North to 10th Avenue North;
East 45th Street from Sand Point Way to 50th Avenue Northeast;
10th Avenue South from Dearborn Street to Beacon Avenue;
Beacon Avenue from 10th Avenue South to Myrtle Street;
West and North 39th Street from Leary Way to Fremont Way;
Fremont Way from North 39th Street to North 38th Street;
North 38th Street from Fremont Way to Wallingford Way;
Wallingford Way from North 38th Street to Stone Way;
North and East 40th Street from Stone Way to Roosevelt Way;
Fremont Way from North 38th Street to Aurora Avenue;
Wallingford Way from Aurora Avenue to North 38th Street;
16th Avenue South from East Marginal Way to Kenyon Street;
14th Avenue South from Dallas Avenue to South City Limits;
North 34th Street from Fremont Avenue to Pacific Street;
Pacific Street and East Pacific Street from North 34th Street to Mont-
lake Boulevard;
East Pacific Place from East Pacific Street to Montlake Boulevard;
10th Avenue North from East Aloha Street to East Roy Street;
East Roy Street from 10th Avenue North to North Broadway;
North Broadway and Broadway from East Roy Street to Spruce
Street;
Spruce Street from Broadway to 8th Avenue;
8th Avenue and 8th Avenues South from Spruce Street to Airport
Way;
Broadway from Spruce Street to Yesler Way;
Nickerson Street and West Nickerson Street from 4th Avenue North
to Emerson Street;
Emerson Street from West Nickerson Street to West Emerson Place;
West Emerson Place from Emerson Street to Thurman Street;
Thurman Street from West Emerson Place to Gilman Avenue;
Roosevelt Way from Bothell Way to North City Limits;
Roanoke Street, from 10th Avenue North to Delmar Drive;
Delmar Drive from Roanoke Street to East Lynn Street;
East Lynn Street from Delmar Drive to 19th Avenue North;

19th Avenue North from East Lynn Street to West Montlake Place;
West Montlake Place from 19th Avenue North to Montlake Boulevard;
Franklin Avenue from Harvard Avenue North to Boylston Avenue
North;
Boylston Avenue North from Franklin Avenue to Lakeview Boule-
vard;
Lakeview Boulevard from Boylston Avenue North to Eastlake Ave-
nue;
Roanoke Street from Harvard Avenue North to Boylston Avenue
North;
Belmont Avenue North from Lakeview Boulevard to East Roy Street;
East Roy Street from Belmont Avenue North to North Broadway;
West McGraw Street from Queen Anne Avenue to 10th Avenue West;
Stewart Street from 4th Avenue to Eastlake Avenue;
Eastlake Avenue from Stewart Street to East Galer Street;
Eastlake Avenue from Stewart Street to Denny Way;
West Garfield Street from 15th Avenue West to West Galer Street;
West Galer Street from West Garfield Street to Magnolia Boulevard;
Magnolia Boulevard from West Galer Street to Clise Place;
Clise Place from Magnolia Boulevard to West Lynn Street;
West Lynn Street from Clise Place to 34th Avenue West;
34th Avenue West from West Lynn Street to West McGraw Street;
West McGraw Street from 34th Avenue West to Rosemont Place;
Rosemont Place from West McGraw Street to West Viewmont Way;
West Viewmont Way from Rosemont Place to Emerson Street;
Emerson Street from West Viewmont Way to 34th Avenue West;
Green Lake Way and East Green Lake Way from North 46th Street
to East 71st Street;
East 71st Street from East Green Lake Way to Roosevelt Way;
Queen Anne Driveway from West Roy Street to 1st Avenue West;
1st Avenue West from Queen Anne Driveway to Olympic Place;
Olympic Place from 1st Avenue West to 8th Avenue West;
8th Avenue West from Olympic Place to Olympic Way;
Olympic Place from 1st Avenue West to 8th Avenue West;
10th Avenue West from Olympic Way to West McGraw Street;
West Howe Street from 10th Avenue West to 11th Avenue West;
11th Avenue West from West Howe Street to Gilman Avenue;
Gillman Avenue from 11th Avenue West to 15th Avenue West;
Stone Way from North 34th Street to North 50th Street;
West Mercer Place from Elliott Avenue West to West Mercer Street;
West Mercer Street and Mercer Street from West Mercer Place to
Eastlake Avenue;
7th Avenue from Westlake Avenue to Denny Way;
Broad Street from Alaskan Way to Roy Street;

Roy Street from Broad Street to Westlake Avenue North;
9th Avenue Southwest from West Holden Street to West Henderson Street;
West Henderson Street, from 9th Avenue Southwest to Delridge Way;
Seneca Street from 4th Avenue to East Union Street;
East Union Street from Seneca Street to 34th Avenue;
34th Avenue from East Union Street to East Denny Way;
East Denny Way from 34th Avenue to Madrona Drive;
Madrona Drive from East Denny Way to Lake Washington Boulevard;
Taylor Avenue from Mercer Street to East Queen Anne Drive;
East Queen Anne Drive from Taylor Avenue to 5th Avenue North;
5th Avenue North from East Queen Anne Drive to Boston Street;
Boston Street from 5th Avenue North to Queen Anne Avenue;
Yesler Way from Alaskan Way to 32nd Avenue;
Phinney Avenue from North 50th Street to North 67th Street;
North 67th Street from Phinney Avenue to Greenwood Avenue;
Greenwood Avenue from North 67th Street to the North City Limits;
Fremont Avenue from North 46th Street to North 50th Street;
Fremont Avenue from Fremont Place to North 39th Street;
Jackson Street from 5th Avenue South to 31st Avenue South;
Queen Anne Avenue from Denny Way to Smith Street;
Smith Street from Queen Anne Avenue to 1st Avenue North;
1st Avenue North from Smith Street to North Queen Anne Drive;
North Queen Anne Drive, from 1st Avenue North to Roy Street;
Roy Street from North Queen Anne Drive to Aurora Avenue;
Admiral Way from West Spokane Street to 63rd Avenue Southwest;
3rd Avenue West from West McGraw to West Nickerson Street;
Columbian Way from 15th Avenue South to Alaska Street;
Alaska Street from Columbian Way to Rainier Avenue;
8th Avenue Northwest from Leary Way to North City Limits;
Lucile Street from East Marginal Way to Airport Way;
35th Avenue Southwest from Avalon Way to South City Limits;
Orcas Street from Empire Way to Lake Washington Boulevard South;
West Blaine Street from 28th Avenue West to Thorndyke Avenue;
Thorndyke Avenue from West Blaine Street to 20th Avenue West;
20th Avenue West from Thorndyke Avenue to Gilman Avenue;
Gilman Avenue from 20th Avenue West to Fort Street;
Fort Street from Gilman Avenue to Government Way;
Government Way from Fort Street to 34th Avenue West;
West Dravus Street from 15th Avenue West to 20th Avenue West;
West Morgan Street from California Avenue to Sylvan Way;
Sylvan Way from West Morgan Street to West Orchard Street;
West Orchard Street from Sylvan Way to Dunmar Avenue;

Dunmar Avenue from West Orchard Street to West Austin Street;
 West Austin Street from Dunmar Ave. to 16th Avenue Southwest;
 16th Avenue Southwest from West Austin Street to West Holden
 Street;

California Avenue from Admiral Way to West Holden Street;

Swift Avenue from Albro Place to Myrtle Street;

Myrtle Street from Swift Avenue to Myrtle Place;

Myrtle Place from Myrtle Street to Othello Street;

Othello Street from Myrtle Place to Rainier Avenue;

24th Avenue Northwest from Market Street to the North City Limits;

West Michigan Street from 1st Avenue South to Highland Park Way;

Highland Park Way from West Michigan Street to West Holden
 Street;

West Holden Street from Highland Park Way to California Avenue;

20th Avenue Southwest from West Holden Street to 21st Avenue
 Southwest;

21st Avenue Southwest from 20th Avenue Southwest to Delridge Way;

Harbor Avenue Southwest from West Spokane Street to Alki Avenue;

Alki Avenue from Harbor Avenue Southwest to 63rd Avenue South-
 west;

63rd Avenue Southwest from Alki Avenue to Beach Drive;

Beach Drive from 63rd Avenue Southwest to Lincoln Park Way;

Lincoln Park Way from Beach Drive to 47th Avenue Southwest;

47th Avenue Southwest from Lincoln Park Way to Fauntleroy
 Avenue

Cloverdale Street from 1st Avenue South to 14th Avenue South;

Fauntleroy Avenue from California Avenue to Wildwood Place;

West Barton Street from 35th Avenue Southwest to California
 Avenue;

California Avenue from West Barton Street to Brace Point Drive;

Brace Point Drive from California Avenue to Wildwood Place;

Wildwood Place from Brace Point Drive to Fauntleroy Avenue;

28th Avenue West from West Galer Street to West Dravus Street;

1st Avenue South from Cloverdale Street to Olson Place;

Olson Place from 1st Avenue South to West Roxbury Street;

West Roxbury Street from Olson Place to 35th Avenue Southwest;

32nd Avenue Northwest from Market Street to the North City Limits;

34th Avenue West from West McGraw Street to Government Way;

All other streets in the City of Seattle not otherwise herein described shall, in accordance with the definition in chapter 164, Laws of Washington 1949 (RCW Chapter 35.78), be designated as "Access Streets." A map prepared by the City Engineer indicating said major and secondary arterial streets and the respective mileages of each shall become a part of this chapter. (Ord. 78513 § 1; December 7, 1949).

Chapter 20.04
DATUM POINT

Sections:

20.04.010 Datum point established.

20.04.010 Datum point established. A base or datum point or line be, and the same is hereby established on the lower step at the entrance to the Pioneer Block in the City of Seattle, at the southwest corner thereof, said point or datum line being 18.79 feet below the top of said step, said point or datum line hereby established being in correspondence to and in harmony with the datum point or line heretofore fixed by Ordinance No. 383.* (Ord. 1836 § 1; September 16, 1891).

Chapter 20.12
LOCAL IMPROVEMENT PROCEDURE

Sections:

- 20.12.010 Procedure for local improvement governed by chapter.
- 20.12.020 Vote required to pass improvement ordinance.
- 20.12.030 Plans, contract and work governed by charter.
- 20.12.040 Modes of payment.
- 20.12.050 Assessment roll.
- 20.12.060 Mode of immediate payment.
- 20.12.070 Mode of payment by bonds.
- 20.12.080 Notice by mail.
- 20.12.090 Special fund to be created.
- 20.12.100 Issuance of bonds—Signature on coupons.
- 20.12.110 Term of bonds—Interest.
- 20.12.120 Form of bonds.
- 20.12.130 Sale of bonds.
- 20.12.140 Bond register.
- 20.12.150 Foreclosure of delinquent assessments.
- 20.12.160 Call and payment of warrants.
- 20.12.170 Payment on improvement contracts—Reserve for trust fund.
- 20.12.180 Letting contracts for local improvements—Call for bids—Low bidder—Five per cent deposit.
- 20.12.190 Opening bids—Awarding contract—Forfeiture of deposit for failure to enter contract.

*The datum point fixed by Ord. 383 was 9.6 feet below the top of the granite step in the door-way of Dexter Horton & Company's stone bank building and was destroyed by the great fire of June 6, 1889.

20.12.010

IMPROVEMENTS

- 20.12.200 Construction of trunk sewers and water mains—Sub-districts authorized.
- 20.12.210 Assessments for unit water mains.
- 20.12.220 City's contribution to be specified in creating ordinance.
- 20.12.230 Items of cost and expense.
- 20.12.240 Segregation of assessments.
- 20.12.250 Redemption of certificates of sale held in trust.

20.12.010 Procedure for local improvement governed by chapter. Whenever the City Council shall provide for local improvements, this chapter and ordinances amendatory thereof shall apply. (Ord. 53493 § 1; August 5, 1927).

20.12.020—Vote required to pass improvement ordinance. No ordinance relating to local improvements shall be considered passed unless the same shall have received the affirmative vote of at least a majority of the members of the city council; Provided, that unless a petition for any improvement is presented, such improvement shall not be ordered except by ordinance passed by the affirmative votes of two-thirds of all members of the city council at a regular meeting, or at a meeting which is an adjournment of a regular meeting; Provided, that no streets shall be ordered graded without a petition, except by a unanimous vote of all members present. (Ord. 53493 § 2; Aug. 5, 1927).

20.12.030 Plans, contract and work governed by charter. After the city council shall have provided by ordinance for the making of any local improvement, plans therefor shall be approved, the contract let and the work supervised by the board of public works in accordance with the provisions of the city charter. (Ord. 53493 § 3; Aug. 5, 1927).

20.12.040 Modes of payment. There shall be two modes of payment for the portion of the cost and expense of any local improvement contemplated by this chapter, and payable by special assessment: "Immediate payment" and "payment by bonds." The mode adopted shall be the mode petitioned for in case said improvement shall be made upon petition, otherwise the mode shall be the one which the council shall designate in the ordinance ordering such improvement. (Ord. 53493 § 4; Aug. 5, 1927).

20.12.050 Assessment roll. After the city council has, by ordinance, authorized the making of any local improvement, the city engineer shall, as required by Section 1, Chapter 353, Laws, 1955, prepare and, within fifteen days after the award of the contract for said improvement or commencement of work thereon by the city, file with the city treasurer the following:

- (1) The title of the improvement;
- (2) The district number;
- (3) Copy of a diagram or print showing the boundaries of the district;
- (4) Preliminary assessment roll or abstract thereof showing the lots, tracts and parcels of land that will be especially benefitted;
- (5) The estimated cost and expense of such improvement to be borne by each such lot, tract or parcel; and
- (6) The name of the owner thereof, if known, but in no case shall a mistake in the name of the owner affect the validity of any assessment when the description of the property is correct.

The city treasurer shall immediately post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

20.12.060 IMPROVEMENTS

The board of public works shall file with the city clerk the assessment roll prepared by the city engineer within ninety days following the completion of the improvements, unless the time for filing such roll shall be extended by the city council, or the ordinance ordering the improvement otherwise provides. The city council, upon receipt of such roll, shall fix a date for hearing thereon and direct the clerk to give notice of such hearing and the time and place thereof. Such notice shall be published at least five times in the official daily newspaper; Provided, that at least fifteen days must elapse between the date of the last publication thereof and the date fixed for such hearing. At the time fixed for such hearing, the city council shall sit as a board of equalization for the purpose of considering such assessment roll, and, as soon thereafter as the city comptroller shall have certified to them a statement of the total charges against the district, shall adjust the roll in conformity thereto; Provided, that if the ordinance authorizing the improvement so states, award of improvement contract, or commencement of work by the city, shall be deferred until confirmation and filing of the assessment roll, and until funds for the improvement are assured, in the judgment of the city council, expressed by resolution.

The ordinance confirming any assessment roll shall levy and assess against each lot, tract, parcel of land, or other property appearing upon such roll, the amount charged against the same. Upon the enactment of such ordinance, the roll shall be delivered to the city comptroller, who shall forthwith transmit the same to the city treasurer with his certificate that the same has been duly approved by ordinance, and annually thereafter, in the case of assessments payable by the mode of "payment by bonds," the city comptroller shall extend the installments of principal and interest upon the unpaid balance as shown upon said approved roll. (Ord. 53493 § 5 as amended by Ord. 88622; Sept. 29, 1959).

20.12.060 Mode of immediate payment. Whenever the cost and expense of any improvement shall be payable by the mode of "immediate payment," the city treasurer shall, upon receipt of such roll, publish a notice in the official paper of the city once a week for two consecutive weeks, that the said roll is in his hands for collection and that any assessment or any portion thereof may be paid at any time within thirty days from the date of the first publication of said notice, without penalty, interest or costs, and that unless payment is made within such time, such assessment or unpaid portion thereof will become delinquent. Upon delinquency a penalty of five percent shall attach to, and become a part of all such assessments. Delinquent assessments shall bear interest at the rate of eight percent per year until paid. Such delinquent assessments with penalty and interest shall forthwith be collected and the lien thereof be enforced in the manner provided by law and the Charter and ordinances of

the city of Seattle. (Ord. 53493 § 6 as amended by Ord. 99041 § 1; July 2, 1970).

20.12.070 Mode of payment by bonds. Whenever the cost and expense of any improvement shall be payable by the mode of "payment by bonds," the city treasurer shall publish a notice in the official newspaper of the city once a week for two consecutive weeks, as provided by law. The first installment of principal or interest of any assessment payable under the mode of "payment by bonds" shall become due and payable during the thirty day period succeeding a date one year after the date of first publication of such notice, and annually thereafter each succeeding installment of principal or interest shall become due and payable in like manner. Any such installment not paid prior to the expiration of the thirty day period during which such installment is due and payable shall thereupon become delinquent. All delinquent installments shall, until paid, be subject to a charge for interest at the bond rate, and to an additional charge of five percent penalty levied upon both principal and interest due on such installment or installments. (Ord. 53493 § 7 as amended by Ord. 99041 § 7; July 2, 1970).

20.12.080 Notice by mail. Whenever any assessment or installment becomes due and payable, the city treasurer shall mail a notice thereof to the owner of the property assessed, when the post-office address of such owner is known, but failure to mail the same shall not affect the validity of the assessment lien. The city engineer shall mail all notices of hearings on proposed improvements and assessment rolls required by law to be mailed, and shall make all certificates of mailing required by law, and file the same with the city council. (Ord. 53493 § 8 as amended by Ord. 57687; June 11, 1929).

20.12.090 Special fund to be credited. The ordinance confirming any assessment roll shall also create a special fund to be called "local improvement fund, district No.—," into which shall be placed all sums paid on account of such assessment, including all interest and penalty thereon, and in event of sale of bonds by the city, all proceeds of sale and all premiums and accrued interest on bonds issued for such improvement. (Ord. 53493 § 9; Aug. 5, 1927).

20.12.100 Issuance of bonds—Signature on coupons. After the expiration of thirty days after the date of first publication of the treasurer's notice referred to in Section 20.12.070 of this chapter, the city treasurer shall report to the city comptroller the total amount of the assessment, the total amount paid on the principal thereof during said thirty day period, and the total amount unpaid; whereupon bonds of the local improvement district established by the ordinance provided for such improvement shall be issued in an amount equal to the amount remaining unpaid on said

20.12.110 IMPROVEMENTS

assessment roll as shown by such report. The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days above mentioned. The bonds of each district shall be in denominations of two hundred dollars, five hundred dollars or one thousand dollars each: Provided, that Bond No. 1 in each case shall be in an amount not to exceed double the amount of the denominations of the issue for the district as herein provided. Such bonds shall be numbered from one upward, consecutively, and each bond and coupon shall be signed by the mayor and attested by the city comptroller; Provided, however, that said coupons may, in lieu of being so signed, have printed, lithographed or engraved thereon a facsimile of the signature of said officers; and provided further, that each of said officers may, in the manner provided by Chapter 212 of the Laws of 1929, designate by notice to the city council, one or more bonded persons to affix his signature, in the form and manner appearing in said notice, and if so stated and appearing therein, the name of such officer for his signature upon said bonds may be a facsimile reproduction of such officer's own signature impressed by some mechanical process followed by the word "By" and the original signature of the bonded person so designated by such officer. Each bond shall have the seal of the city impressed thereon and shall refer to the improvement to pay for which the same shall be issued and to the ordinance ordering the same. (Ord. 53493 § 10 as amended by Ord. 75898; April 9, 1947).

20.12.110 Term of bonds—Interest. Such bonds by their terms shall be made payable on or before a date not to exceed twelve years from and after the date of the issue of such bonds, which latter date may be fixed by resolution or ordinance of the city council, and shall bear interest not exceeding eight percent per year as may be fixed in the ordinance authorizing the issuance thereof, which interest shall be payable annually. Each bond shall have attached thereto interest coupons for each interest payment; Provided, that whenever the improvement lies wholly or partly within the boundaries of any commercial waterway district, organized and existing under the provisions of Chapter 11, Session Laws of Washington, 1911, and acts amendatory thereof, such bonds may be made payable on or before a date not to exceed twenty-two years from and after the date of the issue of such bonds; Provided further, that the city council may, by ordinance passed by unanimous vote, authorize the issuance of any bonds payable on or before a date not to exceed twenty-two years from and after the date of the issue of such bonds, when it shall also, by like vote, determine that the period during which said bonds are payable will not exceed the life of the improvement, and shall in such ordinance provide that the interest on said bonds issued for a period in excess of twelve years shall not exceed six percent per year, and must be sold at not less than par. (Ord. 53493 § 11; Aug. 5, 1927).

20.12.120 Form of bonds. All local improvement bonds shall be in substantially the following form:

“Local Improvement Bond, District No. — of The City of Seattle, State of Washington, No. —. The laws of the State of Washington, under which this bond is issued, contain the following provision:

‘RCW 35.45.070 (Chap. 209, Session Laws 1927). Neither the holder nor the owner of any bond or warrant issued under the provisions of this act shall have any claim therefor against the city or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued, and except as against the Local Improvement Guaranty Fund of such city or town, and the city or town shall not be liable to any holder or owner of such bond or warrant for any loss to the Guaranty Fund occurring in the lawful operation thereof by the city or town. The remedy of the holder or owner of a bond or warrant in case of non-payment, shall be confined to the enforcement of the assessment and to the Guaranty Fund.’

The City of Seattle, a municipal corporation of the State of Washington, hereby promises to pay to or bearer, Dollars, lawful money of the United States, with interest thereon at the rate of per cent per annum, payable annually, out of the fund established by Ordinance No. of said City, and known as ‘Local Improvement Fund, District No.,’ and not otherwise, except as provided by law, both principal and interest payable at the office of the City Treasurer of said City.

A Coupon is hereto attached for each installment of interest to accrue hereon and said interest shall be paid only on presentation and surrender of such coupon to the City Treasurer.

The City Council of said City, as the agent of said Local Improvement District established by said ordinance, has caused this bond to be issued in the name of said City, as the bond of said local improvement district, the bond or the proceeds thereof to be applied in part payment of so much of the cost and expense of the improvement of under said ordinance as is levied and assessed against the property included in said local improvement district and benefited by said improvement and the said local improvement fund has been established by ordinance for said purpose, and the holder or holders of this bond shall look only to said fund and the Local Improvement Guaranty Fund created by Chapter 209, Session Laws, 1927, for the payment of either the principal or the interest of this bond.

This bond is one of a series of bonds aggregating in all the principal sum of Dollars, issued for said Local Improvement District, all of which bonds are subject to the same terms and conditions as herein expressed.

This bond is payable on or before the day of

19, but is subject to call by the City Treasurer for prior redemption on any interest date, which call for payment shall be made by said Treasurer by publishing the same in the official newspaper of said City and when such call is made, this bond will be paid on the day the next interest coupon thereon shall become due after said call, and upon said day interest upon this bond shall cease, and each and every coupon representing interest not accrued upon said day shall be void.

IN WITNESS WHEREOF, The City of Seattle has caused these present to be signed, attested and sealed with its corporate seal, as required by law, this day of, in the year of our Lord One Thousand Nine Hundred and

THE CITY OF SEATTLE

By.....
Mayor.

Attest.....
City Comptroller and ex-officio City Clerk.

(SEAL)

By.....
Their Signature Agent."

COUPONS, NUMBER AND FORM: There shall be attached to each bond such number of coupons as shall be required to represent the interest thereon, payable annually, for the term of said bonds, which coupons shall be in substantially the following form:

"The City of Seattle Interest Coupon No., Interest \$..... On the day of, 19....., The City of Seattle, Washington, promises to pay to the bearer, at the office of the City Treasurer, Dollars, being one year's interest due that day on Bond No. of the bonds of 'Local Improvement Fund District No.'; Provided, that this coupon is subject to all the terms and conditions contained in the bond to which it is annexed.

THE CITY OF SEATTLE

By.....
Mayor.

Attest:

.....
City Comptroller and ex-officio City Clerk."

(Ord. 53493 § 12, as amended by Ord. 58123; August 28, 1929).

20.12.130 Sale of bonds. When the mode of "Payment by Bonds" is adopted for any such improvement, the City Council may in the ordinance adopting such mode provide that such bonds may be issued to the contractor in redemption of warrants as provided in Section 20.12.170 hereof, or it may provide in such ordinance for the sale and delivery of such bonds, either upon bids or at private sale, as hereinafter provided. When the sale of such bonds upon bids shall be authorized, the City

Comptroller and ex-officio City Clerk shall advertise such bonds for sale in at least one issue of the official newspaper of the City not less than ten (10) days prior to the date of sale. The advertisement shall state the approximate amount and date of the bonds, the number of years in which they shall mature and that bids shall be for bonds bearing no greater than the maximum rate fixed in the ordinance authorizing the issuance thereof (which rate shall be stated in the advertisement), and that no bid for less than par and accrued interest will be considered. The time and place when and where bids will be received shall also be stated in the advertisement. The City Comptroller and ex-officio City Clerk shall report all such bids to the City Council, who shall promptly act upon the same. The action of the City Council in accepting any such bids shall be by resolution, a copy of which shall be certified to the City Treasurer by the City Comptroller and ex-officio City Clerk. Bidders shall bid for such bonds upon printed forms without erasures or interlinations, which forms shall contain a copy of the advertisement and otherwise shall be substantially as follows:

"BID FORM FOR IMPROVEMENT BONDS,
CITY OF SEATTLE.

Mr. _____
Comptroller of the City of Seattle,
Seattle, Washington.
Sir:

For Local Improvement District Bonds of the City of Seattle, bearing _____ per cent interest and otherwise as described in the attached advertisement, which is hereby made a part of this bid, we will pay for the entire issue at the rate of \$_____ for each one hundred dollars (\$100.00) of bonds and a proportionate amount for any fractional bond, and in addition thereto accrued interest, if any, to date of delivery.

This bid is made subject to the approval by our attorneys of all of the proceedings taken in connection with the organization of the district, the creation of the assessment for the payment of the bonds and the issuance of the bonds.

We enclose herewith certified check payable to the order of the City Comptroller of the City of Seattle, Washington, for \$_____, being five (5) per cent of the par value of the bonds hereby bid for, which check is to be returned if this bid is not accepted, otherwise to be used as part payment for the bonds; and if this bid is accepted and we fail thereafter to comply with its terms, the said check and the full amount thereof shall be forfeited to the City as and for liquidated damages."

When the sale of such bonds at private sale shall be authorized, the City Council shall, in the ordinance or resolution authorizing such sale,

specify the rate of interest which such bonds shall bear. (Ord. 53493 § 12a, added by Ord. 61456; August 4, 1931).

20.12.140 Bond register. The City Comptroller shall keep in his office a register of all such bonds issued. He shall enter therein the local improvement fund district number, for which the same are issued, and the date, amount and number of each bond and term of payment. (Ord. 53493 § 13; August 5, 1927).

20.12.150 Foreclosure of delinquent assessments. Whenever on the 1st day of January of any year two installments of any local improvement assessment shall be delinquent, or the final installment of any such assessment, or the entire assessment where payable on the "Immediate Payment" plan, shall have been delinquent for more than one (1) year, the City Treasurer shall, on or before the 1st day of July of such year, proceed with the foreclosure of such assessments, or installments thereof, in accordance with Chapter 9, Laws 1933. (RCW Chapter 35.50).

In lieu of the foregoing procedure the City Council may by ordinance direct the Corporation Counsel to institute foreclosure proceedings, in accordance with Sec. 2, Chapter 9, Laws of 1933. (RCW 35.50.220—35.50.270). (Ord. 53493 § 14, as amended by Ord. 68208; April 20, 1938).

20.12.160 Call and payment of warrants. It shall be the duty of the City Treasurer to call and pay in numerical order such outstanding warrants against any particular improvement fund as he may be able to pay with the money on hand credited to such fund, and whenever he shall have money on hand to the credit of such fund, but not sufficient to pay the whole of the next succeeding outstanding warrant, he may call in and pay such portion thereof as shall exhaust the amount of such fund: Provided, however, that the City Treasurer may call the warrants issued to the contractor on estimates of the City Engineer in any local improvement district as soon as the City Council has, by resolution or ordinance, fixed a date for the issuance of bonds in such local improvement district.

Whenever the City Treasurer shall pay a portion of any warrant as above provided, he shall indorse upon such warrant the date and amount of such payment and take a receipt from the holder thereof, showing the number and description of such warrant and the date and amount so paid, which receipt the said Treasurer shall return with his report to the City Comptroller as a voucher for the money so paid. (Ord. 53493 § 15; August 5, 1927).

20.12.170 Payments on improvement contracts—Reserve for trust fund. In letting contracts for local improvements, the Board of Public Works shall provide that there shall be reserved from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to fifteen (15%) per cent of such estimates, as a trust

fund for the protection and payment of any person or persons, mechanics, subcontractors or material men who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work. Said fund shall be retained for a period of thirty days following the final acceptance of said improvement or work as completed, and every person performing labor or furnishing supplies towards the completion of said improvement or work shall have a lien upon said fund so reserved; provided, such notice of the lien of such claimant shall be given in the manner and within the time provided by the laws of the state of Washington; provided, however, that where in any improvement or work the contract price shall exceed two hundred thousand dollars, but ten percent shall be reserved on estimates in excess of said sum, or where the aggregate of previous estimates equals or exceeds said amount. No improvement shall be deemed completed until the board of public works shall have filed with the city clerk a statement signed by a majority of the members of said board declaring the same to have been completed.

During the time allowed for the completion of the contract the city engineer shall, on the first day of each month, issue an estimate of the amount of work completed by the contractor during the preceding month; provided, that after the expiration of the time allowed for such completion no estimate other than the final estimate shall be issued. The final estimate shall include a statement of the amount of money due the contractor, a statement of the amount of money expended for abstracts, advertising, accounting and collection, and engineering expense incurred prior to the expiration of the time allowed for the completion of the contract. Engineering expense incurred after the time allowed for the completion of the contract, shall be borne by the contractor as penalty for failure to complete the work within the specified time.

After the issuance of the estimate by the city engineer, the city comptroller shall, on or about the twenty-fifth day of the month, deliver to the contractor money or warrants in an amount equal to such estimate less the percentage to be retained therefrom as herein provided. After the expiration of thirty days following the final acceptance of said improvement or work and the expiration of the time for the filing of lien claims as provided by law, said reserve, or all amounts thereof in excess of a sufficient sum to meet and discharge the claims of material men and laborers who have filed their claim as provided by law, together with a sum sufficient to defray the cost of such action, and to pay attorney's fees, shall be paid to said contractor.

Such warrants shall be drawn against the local improvement district fund and shall bear interest at the rate of six and one-half percent per year from the date of issuance until redeemed; provided, that warrants shall not bear interest after one hundred twenty days from the time fixed

20.12.180 IMPROVEMENTS

in the proposal and contract for the completion of the contract.

If the work is completed within the time fixed by the board of public works, or any extension thereof, and there is no money available for payment of contractors' warrants at the expiration of the one hundred twenty day period above mentioned, the contractor may be paid by separate non-interest bearing warrants, a sum equivalent to interest at six and one-half percent per year on outstanding warrants from the date when interest on such warrants ceased to the date when funds are available for the redemption thereof.

If an extension of time is granted for the completion of the contract and the work is not completed when the extension period has expired, the contractor may be paid by separate non-interest bearing warrants, a sum equivalent to interest at six and one-half percent per year on outstanding warrants from the day when interest ceased, as above mentioned, to a date one hundred twenty days from the date on which the extension period expires.

The city comptroller shall immediately upon receipt of the final estimate for a local improvement, file in the office of the city clerk a certificate setting forth the total amount of said final estimate, together with accrued interest on warrants issued or to be issued to the contractor.

All warrants issued shall be redeemed in cash, in order of issuance within one hundred twenty days after the completion and acceptance of the contract, so far as payment into the local improvement district fund shall permit. Warrants not so redeemed in cash, shall, except as otherwise herein provided, be redeemed in order of their issuance in local improvement district bonds, the lowest numbered warrants being redeemed with the lowest numbered bonds, if the mode of payment is "payment by bonds"; or, if the mode of payment is "immediate payment," by the issuance of local improvement district fund warrants with interest at six and one-half percent per year from date of issuance until redeemed, such redemption to be made in the same manner as that followed under the mode of payment "payment by bonds."

If the mode of payment is "payment by bonds" and the bonds are sold as herein provided, all such warrants not so redeemed in cash as above provided, shall be redeemed in order of issuance in cash out of the proceeds of the sale of such bonds. (Ord. 53493 § 16 as amended by Ord. 86323, Ord. 100608 and Ord. 101383 § 1; September 8, 1972).

20.12.180 Letting contracts for local improvements—Call for bids—Low bidder—Five percent deposit. The board of public works may provide that all the work to be done in any local improvement district shall be let in one contract, or, at its option, it may provide that the work be subdivided and separate contracts be let for each for each subdivision thereof. All local improvements to be made by contract shall be let to the

lowest bidder therefor. Before awarding any such contract the Board of Public Works shall cause to be published in the official newspaper of the City a notice, for at least ten (10) days before the letting of such contract, inviting sealed proposals for such work, and the plans and specifications whereof must, at the time of publication of such notice, be on file in the office of the Secretary of the Board, subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same, sealed and filed with the Secretary on or before the day and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the City Comptroller, or a surety bond for a sum not less than five (5%) per cent of the amount of the bid, and no bid shall be considered unless accompanied by such check or bond. If, in the discretion of the Board of Public Works, the work should be done by the City by day labor, and under the management of the Board, it is hereby empowered to proceed with the work irrespective of all such bids, and, in such case, all bids shall be rejected. (Ord. 53493 § 17; August 5, 1927).

20.12.190 Opening bids—Awarding contract—Forfeiture of deposit for failure to enter contract. At the time and place named, such bids shall be publicly opened and read; no bid shall be rejected for informality but shall be received if it can be understood what is meant thereby. The Board shall proceed to determine the lowest bidder, and may let such contract to such bidder, or if, in its opinion, all bids are too high, it may reject all of them and re-advertise, or may proceed to do the work under its own management by "day work," and, in such case, all checks shall be returned to the bidders by the Secretary of the Board of Public Works; but if the contract be let, then, and in such case, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until the contract be entered into for making such improvement between the bidder and the City, in accordance with such bid, and the duly approved and accepted bond therefor be filed in the office of the City Comptroller. If the said bidder fail to enter into such contract in accordance with his bid within ten (10) days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the City, and the Secretary shall stamp across the face of the certified check "Forfeited to the City of Seattle _____, Secretary of the Board of Public Works," and shall deliver said check to the City Comptroller, who shall draw said amount and pay the same into the City Treasury to the credit of the "Local Improvement Fund," and the Board shall readvertise for proposals for such work. Neither the Board nor the City Council shall have the power to remit such forfeiture. (Ord. 53493 § 18; August 5, 1927).

20.12.200 Construction of trunk sewers and water mains—Sub-districts authorized. Whenever the City Council shall provide for the construction

of any trunk sewer or trunk water main, it may divide the territory to be served thereby into sub-districts; the construction of such improvement may be made under separate contracts for such sub-districts thereof and the City Council may levy assessments in each sub-district and issue bonds to be paid by the collection of assessments against property in each sub-district independent of any other sub-district; Provided, however, that such sub-districts shall be set forth in the ordinance providing for such improvement, and when it is proposed to pay any portion of the cost of such improvement from the General Fund, such ordinance shall specify approximately the amount to be apportioned to each sub-district. (Ord. 53493 § 19; August 5, 1927).

20.12.210 Assessments for unit water mains. The cost of a unit watermain is the reasonable cost of a local watermain and its appurtenances suited to the requirements of the territory served as defined in the mode prescribed in RCW 35.43.080, and such cost may be assessed against the property specially benefited thereby. The remaining portion of the cost and expense of any watermain, except where the City Council shall provide for the creation of a trunk watermain district, shall be paid from such fund as the City Council shall by ordinance direct. (Ord. 53493 § 20; August 5, 1927).

20.12.220 City's contribution to be specified in creating ordinance. Every ordinance ordering any improvement herein provided for shall declare what, if any, portion or proportionate amount of such cost and expense thereof shall be borne by the City out of its general fund, or other fund, and shall direct that the remainder of such cost and expense be assessed against the property within the district created therefor in the manner provided by law. (Ord. 53493 § 21; August 5, 1927).

20.12.230 Items of cost and expense. All estimates of the cost and expense of local improvements, as required by law, shall include the following:

- (1) The cost of the portion of the improvement within street intersections;
- (2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city engineer;
- (3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;
- (4) The estimated cost and expense of advertising, mailing and publishing all necessary notices;
- (5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city clerk and city treasurer in connection with the improvement;

(6) All cost of the acquisition of rights-of-way, property, easements or other facilities or rights, whether by eminent domain, purchase, gift, or in any other manner: Provided, that the costs enumerated in this subsection (6) may be excluded from the cost and expense to be assessed against the property in the local improvement district if the city council so designated in the ordinance initiating any such improvement;

(7) A charge against each description of property in the following amounts: In case of "immediate payment," one dollar per description; in case of assessment payable in three annual installments, one dollar seventy-five cents per description; in case of assessment payable in five annual installments, two dollars per description; in case of assessment payable in ten annual installments, three dollars and fifty cents per description; in case of assessment payable in fifteen annual installments, four dollars and thirty cents per description; in case of assessment payable in twenty annual installments of either principal or interest, five dollars per description; which is the charge for accounting, clerical labor, books and blanks used by the city comptroller and the city treasurer; provided, however, that when any assessment payable in installments is paid in full within the thirty day period fixed by law for the payment of assessments without interest, the city treasurer shall allow a rebate of the comptroller's and treasurer's charge in this section provided in excess of the sum of one dollar per description. After the expiration of such thirty day period, the city treasurer shall report to the city comptroller the total amount so rebated, and in all instances wherein the contractor doing the work in any local improvement district deposits cash with the city treasurer under the terms of his contract to cover the items of cost shown by the city engineer's final estimate, and specified in this section, the city treasurer and the city comptroller shall transfer the amount of such rebate from the fund in which it has been deposited to the appropriate local improvement fund. (Ord. 53493 § 22 as amended by Ord. 85826; Jan. 15, 1957).

20.12.240 Segregation of assessments. The city treasurer is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land, upon which a local improvement assessment has been, or may hereafter be, made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of said local improvement as the city engineer shall certify to be chargeable to such subdivision or subdivisions in accordance with state law. Upon receipt of a certified copy of a resolution of the legislative authority authorizing such segregation the city treasurer shall enter such segregation, together with the amount of the bonded interest with respect thereto, upon the assessment records and, upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to such segregated portion, give a proper receipt; Provided, that this chapter shall not authorize the seg-

20.12.250 IMPROVEMENTS

regation of any assessment which has been delinquent for a period of two years or more, or in any case where it appears that such property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such instance, upon a recommendation by the city treasurer, the city council shall determine such question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be made until a plat thereof has been furnished the city engineer by the applicant, showing that the proposed segregation of property will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the city engineer, the city council shall determine such question of fact. Whenever, on account of the filing of a plat or replat or on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed for local improvements, it appears to be to the best interest of the city of Seattle to segregate such assessment, the city engineer is authorized to make the proper certification as provided in this chapter, upon the written application of the owner, approved by the city treasurer, and confirmed by city council resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the city engineer to submit the necessary resolution for segregation for city council approval. A fee of ten dollars shall be charged for each tract of land for which a segregation is to be made together with a fee of five dollars per description for each description added to the assessment roll, to defray the reasonable costs of the reasonable engineering and clerical work involved, by such certificate of the city engineer, as approved by city council resolution. Such fees shall be paid to the city treasurer and shall be deposited in the general fund. (Ord. 53493 § 23 as amended by Ord. 82524 and Ord. 99041 § 3; July 2, 1970).

20.12.250 Redemption of certificates of sale held in trust. The city treasurer is authorized and directed to accept the redemption of certificates of sale issued for delinquent local improvement assessments and installments thereof, and held by the city of Seattle in trust for the local improvement district created prior to June 9, 1927 where the last installment of the assessment is two or more years delinquent, upon the payment of the principal of said certificates of sale and interest thereon at the rate of eight percent per year from date of issuance to date of redemption. (Ord. 63653 § 1; May 9, 1933).

LOCAL IMPROVEMENT GUARANTY FUND

Chapter 20.16

LOCAL IMPROVEMENT GUARANTY FUND

Sections:

- 20.16.010 Fund established.
- 20.16.020 Annual tax levy.
- 20.16.030 Warrants on fund.
- 20.16.040 Issuance of warrants and certificates of presentation.



20.16.010 Fund established. There be, and is hereby, created in the City Treasury the special fund established by Chapter 209, Laws of Washington, 1927, RCW Chapter 35.54, and designated "Local Improvement Guaranty Fund," for the purpose of guaranteeing, to the extent thereof and in the manner therein contemplated, the payment of local improvement bonds and warrants. (Ord. 62364 § 1; March 8, 1932).

20.16.020 Annual tax levy. In order to maintain said fund and to effectuate the purposes of this chapter, there shall be levied each year by the City Council of the City of Seattle, in its annual tax levy, a tax upon all of the property in said City subject to taxation sufficient to meet the financial requirements thereof; provided that the sums so levied in any year shall not be more than sufficient to pay the outstanding warrants on said fund and to establish therein a balance which combined levy in any one year shall not exceed five percentum of the outstanding obligations thereby guaranteed. The tax levies hereby authorized and directed shall be additional to, and, if need be, in excess of, any and all statutory and Charter limitations applicable to the tax levies of the City. There shall be paid into said fund the interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement fund guaranteed hereunder, lawfully applicable thereto. (Ord. 62364 § 2; March 8, 1932).

20.16.030 Warrants on fund. In order to effectuate the purposes of this chapter, the City Comptroller be, and he is hereby, authorized and directed to from time to time draw and deliver, and the City Treasurer to honor and pay, warrants drawing interest at a rate not to exceed six per cent on said "Local Improvement Guaranty Fund" for the purposes hereinabove contemplated; provided that such warrants shall at no time exceed five per cent of the outstanding bond obligations guaranteed by said fund. Warrants on the Local Improvement Guaranty Fund shall be numbered serially in the order of their issuance. (Ord. 62364 § 3, as amended by Ord. 70894; May 29, 1941).

20.16.040 Issuance of warrants and certificates of presentation. As among the several issues of bonds or warrants guaranteed by said fund, no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation. Whenever any defaulted interest coupons, bonds or warrants shall be presented to the City Treasurer for purchase, if the outstanding warrants against the Local Improvement Guaranty Fund (including the amount of the coupons, bonds or warrants so presented) do not then exceed five per centum of the outstanding bond obligations guaranteed by said fund, the City Treasurer shall examine such coupons, bonds or warrants and if satisfied that the same are guaranteed by such fund he shall receive and keep such coupons, bonds or warrants, issuing his receipt

therefor to the holder of the same, together with a voucher upon the Local Improvement Guaranty Fund in the amount thereof. Upon presentation of the receipt and voucher to him the City Comptroller shall issue to such holder his warrant upon the Local Improvement Guaranty Fund in the amount of such voucher. Warrants so issued shall be paid by the City Treasurer from the Local Improvement Guaranty Fund in the order of their serial numbers.

If at the time any defaulted interest coupons, bonds or warrants are presented for purchase the warrants upon the Local Improvement Guaranty Fund then outstanding (including the amount of the coupons, bonds or warrants so presented) shall exceed five per centum of the outstanding bond obligations guaranteed by said fund, the City Treasurer shall examine such coupons, bonds or warrants and if satisfied that the same are guaranteed by such fund he shall issue to the holder a presentation certificate describing such coupons, bonds or warrants and showing the date and time of the day when the same were so presented for purchase, and the name and address of the holder thereof. Such presentation certificate shall be issued and numbered serially in the order of the presentation for purchase of defaulted interest coupons, bonds or warrants by the respective holders thereof. Whenever the amount of outstanding warrants against the Local Improvement Guaranty Fund shall be retired in an amount sufficient to authorize the issuance of a warrant upon the fund for the purchase of the coupons, bonds or warrants described in any presentation certificate it shall be the duty of the City Treasurer to notify the holder of such presentation certificate by mail at the address stated in the presentation certificate; and upon presentation to him of the presentation certificate, together with the coupons, bonds or warrants described therein, the City Treasurer shall receive and keep such coupons, bonds or warrants, issuing his receipt therefor together with his voucher upon the Local Improvement Guaranty Fund covering the same, whereupon upon presentation of the receipt and voucher to the City Comptroller the holder shall be entitled to receive a warrant upon the Local Improvement Guaranty Fund as above provided. Such warrants shall be issued in the order of the serial numbers of the presentation certificate issued by the City Treasurer. (Ord. 62364 § 4, as amended by Ord. 70894; May 29, 1941).

Chapter 20.20

EMINENT DOMAIN—SPECIAL ASSESSMENT PROCEDURE

Sections:

- 20.20.010 Procedure for condemnation by collection of special assessments governed by chapter.
- 20.20.020 Acceptance of awards.
- 20.20.030 Modes of payment.

- 20.20.040 Mode of payment by bonds.
- 20.20.050 Sale of bonds.
- 20.20.060 Payment in installments.
- 20.20.070 Certificates of purchase.
- 20.20.080 Special fund.
- 20.20.090 Issuance of bonds.
- 20.20.100 Form of bonds.
- 20.20.110 Bond register.
- 20.20.120 Issuance of warrants.
- 20.20.130 Payment of awards, interest and costs.
- 20.20.140 Items of cost.
- 20.20.150 Segregation of assessments.
- 20.20.160 Offset of special assessment authorized.
- 20.20.170 Satisfaction of judgment of award.
- 20.20.180 Cancellation of assessment.
- 20.20.190 Offset to be in same proceedings.
- 20.20.200 Offset by condemnation warrants.
- 20.20.210 Deducting unpaid special assessments from condemnation award.
- 20.20.220 Redemption of certificates of purchase.

20.20.010 Procedure for condemnation by collection of special assessments governed by chapter. Whenever the City Council shall provide for the payment of the whole or any portion of the cost and expense of the condemnation of land by the levy and collection of special assessments on property specially benefited, the proceedings therefor shall be in accordance with the laws of the State of Washington and the provisions of this chapter. (Ord. 54547 § 1, as amended by Ord. 75167; July 17, 1946).

20.20.020 Acceptance of awards. If the City Council shall accept the awards for any improvement, or if the time allowed by law for rejecting the same shall have expired, the City Comptroller and ex-officio City Clerk shall notify the Clerk of the Superior Court, the County Assessor and the Corporation Counsel of such acceptance or such expiration of time for rejection. (Ord. 54547 § 2; January 26, 1928).

20.20.030 Modes of payment. There shall be two modes of payment for such portion of the cost and expense of any improvement payable by special assessment, to-wit: "Immediate Payment" and "Payment by Bonds." The mode adopted shall be "Immediate Payment," except in cases where the City Council shall designate the mode of "Payment by Bonds." (Ord. 54547 § 3; January 26, 1928).

20.20.040 Mode of payment by bonds. In case the City Council shall provide for the payment of special assessments in any such proceeding by the mode of "Payment by Bonds," it shall specify the term of such bonds,

the maximum rate of interest thereon, and shall provide that bonds of such improvement district shall be issued in an amount equal to the sum of the assessments levied for such local improvement, less the amount of such assessments paid in cash into the special fund created for such local improvement during the thirty day period following the date of the first publication of the treasurer's notice of collection, and said bonds may be sold and delivered, in such manner as the City Council may by ordinance or resolution direct. (Ord. 54547 § 4; January 26, 1928).

20.20.050 Sale of bonds. When the mode of "Payment by Bonds" is adopted for any such improvement, such bonds may be sold and delivered either upon bids or at private sale, as hereinafter provided. When the sale of such bonds upon bids shall be authorized, the City Comptroller and ex-officio City Clerk shall advertise the same for sale in at least one issue of the official newspaper of the City not less than ten (10) days prior to the date of sale. The advertisement shall state the approximate amount and date of the bonds, the number of years in which they shall mature and that bids shall be for bonds bearing no greater than eight per cent (8%) interest on bonds issued to mature in twelve (12) years or less and bearing no greater than six per cent (6%) interest on bonds issued to mature in twenty-two (22) years, and that no bid for less than par and accrued interest will be considered. The time and place when and where bids will be received shall also be stated in the advertisement, The City Comptroller and ex-officio City Clerk shall report all such bids to the City Council, who shall promptly act upon the same. The action of the City Council in accepting any such bids shall be by resolution. Bidders shall bid for such bonds upon printed forms without erasures or interlineation, which forms shall contain a copy of the advertisement and otherwise shall be substantially as follows:

"BID FORM FOR IMPROVEMENT BONDS,
CITY OF SEATTLE.

Mr.
Comptroller of the City of Seattle,
Seattle, Washington.

Sir:

For Local Improvement District Bonds of the City of Seattle, bearing per cent interest and otherwise as described in the attached advertisement, which is hereby made a part of this bid, we will pay for the entire issue at the rate of \$..... for each one hundred dollars (\$100) of bonds and a proportionate amount for any fractional bond, and in addition thereto accrued interest, if any, to date of delivery.

This bid is made subject to the approval of our attorneys of all of the proceedings taken in connection with the organization of the dis-

trict, the creation of the assessment for the payment of the bonds and the issuance of the bonds.

We enclose herewith certified check payable to the order of the City Comptroller of the City of Seattle, Washington, for \$....., being five (5) per cent of the par value of the bonds hereby bid for, which check is to be returned if this bid is not accepted, otherwise to be used as part payment for the bonds; and if this bid is accepted and we fail thereafter to comply with its terms, the said check and the full amount thereof shall be forfeited to the City as and for liquidated damages."

When the sale of such bonds at private sale shall be authorized, the City Council shall, in the ordinance or resolution authorizing such sale, specify the rate of interest which such bonds shall bear. (Ord. 54547 § 5; January 26, 1928).

20.20.060 Payment in installments. Whenever the City of Seattle shall have sold bonds of any such local improvement district, either upon bids or at private sale, as in this chapter provided, the assessments for such improvement shall be payable in installments, and notice thereof shall be given, and the collection and enforcement thereof had as provided by law and this chapter. In the case of sale upon bids, the City Comptroller and ex-officio City Clerk shall transmit to the City Treasurer a certified copy of the resolution accepting any such bid, and in the case of sale at private sale the City Comptroller and ex-officio City Clerk shall transmit to the City Treasurer his certificate that such bonds have been sold, pursuant to the resolution of the City Council directing such sale, and either case the City Treasurer thereupon shall proceed with the collection and enforcement of such assessments under the mode of "Payment by Bonds." As to assessments payable in ten (10) or less, annual installments, the City Comptroller shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll, and as to assessments payable in twenty (20) annual installments, the City Comptroller shall for the first ten (10) years annually extend the installments of interest upon such roll, and for the last ten (10) years he shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll. (Ord. 54547 § 6; January 26, 1928).

20.20.070 Certificates of purchase. Two (2) years after the date of delinquency of an assessment payable by the mode of "Immediate Payment," or of an installment of an assessment payable by the mode of "Payment by Bonds," it shall be the duty of the City Treasurer to proceed to sell the property described in any such local assessment roll for the amount of such delinquent assessment, or installment, together with the penalty and interest accruing to date of sale, and for the costs of said sale; Provided, it shall be the duty of the City Treasurer in the case of the last

installment of an assessment payable by the mode of "Payment by Bonds" to proceed with the sale hereinbefore provided for at the expiration of twenty-one (21) months from the date of the delinquency of the last installment.

Certificates of purchase shall be executed and delivered by the Treasurer to the purchasers at such sale, and assessment deeds shall be executed and delivered by him to the persons thereunto entitled. All steps and proceedings required to be done in connection with such sale, certificates of purchase and assessment deeds shall be had and conducted according to law and this chapter.

When assessments, or installments of assessments, have been delinquent the full period provided by law and ordinances of the City of Seattle, before which such assessments or installments of assessments are subject to sale, the City Treasurer shall certify to the City Comptroller that there are delinquent and unpaid assessments or installments thereof, giving the district number and installment thereof, if it be an installment roll, ordinance number under which it was created, street name, nature of the improvement and the date of delinquency.

The City Comptroller shall, upon receipt of said certificate, verify the same and, if found correct, shall issue a warrant directing the treasurer to sell all the property described upon said roll upon which assessments are levied to satisfy all such delinquent and unpaid assessments or installments thereof, together with interest, penalties and costs as provided by law.

Such warrant, issued for the purpose of making sale of said delinquent property, shall be deemed and taken as an execution against said property for the amount of said assessment or installments thereof, with interest, penalties and costs, and the City Treasurer shall, within sixty (60) days from receipt thereof by him, commence the sale of said property. (Ord. 54547 § 7; January 26, 1928).

20.20.080 Special fund. The City Council shall, by ordinance, create a special fund for each such improvement district to be called "Local Improvement Fund, Condemnation Award, District No.," into which shall be placed the proceeds of the sale of bonds for such improvement, all sums paid on account of assessments levied for such improvement including all interest and penalty thereon, and all sums received from rents, profits and income from the property condemned by such proceeding, and from which shall be paid all warrants issued upon transcripts of judgments on awards and all bonds issued for such improvements. (Ord. 54547 § 8; January 26, 1928).

20.20.090 Issuance of bonds. At the expiration of thirty (30) days after the date of first publication of the Treasurer's notice of any such assessments payable in installments, the Treasurer shall report to the

City Comptroller the total amount of the assessment, the total amount paid to him to redeem any lots, tracts, or parcels of land, or other property, from the assessment levied thereon, and the total amount unpaid on such assessment; whereupon the Mayor and City Comptroller shall issue the bonds of such local improvement condemnation award district, in an amount equal to the amount remaining unpaid on said assessment roll as shown by such report. The bonds herein provided for shall not be issued prior to twenty (20) days after the expiration of the thirty days above mentioned. Such bonds shall be in denominations of Two Hundred (\$200.00) Dollars each, except bonds numbered one (1), which shall be in an amount not to exceed Four Hundred Dollars (\$400.00); Provided, that the City Council may, by resolution, designate any different denomination for such bonds. (Ord. 54547 § 9; January 26, 1928).

20.20.100 Form of bonds. All bonds issued in pursuance of the provisions of this chapter shall be in substantially the following form:

“LOCAL IMPROVEMENT BOND, CONDEMNATION AWARD
DISTRICT NO.....OF THE CITY OF
SEATTLE, STATE OF WASHINGTON.

No..... \$.....

N. B. The laws of the state of Washington, under which this bond is issued, contain the following section:

‘Neither the holder nor owner of any bond issued under the authority of this act shall have any claim therefor against the city by which the same is issued, except from the special assessment made for the improvement for which such bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this section shall be plainly written, printed or engraved on each bond so issued.’

The City of Seattle, a municipal corporation of the State of Washington, hereby promises to pay to..... or bearer,Dollars, lawful money of the United States, with interest thereon at the rate of per cent, per annum, payable annually, out of the fund established by Ordinance No..... of said city, and known as ‘Local Improvement Fund, Condemnation Award District No.....’, and not otherwise, both principal and interest payable at the office of the City Treasurer of said city.

A coupon is hereto attached for each installment of interest to accrue hereon, and said interest shall be paid only on presentation and surrender of such coupons to the City Treasurer.

The City Council of said city, as the agent of said Condemnation Award District, established by said ordinance, has caused this bond to be issued in the name of said city, as the bond of said district, the bond, or the proceeds thereof, to be applied in part payment of so much of the cost and expense of the improvement of....., under Ordinance No....., as is levied and assessed against the property included in said condemnation award district and benefitted by said improvement, and the said Local Improvement Fund has been established by ordinance for said purpose; and the holder or holders of this bond shall look only to said fund for the payment of either the principal or the interest of this bond.

This bond is one of a series of.....bonds aggregating in all the principal sum of.....Dollars, issued for said Local Improvement District, all of which bonds are subject to the same terms and conditions as herein expressed.

This bond is payable on or before the day of, 19....., but is subject to call by the City Treasurer for prior redemption on any interest date, which call for payment shall be made by said Treasurer by publishing the same in the official newspaper of said City, and when such call is so made this bond will be paid on the day the next interest coupon thereon shall become due after said call and upon said day interest upon this bond shall cease and each and every coupon representing interest not accrued upon said day shall be void.

In Witness Whereof the City of Seattle has caused these presents to be signed, attested and sealed with its corporate seal, as required by law, this.....day of....., in the year of our Lord One Thousand Nine Hundred and.....

THE CITY OF SEATTLE

By.....

Mayor

Attest.....

City Comptroller and ex-officio City Clerk

(SEAL)

By.....

Their Signatory Agent."

COUPONS, NUMBER AND FORM. There shall be attached to each bond such number of coupons, not exceeding twenty-two (22), as shall be required to represent the interest thereon, payable annually, for the term of said bonds, which coupons shall be in substantially the following form:

“THE CITY OF SEATTLE
INTEREST COUPON

No. \$.....

On the day of, 19....., The City of Seattle, Washington, promises to pay to the bearer at the office of the City Treasurer Dollars, being one year’s interest due that day on Bond No., of the bonds of ‘Local Improvement Fund Condemnation Award District No.,’ and not otherwise; Provided, that this coupon is subject to all the terms and conditions contained in the bond to which it is annexed.

THE CITY OF SEATTLE

By.....

Mayor

Attest:

.....

City Comptroller and ex-officio City Clerk.”

(Ord. 54547 § 10 as amended by Ord. 58128; Aug. 28, 1929).

20.20.110 Bond register. The city comptroller shall keep in his office a register of all such bonds issued. He shall enter therein the local improvement fund district number for which the same are issued, and the date, amount and number of each bond and the term of payment. (Ord. 54547 § 11; Jan. 26, 1928).

20.20.120 Issuance of warrants. The city comptroller shall issue no warrants for any condemnation awards, interest or costs prior to the acceptance of such awards by the city council as hereinbefore provided for, but such warrants may be issued at any time thereafter. (Ord. 54547 § 12; Jan. 26, 1928).

20.20.130 Payments of awards, interest and costs. The proceeds of the sale of bonds issued therefor, together with the proceeds of the collection of special assessments therefor, made during the thirty day period following the date of the first publication of the treasurer’s notice of collection, shall be applied by the city treasurer in payment of awards, interest and costs of any judgment in any eminent domain proceedings, and the redemption of any warrants issued in payment of any portion of such judgment. No priority of payment shall exist as between any such warrants and any portion of such judgment, but warrants shall be paid in the order of their issuance; provided, that warrants payable to the general fund may be held until warrants issued for the payment of awards have been paid. (Ord. 54547 § 13; Jan. 26, 1928).

20.20.140 Items of cost. In preparing the assessment roll to pay the cost and expense of any such condemnation improvement as provided in

20.20.150 IMPROVEMENTS

this chapter, the board of eminent domain commissioners shall include the costs and expenses of the proceedings up to the time of the filing of the assessment roll, together with the probable further costs and expenses of the proceedings, including therein a charge against each description of property appearing upon any assessment roll in the following sum: In case of "immediate payment" of assessment, one dollar per description; in case of assessment payable in five annual installments, the sum of two dollars per description; in case of assessment payable in ten annual installments, the sum of three dollars and fifty cents per description; in case of assessment payable in fifteen annual installments, four dollars and thirty cents per description; in case of assessment payable in twenty annual installments of either principal or interest, five dollars per description, which is the charge for accounting, clerical labor, books and blanks used by the city comptroller and the city treasurer; provided, however, that when any assessment payable in installments is paid in full within the thirty day period fixed by law for the payment of assessments without interest, the city treasurer shall allow a rebate of the comptroller's and treasurer's charge in this section provided in excess of one dollar per description. After the expiration of such thirty day period, the city treasurer shall report to the city comptroller the total amounts so rebated. (Ord. 54547 § 14 as amended by Ord. 82591; Dec. 22, 1953).

20.20.150 Segregation of assessments. The city treasurer is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land upon which condemnation assessment has been, or may hereafter, be made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of said condemnation improvement as the city engineer shall certify to be chargeable to such subdivision or subdivisions in accordance with state law. Upon receipt of a certified copy of a resolution of the legislative authority authorizing such segregation the city treasurer shall enter such segregation, together with the amount of the bonded interest with respect thereto, upon the assessment records, and upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to such segregated portion, give a proper receipt; Provided that this chapter shall not authorize the segregation of any assessment which has been delinquent for a period of two years or more, or in any case where it appears that such property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such instances, upon a recommendation by the city treasurer, the city council shall determine such question of fact. No segregation of any assessment on unplatted

lands or large platted tracts shall be made until a plat thereof has been furnished the city engineer by the applicant, showing that the proposed segregation of property will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the city engineer, the city council shall determine such question of fact.

Whenever, on account of the filing of a plat or replat or on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed in such improvement district, it appears to be to the best interest of the city of Seattle to segregate such assessments, the city engineer is authorized to make the proper certification as provided in this chapter, upon the written application of the owner, approved by the city treasurer, and confirmed by city council resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the city engineer to submit the necessary resolution for segregation for city council approval.

A fee of ten dollars shall be charged for each tract of land for which a segregation is to be made together with a fee of five dollars per description for each description added to the assessment roll, to defray the reasonable costs of the reasonable engineering and clerical work involved, by such certificate of the city engineer, as approved by city council resolution. Such fees shall be paid to the city treasurer and shall be deposited in the general fund. (Ord. 63678 § 1 as amended by Ord. 82590 and Ord. 99040 § 1; July 2, 1970).

20.20.160 Offset of special assessment authorized. Whenever, in condemnation proceedings prosecuted by the city of Seattle, compensation or damages, or both, are awarded to the owners of, and other parties interested in, any real property taken or damaged, and an assessment upon property benefited is made to pay the whole or any part of the compensation or damages, or both, awarded in such proceeding, and any person or persons to whom any such award of compensation or damages or both is made, also own real property which is assessed in the same proceeding to pay the compensation and damages awarded in said proceeding, such person or persons may offset, pro tanto, the amount of the compensation or damages, or both, awarded to such person or persons, against the assessment levied upon real property owned by such person or persons, in the manner herein provided. (Ord. 10725 § 1; March 19, 1904).

20.20.170 Satisfaction of judgment of award. Any person or persons wishing to offset an award of compensation or damages, or both, against any assessment, as provided in Section 20.20.160, shall receipt upon the execution docket of the court in which such award is made, and make satisfaction, on said execution docket, of the amount so sought to be made an offset; and shall procure from the clerk of said court and present to the city treasurer a certificate under the seal of the court specifying the

20.20.180—20.20.210 IMPROVEMENTS

amount of which satisfaction has been made on the execution docket, the date of such satisfaction, the number and a brief title of the proceeding, including the number of the ordinance under which said proceeding was prosecuted. (Ord. 10725 § 2; March 19, 1904).

20.20.180 Cancellation of assessment. The city treasurer, upon receipt by him of the certificate provided for in Section 20.20.170, is authorized and directed to cancel such assessment upon the assessment roll, to the amount specified in said certificate, making suitable notation thereof upon the assessment roll. (Ord. 10725 § 3; March 19, 1904).

20.20.190 Offset to be in same proceedings. Sections 20.20.160 through 20.20.180 shall not be construed as authorizing or permitting the offsetting of compensation or damages awarded in one condemnation proceeding against an assessment made or levied in another or different condemnation proceeding. (Ord. 10725 § 3; March 19, 1904).

20.20.200 Offset by condemnation warrants. Whenever an owner of property, assessed in a condemnation proceeding of the city of Seattle, desires to make full payment of such assessment prior to date of sale of his property for said assessment, the city treasurer is authorized and directed to accept condemnation fund warrants, or parts thereof, in payment of such assessments levied to raise money for the benefit of the particular condemnation fund against or upon which said warrants were issued, and he shall treat all of such transactions as cash transactions, making proper entry thereof upon his records. (Ord. 23191 § 1; Jan. 31, 1910).

20.20.210 Deducting unpaid special assessments from condemnation award. For the purpose of making payment of all local improvement assessments that may exist against any lot, tract or parcel of land which has been condemned for street or other purposes, the city comptroller shall require from the treasurer of said city, previous to the issuance of any warrant in payment for property condemned in any condemnation proceeding, a statement showing the amount of all unpaid local improvement assessments that may exist against said property, and thereupon two warrants in favor of the respondents shall be issued on said condemnation fund, one warrant in the amount of the unpaid assessments which shall be endorsed to the general fund by said respondent, and one warrant for the amount of the award less said unpaid assessments, and thereupon the city comptroller shall draw a warrant on the general fund in favor of the local improvement district or districts entitled thereto for the amount of the unpaid assessments, said general fund to be reimbursed for the amounts so paid out when sufficient moneys have been paid into the condemnation fund to meet the warrant thereon drawn in favor of the general fund in payment of the assessments as above set forth. (Ord. 32967 § 1; April 20, 1914).

20.20.220 Redemption of certificates of purchase. The city treasurer is authorized and directed to accept the redemption of certificates of purchase issued for delinquent condemnation award assessments and installments thereof, and held in trust by the city of Seattle for the condemnation award districts, where the last installment of the assessment is two or more years delinquent, upon the payment of the principal of said certificates of purchase and interest thereon at the rate of eight percent per year from date of issuance to date of redemption. (Ord. 63654 § 1; May 9, 1933).



Chapter 20.24**FILLING LOWLANDS****Sections:**

- 20.24.010 Special assessment procedure authorized.
- 20.24.020 Resolution declaring necessity.
- 20.24.030 Resolution declaring intent to improve.
- 20.24.040 District to be established by ordinance.
- 20.24.050 Modes of payment.
- 20.24.060 Making, enforcement and collection of special assessments governed by Chapter 20.12.

20.24.010 Special assessment procedure authorized. Whenever the city council shall order any improvement to be made or work to be done, by filling private property where necessary, as a sanitary measure which shall confer special benefits upon any property in the City of Seattle, and it is desired to pay the whole or any part of the cost and expense of the same by and from special assessments levied upon the property specially benefited thereby, the proceedings for making such improvements and levying and collecting special assessments for the purpose of paying the whole or any part of the cost and expense thereof and for paying such cost and expense may be had and conducted as provided in this chapter. (Ord. 35083 § 1; August 9, 1915).

20.24.020 Resolution declaring necessity. Whenever the city shall establish or shall have established the grade of any street or streets, alley or alleys, at a higher elevation than any private property abutting thereon, thereby rendering the drainage of such private property or any part thereof impracticable without the raising of the surface of such private property, or whenever the surface of any private property in the city shall be so low as to make sanitary drainage thereof impracticable, the city council may determine by resolution that a fill of such private property is necessary as a sanitary measure. The council shall in such resolution direct the board of public works to make the necessary surveys of the district proposed to be improved and the necessary plans and specifications for such improvement, and to submit, within twenty (20) days after the first publication of such resolution, a report to the City Council to be filed with the City Clerk giving a description of the property proposed to be improved by such fill, the grade to which it is necessary to fill the same and the estimated cost thereof. (Ord. 35083 § 2; August 9, 1915).

20.24.030 Resolution declaring intent to improve. The City Council shall before establishing the new grade of such property or providing for such fill, first pass a resolution declaring its intention to make such improvement and giving in such resolution a description of the property proposed to be improved by such fill, the estimate of the cost of the same, and

stating that such cost is to be assessed against the property benefited thereby, and shall fix a time not less than thirty (30) days after the first publication of the said resolution as hereinafter specified within which protests against such proposed improvement may be filed in the office of the City Clerk. The council shall in such resolution, or in the ordinance providing for such improvement, declare the mode of making payment for such portion of the cost and expense of such improvement as shall be chargeable against such private property. At the time named in the resolution, the council shall proceed to consider such resolution and report of the Board of Public Works on the matters referred to it in such resolution, together with all protests filed against said improvement, if any such protests be filed, and if the council shall notwithstanding such protests and after full hearing thereof, if any protestant shall ask for such hearing, determine that it is necessary to fill such private property, or any portion or portions thereof, as a sanitary measure, the council shall then or at a subsequent time proceed to enact an ordinance providing for such improvement. (Ord. 35083 § 3; August 9, 1915).

20.24.040 District to be established by ordinance. Whenever the council shall order any such improvement to be made, it shall in the ordinance ordering the same establish a local improvement district to be called "Local Improvement District No." which shall include all the property found by the said council as aforesaid to require such fill as a sanitary measure. (Ord. 35083 § 4; August 9, 1915).

20.24.050 Modes of payment. There shall be two modes of making payment for such portion of the cost and expense of the improvements provided for in this chapter, as shall be chargeable against the local improvement district created as herein provided, to-wit: "Immediate Payment" and "Payment by Bonds". The mode adopted shall be the mode set forth in the resolution declaring the intention of the council to make the improvement, if such resolution specifies the mode; if such resolution fail to specify the mode, then it shall be the mode specified in the ordinance ordering the improvement.

In all cases where the mode of "Payment by Bonds" is directed, the assessments shall be payable in equal annual installments the number of which shall be less by two than the number of years the bonds or warrants may run.

Such bonds by their terms shall be made payable on or before a date not to exceed twelve (12) years from and after the date of the issue of such bonds, which latter date may be fixed by resolution or ordinance by the City Council, provided that whenever the improvement shall lie wholly or partly within the boundaries of any commercial waterway district, organized and existing under the provisions of Chapter 243 of the Laws of 1907, of The State of Washington, and the acts amendatory thereof, such

bonds may be made payable on or before a date not to exceed twenty-two (22) years from and after the date of the issue of such bonds. Such bonds shall bear interest at the rate provided by the ordinance ordering the improvement, but not exceeding eight per cent (8%) per annum, such interest to be payable annually. Each bond shall have attached thereto interest coupons for each interest payment. (Ord. 35083 § 5; August 9, 1915).

20.24.060 Making, enforcement and collection of special assessments governed by Chapter 20.12. Chapter 20.12 shall apply to all improvements made under the provisions of this chapter, and to all proceedings relating to such improvements and to the making, collection and enforcement of special assessments therefor, and to the mode of paying for the same, except in so far as the same shall be in conflict with this chapter. (Ord. 35083 § 6, as amended by Ord. 66638; September 16, 1936).

Chapter 20.28

SIDEWALKS—CONSTRUCTION OF LESS THAN BLOCK IN LENGTH

Sections:

- 20.28.010 Sidewalks less than one block in length—Resolution of necessity of construction or reconstruction—Burden on abutting property.
- 20.28.020 Notice of intent to improve—Service—Hearing—Assessment.
- 20.28.030 Chapter enacted pursuant to state law.

20.28.010 Sidewalks less than one block in length—Resolution of necessity of construction or reconstruction—Burden on abutting property. Whenever a portion, not longer than one block in length, of any street (the word "street", as used herein, to include any boulevard, avenue, alley, way, lane, square or place) shall not be improved by the construction of a sidewalk thereon (the word "sidewalk", as used herein, to include any and all structures or forms of street improvement included in the space between the street margin and the roadway), or the sidewalk thereof shall have become unfit or unsafe for the purpose of public travel, and such street adjacent to both ends of said portion shall be so improved and in good repair, and the City Council shall by resolution find that the improvement of such portion by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion (which term "property directly abutting" or "abutting property", as used herein, shall be deemed to be all property having a frontage upon the sides or margins of any such

portion); provided, that such abutting property shall not be charged with any costs of construction or reconstruction in excess of fifty per cent (50%) of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purposes of general taxation. (Ord. 65482 § 1; July 5, 1935).

20.28.020 Notice of intent to improve—Service—Hearing—Assessment.

Whenever the City Council shall have adopted such resolution, the Board of Public Works shall cause to be served on the owner of the abutting property a notice instructing said owner to construct or reconstruct a sidewalk on such portion in accordance with plans and specifications which shall be attached to such notice. Such notice shall be served by delivering in person to the owner or leaving at his home with a person of suitable age and discretion then resident therein, or with an agent of such owner authorized to collect rentals on such property, or, if such owner is a non-resident of the State of Washington, by mailing a copy to his last known address, or, if such owner be unknown or if his address be unknown, then by posting a copy in a conspicuous place on such portion of said street where such improvement is to be made. Such notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case the owner shall fail to make the same within such time, the City will proceed to make the same through the Board of Public Works, and at a subsequent date, to be definitely stated in said notice, the Board of Public Works will report to the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such improvement, the name of the owner, if known, and that the City Council at the time stated in said notice, or at the time or times to which the same may be adjourned, will hear any and all protests against the proposed assessment. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the Board of Public Works shall proceed to perform such work and shall, within the time fixed in said notice, report to the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such work, and the name of the owner, if known. The City Council shall, at the time in such notice designated, or at an adjourned time or times, assess the cost of such improvement against said abutting property and shall fix the time and manner for payment thereof, which said assessment shall become a lien upon said property and shall be collected in the manner provided by law for special assessments under RCW Title 35. (Ord. 65482 § 2; July 5, 1935).

20.28.030 Chapter enacted pursuant to state law. This chapter is enacted in order to enable the City of Seattle to exercise the powers and

authority granted by Chapter 203, Laws of Washington, 1927, (RCW Chapter 35.69), and to provide for the application and enforcement of said Act in said city. (Ord. 65482 § 3; July 5, 1935).

Chapter 20.32

SIDEWALKS—REPAIR, RENEWAL AND CLEANING

Sections:

- 20.32.010 Notice to abutting owner to clear, clean, repair or renew sidewalk.
- 20.32.020 Contents of notice.
- 20.32.030 Service of notice.
- 20.32.040 Failure to do work—Improvement by city—Assessment for cost.
- 20.32.050 Hearing on assessment roll.

20.32.010 Notice to abutting owner to clear, clean, repair or renew sidewalk. Whenever, in the judgment of the board of public works, the condition of any sidewalk, or any portion thereof, in the city of Seattle, is such as to render the same unfit or unsafe for purposes of public travel, or require clearing, cleaning, repair or renewal, said board is hereby authorized, empowered and directed to serve upon the owner of the property immediately abutting upon said sidewalk, a notice advising such owner of the condition thereof and instructing him to clear, clean, repair or renew the same. (Ord. 45712 § 1; September 17, 1923).

20.32.020 Contents of notice. The notice hereinabove provided for shall specify a reasonable time, to be stated therein, within which such clearing, cleaning, repair or renewal shall be done, and shall state that in case the said owner shall fail to do such clearing or cleaning or to make such repairs or renewal within the time therein specified, the board of public works will clear or clean said walk or make such repairs or renewal forthwith, and will report to the city council of the city of Seattle at its next regular meeting, or as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement or repair, and the name of the owner if known; and that the council will hear any or all protests against the proposed assessment. (Ord. 45712 § 2; September 17, 1923).

20.32.030 Service of notice. The notice hereinabove provided for shall be served by delivering the same in person to the owner of the property or his authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent, or, if the owner is a nonresident, by mailing a copy to his last known address, or, if his address be unknown, such

notice shall be mailed in the U.S. Post Office, addressed to such owner in care of General Delivery. (Ord. 45712 § 3; September 17, 1923).

20.32.040 Failure to do work—Improvement by city—Assessment for cost. In case any property owner fails or neglects to clear, clean, repair or renew said sidewalk, or any portion thereof, in accordance with the requirements of the notice hereinabove provided for, the board of public works shall cause such sidewalk to be cleared, cleaned, repaired or renewed, and thereupon shall report to the city council an assessment roll showing the lot or parcel of land immediately abutting upon the portion of the sidewalk so improved, the cost of such improvement or repair and the name of the owner, if known. (Ord. 45712 § 4; September 17, 1923).

20.32.050 Hearing on assessment roll. At the time designated in the notice hereinabove provided for, or the time to which the hearing upon said roll may be adjourned, the city council, by ordinance, shall modify or confirm such assessment roll and shall assess the cost of such improvement against such abutting property in accordance with the benefits derived therefrom, which assessment shall become a lien upon said property and shall be collected in the manner provided by law or ordinance for the collection of local improvement assessments. (Ord. 45712 § 5; September 17, 1923).

Chapter 20.34 DRIVEWAYS

Sections:

- 20.34.010 Permit to construct or repair.
- 20.34.020 Permit application.
- 20.34.030 Permit revocation.
- 20.34.040 Permit revocation or denial—Appeal.
- 20.34.050 Penalty for violations.

20.34.010 Permit to construct or repair. It shall be unlawful for anyone to construct, reconstruct, repair, alter or maintain any driveway providing direct vehicular access to a public street which serves as an approach to or exit from a limited access highway facility where all or any portion of the driveway or proposed driveway lies between the proximate margin of the limited access highway facility and a line projected at right angles to the centerline of the public street from a point thereon which is four hundred feet distant, measured along that centerline, from the proximate margin of the limited access highway facility without first obtaining a permit from the board of public works so to do as hereinafter provided. (Ord. 95776 § 1; May 10, 1967).

20.34.020 Permit application. Applications for the driveway permit contemplated in Section 20.34.010 shall be made to the board of public works on forms prescribed by the board, which shall refer the application to the city engineer for his report and recommendation as to the potential effect of the use of the proposed driveway upon the safe and efficient flow of traffic and shall issue the permit contemplated in Section 20.34.010 only upon a determination that the design, standard of construction, operational use, location or number of locations of the proposed driveway or driveways will not unreasonably interfere with the safe and efficient flow of vehicular and pedestrian traffic upon the adjoining streets and sidewalks, giving particular consideration to the effect upon traffic flowing to and from the proximate limited access highway facility, provided that such permit shall be issued in those instances in which a determination is made that the denial thereof would totally deprive the property to be served of vehicular access. The board of public works may attach such conditions to any permit issued hereunder as may be reasonably required under the particular circumstances for the protection of the public safety. (Ord. 95776 § 2; May 10, 1967).

20.34.030 Permit revocation. Where the safe and efficient flow of vehicular and pedestrian traffic require, and upon the recommendation of the city engineer, the board of public works may revoke any permit issued hereunder or order the alteration of a driveway for which a permit has been issued. The notice of alteration shall be in writing, be served upon the permittee, or his successor, and shall require compliance within one hundred eighty days of said notice. (Ord. 95776 § 3; May 10, 1967).

20.34.040 Permit revocation or denial—Appeal. If the board of public works shall deny or revoke a driveway permit, the applicant or permittee may appeal such denial or revocation to the city council within twenty days after receiving written notice of such denial or revocation from the board of public works. The city council, by its streets and sewers committee, shall hear such appeal within thirty days of the filing of notice thereof and decide the same by resolution within a reasonable time thereafter, and the board's denial or revocation shall remain in effect pending final determination of such appeal. (Ord. 95776 § 4; May 10, 1967).

20.34.050 Penalty for violations. Anyone who shall violate or fail to comply with any of the provisions of this chapter shall upon conviction be punished by a fine in a sum not exceeding five hundred dollars or by imprisonment in the city jail for a term not exceeding six months, or by both such fine and imprisonment, and each day any person shall continue to violate or fail to comply with the provisions of this chapter, shall be deemed and considered a separate offense. (Ord. 95776 § 5; May 10, 1967).

Chapter 20.36.**RELOCATION OF WATER MAINS****Sections:**

- 20.36.010 Ungraded streets—Cost of relocation assessed to property owners.
- 20.36.020 Ungraded streets—When cost of relocation paid from water fund.
- 20.36.030 Regrade of graded street—Cost of relocation paid from general fund.
- 20.36.040 Regrade of graded street—Part of cost of relocation assessed to property owners.
- 20.36.050 Regrade of graded street—When all of cost of relocation assessed to property owners.
- 20.36.060 Cost of reconstruction of connections and hydrants assessed to regrade district.
- 20.36.070 Cost of substituting or enlarging mains charged to water fund.

20.36.010 Ungraded streets—Cost of relocation assessed to property owners. Whenever it becomes necessary to lay water mains in ungraded streets to supply water to residents of the district abutting on said streets, and the abutting property is assessed for the laying of said mains, such

RELOCATION OF WATER MAINS 20.36.020—20.36.050

property shall be again assessed for the relaying or reconstruction thereof when the streets are graded to permanent grade; provided, that if, at the time of the laying of the mains originally, a permanent grade on said streets is established, the City Council may order the mains laid to permanent grade, as near as may be, and assess the entire cost thereof to the improvement district. (Ord. 27209 § 1; May 24, 1911).

20.36.020 Ungraded streets—When cost of relocation paid from water fund. Whenever it becomes necessary to lay water mains in ungraded streets that do not serve that particular district, or specially benefit it, no charge or assessment for relaying or reconstructing said mains shall be made against said district abutting on said streets when the same are graded, but such cost shall be paid from the Water Fund of the City of Seattle. (Ord. 27209 § 2; May 24, 1911).

20.36.030 Regrade of graded street—Cost of relocation paid from general fund. Whenever general public necessity demands the regrade of any street already improved and with established grades, and such regrade is made, and it becomes necessary to adjust, relay or reconstruct water mains by reason thereof which do not serve, or specially benefit the district abutting on such streets, no charge for such reconstruction or adjustment shall be made against the abutting property on such streets or against the district assessed for said regrade, but the cost thereof shall be paid from the General Fund of the City of Seattle. (Ord. 27209 § 3; May 24, 1911).

20.36.040 Regrade of graded street—Part of cost of relocation assessed to property owners. Whenever it is desired by owners of property abutting on any street or streets that such street or streets be regraded, and such regrade is made, and by reason thereof it becomes necessary to adjust, relay or reconstruct any water mains in said street or streets not used for the purpose of serving the property abutting thereon, the entire cost of such adjustment or reconstruction may be assessed against the General Fund; provided, if such regrade is instituted by petition and the petitioners agree to bear any portion of said cost of adjustment, relaying or reconstruction, or if the improvement is instituted by resolution of the City Council and said resolution declares the purpose of the Council to assess any portion of said cost to the property abutting on said streets to be regraded, in such event said portion of said cost as provided by either said petition or said resolution shall be assessed against the property in said district, and the balance thereof against the General Fund. (Ord. 27209 § 4; May 24, 1911).

20.36.050 Regrade of graded street—When all of cost of relocation assessed to property owners. Whenever, whether for the benefit of the public at large or for the enhancement of the value and improvement of

property adjacent or tributary to any district, the regrade of said district is desired, and by reason thereof it becomes necessary to adjust or reconstruct water mains in said district which specially benefit and furnish water to the property abutting or adjacent to the streets to be regraded, the entire cost of such adjustment or reconstruction, up to and including twelve (12) inch mains, shall be assessed against the property lying within the bounds of such district, and the cost of adjusting mains in excess of twelve (12) inches, and up to twenty-four (24) inches in size, shall be as follows: a sum equal to the cost of adjusting, relaying or reconstructing twelve (12) inch mains, together with fifty per cent of the excess cost by reason of the increased size of the main shall be assessed to the abutting property; provided, that the resolution and ordinance ordering the work and creating the district shall specify the cost as above provided, but no charge or assessment shall be made upon property lying within said district for the adjusting, relaying or reconstruction of mains where they exceed twenty-four (24) inches in size for that proportion of the cost caused by the excess of twenty-four (24) inches. (Ord. 27209 § 5; May 24, 1911).

20.36.060 Cost of reconstruction of connections and hydrants assessed to regrade district. Whenever any regrade is made, the entire cost of reconstruction of existing connections to water mains, hydrants, etc. which must be maintained to provide water and fire protection to the district during the progress of the regrade work, shall be assessed to the regrade district. (Ord. 27209 § 6; May 24, 1911).

20.36.070 Cost of substituting or enlarging mains charged to water fund. Whenever, in the prosecution of any of the improvements contemplated in the foregoing sections, it is determined by the Water Department to substitute or enlarge the mains passing through the district, the entire cost of such substitution or enlarging, in excess of the reconstruction of existing mains, shall be borne by the Water Fund. (Ord. 27209 § 7; May 24, 1911).

Chapter 20.40

DISPOSITION OF FORECLOSED PROPERTY

Sections:

- 20.40.010 Bidding in and purchase of real property at foreclosure sales.
- 20.40.020 Corporation Counsel to act for city.
- 20.40.030 Redemption by owner.
- 20.40.040 Execution of quit-claim deed to fee owner.
- 20.40.050 Sale of property acquired by city—Contract authorized.
- 20.40.060 Sale of property acquired by city—Deposit of five percent of purchase price.

FORECLOSED PROPERTY 20.40.010—20.40.040

- 20.40.070 Sale of property acquired by city—Appraisement contract.
- 20.40.080 Sale of property acquired by city—Payment of commission to real estate.
- 20.40.090 Sale of property acquired by city—Warrants to pay commissions.

20.40.010 Bidding in and purchase of real property at foreclosure sales. Whenever real property shall be offered for sale to satisfy an execution, judgment or decree of foreclosure in any action wherein the City of Seattle is a party, in the absence of bidders or purchasers, or if the highest bid made by any person for such property be less than the amount of the judgment and costs recovered by the city in such action, then the properly authorized officer of said city may bid in and purchase such real property in the name of the City of Seattle, for the use and benefit of said city, for a sum of money not to exceed the amount required to satisfy such execution, judgment or decree and the costs therein; and the amount so bid shall be applied to the satisfaction of the judgment in such action. (Ord. 16300 § 1; June 19, 1907).

20.40.020 Corporation Counsel to act for city. The Corporation Counsel of the City of Seattle is hereby authorized to bid in and to purchase in the name of the City of Seattle, and for its use and benefit, all such real property as may be sold, as provided in section 20.40.010 and to enter satisfaction of such judgments. (Ord. 16300 § 2; June 19, 1907).

20.40.030 Redemption by owner. Whenever any property has been acquired by the City of Seattle through nonpayment of local improvement assessments, or installment thereof, and the fee owner of any lot or lots or parcel of land at the time of its acquisition by the city desires to pay the amount of the unpaid assessment by virtue of which it was acquired by the city, the City Treasurer is authorized and directed to accept said payment. When said payment has been made and the amount thereof duly transferred by ordinance of the City Council from the Local Improvement Revolving Fund to the local improvement district fund entitled thereto, the Mayor and City Comptroller are authorized and directed on behalf of the City of Seattle to execute a contract of sale to said fee owner by the terms of which the City of Seattle agrees to execute a quit-claim deed to said owner on the payment of all outstanding local improvement assessments against said lot or lots or parcel of land which contract as to terms and conditions shall be approved by the City Treasurer and the Chairman of the Finance Committee of the City of Seattle. (Ord. 45824 § 1; October 3, 1923).

20.40.040 Execution of quit-claim deed to fee owner. For the purpose of carrying out the intent and purpose of Section 20.40.030 hereof, the Mayor and City Comptroller are authorized and directed to execute a

quit-claim deed to any said fee owner of property who has complied with the provisions of Section 20.40.030, except when any particular lot or parcel of land involved shall have been previously sold at public or private sale in accordance with law pursuant to authority of an ordinance of the City Council. (Ord. 45824 § 2; October 3, 1923).

20.40.050 Sale of property acquired by city—Contract authorized. The City Treasurer be, and he is hereby authorized to enter into contracts from time to time for and on behalf of the City of Seattle for the sale, at not less than the appraised value thereof, determined as hereinafter provided, or at a price not less than enough to pay all taxes and assessments in full of any real property acquired by the City upon foreclosure of local improvement assessments and of any real property which the City may acquire from the County of King to protect the lien of any such assessments outstanding against such property, or any part thereof. Any such property shall be sold for cash, or on terms providing for the payment of one-fifth of the purchase price in cash at the time of execution by the purchaser of the contract of sale and the remainder of such price to be paid in installments over a period not exceeding five (5) years, with interest on deferred payments at the rate of not less than five per cent (5%) per annum, or on such terms as may be approved by the City Council.

No contract for the sale of any such property shall be valid or binding upon the City unless the same has first been authorized by the City Council by ordinance. (Ord. 70103 § 1; June 18, 1940).

20.40.060 Sale of property acquired by city—Deposit of five percent of purchase price. The City Treasurer be, and he is hereby, authorized for and on behalf of the City of Seattle to accept deposits of money amounting to not less than five per cent (5%) of the purchase price of any property to be sold as earnest money and to issue his receipt therefor. Any such deposit shall be placed in the Guaranty Deposit Fund, and if the depositor fails, through no fault of the City, to enter into a contract for the purchase of the property involved within ten (10) days after the Treasurer notifies him that a duly authorized or approved contract, executed on behalf of the City, is ready for execution on his part, such deposit shall be deemed forfeited and become the property of the City, and the amount thereof shall be transferred to the Tax Property Sales Fund. If the depositor enters into such contract within the time aforementioned, the amount of the deposit shall be credited upon the purchase price agreed to be paid and shall be transferred to the Tax Property Sales Fund. If the City fails, by reason of any fault on its part, to make available for execution by the depositor such contract of sale within sixty (60) days after the receipt of the deposit, the depositor may, at his option, demand the return of his deposit. (Ord. 70103 § 2; June 18, 1940).

20.40.070 Sale of property acquired by city—Appraisalment contract. The City Treasurer be, and he is hereby, authorized for and on behalf of the City to enter into a contract, to be effective for a period of one year from the effective date of this chapter, and after its approval by ordinance of the City Council, with the Seattle Real Estate Board, providing for the appraisalment by said Board of the sale value of such parcels of class of real property referred to in Section 20.40.050 hereof as the Treasurer may from time to time submit to the Board for appraisal, and providing also for the compensation or rate of compensation to be paid the Board for its services. Any such contract shall, before approval by the City Council, be approved as to form by the Corporation Counsel, or that the City Treasurer be and hereby is authorized to continue to request appraisals from the Seattle Real Estate Board under the same terms and conditions that were last in effect between the City of Seattle and the Seattle Real Estate Board.

That the City Treasurer be, and he is hereby authorized to submit to the Seattle Real Estate Board from time to time one or more parcels of the class of property referred to in Section 20.40.050 hereof for an appraisalment of the value thereof when and as, in his judgment, there is a reasonable prospect for the immediate sale of the parcel or parcels submitted for appraisal. (Ord. 70103 § 3; June 18, 1940).

20.40.080 Sale of property acquired by city—Payment of commission to real estate broker. Whenever the City Council shall, by resolution, find that any real estate broker, duly licensed as required by the laws of the State of Washington, and whose principal place of business is located in Seattle, shall have negotiated the sale of any such property, such real estate broker shall be paid for such services a commission equal to five (5%) per cent. of the sale price of the property sold; but no payment shall be made on account of any such sale until at least one-fifth of the total purchase price of the property shall have been paid to the City. (Ord. 70103 § 4; June 18, 1940).

20.40.090 Sale of property acquired by city—Warrants to pay commissions. The City Comptroller be, and he is hereby, authorized to draw and deliver, and the City Treasurer to honor and pay, warrants upon the Tax Property Sales Fund not to exceed in the aggregate the sum of Five Thousand (\$5000.00) Dollars, upon proper vouchers approved by the City Treasurer, for the payment of commissions on sales, appraisals made for the City under the provisions of this chapter and contracts entered pursuant thereto. (Ord. 70103 § 5; June 18, 1940).

Chapter 20.44**NOTICE OF TRAFFIC RESTRICTIONS AND
WATER CUT OFF****Sections:**

20.44.010 Traffic restrictions—Notice to Chief of Fire Department.

20.44.020 Water cut off—Notice to Chief of Fire Department.

20.44.030 Water cut off—Publication of twenty-four hours' notice.

20.44.010 Traffic restrictions—Notice to chief of Fire Department. Whenever the Board of Public Works shall begin, or cause to be begun, any work of grading, repairing or altering any street, or laying water or sewer pipe therein so as to prevent the free passage of vehicles over the same, it shall give immediate notice to the Chief of the Fire Department of the street, or streets, or parts thereof, affected, together with a statement of the probable length of time that the obstruction will continue; and when such street shall be in condition for travel said board shall notify the Chief of the Fire Department of such fact. (Ord. 2532 § 1; January 14, 1893).

20.44.020 Water cut off—Notice to chief of Fire Department. Whenever the water supply in any portion of the City is about to be cut off, the Board of Public Works shall cause notice to be given to the Chief of the Fire Department of the same, designating the portions of the City from which the water is so cut off together with a statement of the probable length of time during which such cut off will continue, and when the same shall be again turned on, said Board shall cause notice of such fact to be given to said Chief. (Ord. 2532 § 2; January 14, 1893).

20.44.030 Water cut off—Publication of twenty four hours' notice. Before allowing the water supply to be cut off from any portion of the City, the Board of Public Works shall cause the Superintendent of Water Works to give at least twenty four hours' notice of the intended cutting off by publishing notice thereof in the City official newspapers, designating the portions of the City affected by such cutting off and the probable length of time that the same will continue, and no cutting off of water shall be made except after such notice; provided, that in case of accident or emergency which will not permit of such notice, the water may be cut off immediately without notice, but if the same is not turned on within twenty-four hours, a notice shall be published in the City official newspapers stating the portions of the City affected by such cutting off and the probable length of time that the same will continue. (Ord. 2532 § 3; January 14, 1893).

Chapter 20.48

AVAILABILITY OF APPROPRIATION FOR PUBLIC WORK

Sections:

- 20.48.010 No contract to be made or work started unless appropriation sufficient.
- 20.48.020 Notice to comptroller of estimated cost or contract amount.
- 20.48.030 Chapter not applicable to local improvements.
- 20.48.040 Contracts in violation of chapter voidable at option of city.

20.48.010 No contract to be made or work started unless appropriation sufficient. The Board of Public Works before authorizing or entering upon the construction of any public work or improvement, or any part thereof, either by contract or by day labor, under its management, shall obtain from the City Comptroller a statement showing the unobligated balance in the appropriation made by the ordinance authorizing such construction, to cover the cost and expense thereof, and no contract shall be entered into, nor shall the construction of such work or improvement, or any part thereof, be undertaken by the Board, unless there is a balance in said appropriation sufficient to cover such cost and expense. (Ord. 46545 § 1; February 28, 1924).

20.48.020 Notice to Comptroller of estimated cost or contract amount. Whenever the Board of Public Works shall award any contract for any public work or improvement, or any part thereof, or shall have determined to make such public work or improvement, or any part thereof, by day labor under its management, the said Board shall forthwith file with the City Comptroller a statement of the amount of such contract or the estimated cost of such work, and upon receipt of such statement the City Comptroller shall enter such amount upon the books in his office as a preliminary charge against the appropriation made to cover the cost and expense of such work or improvement. (Ord. 56545 § 2; February 28, 1924).

20.48.030 Chapter not applicable to local improvements. The provisions of this chapter shall not apply to local improvements, the funds for the making of which are directly or indirectly to be derived in whole or in part from assessments upon the property benefited thereby. (Ord. 46545 § 3; February 28, 1924).

20.48.040 Contracts in violation of chapter voidable at option of city. Any contract entered into, or any obligation against the City of Seattle incurred by the Board of Public Works in violation of the provisions of this chapter shall be voidable at the option of the City. (Ord. 46545 § 4; February 28, 1924).

Chapter 20.52
CONTRACTORS' BONDS

Sections:

20.52.010 Requirement—Conditions—Amount—Execution.

20.52.010 Requirement—Conditions—Amount—Execution. Before any contract for the doing of any work or labor for, or the furnishing of any skill or materials to, the City of Seattle, shall be valid or binding against the city, the contractor shall enter into a good and sufficient, joint and several bond to the City of Seattle, for the use and benefit of the City of Seattle, and also for the use and benefit of all laborers, mechanics, sub-contractors, material men and all persons who shall supply such person or persons or sub-contractors with provisions or supplies for the carrying of such work, conditioned that such person or persons shall faithfully perform such contract according to all its terms, provisions and stipulations, and to pay all laborers, mechanics and sub-contractors and material men, and all persons who shall supply such person or persons or sub-contractors with provisions and supplies for the carrying on of such work, and all just debts, dues and demands incurred in the performance of such work, and to comply with all the requirements of the laws of the State of Washington, and the charter and ordinances of the City of Seattle, and the amendments thereto, which bond shall be in an amount equal to not less than twenty-five per cent (25%), nor more than one hundred per cent (100%) of the full contract price agreed to be paid for such work, improvement, labor, skill or materials, shall be duly signed by such contractors and two or more good and sufficient sureties or with a surety company as surety, and shall be filed with the City Comptroller, and such bond shall be subject to all the provisions of the city charter not inconsistent with the express provisions of this chapter. The amount of the bond to be required of any contractor shall be stated in the call for bids for the doing of any work or labor, or the furnishing of any skill or materials. (Ord. 35902 § 1; March 28, 1916).

Chapter 20.56

CONTRACTS—NONDISCRIMINATION CLAUSE

Sections:

- 20.56.010 Definitions.
- 20.56.020 Powers and duties of the director.
- 20.56.030 Requirements for city contracts—Franchises, consultant, public improvement and services contracts.
- 20.56.040 Requirements for city contracts—Lease and concession contracts.
- 20.56.050 Requirements for city contracts—Supplies, materials and equipment contracts.
- 20.56.060 Substitution of city, state or federal provisions.
- 20.56.070 Sworn statement.
- 20.56.080 Notice of contracts awarded.
- 20.56.090 Assistance to contractors.
- 20.56.100 Employment goals, ranges or ratios.
- 20.56.110 Procedures when compliance with special goals is unsatisfactory.
- 20.56.120 Transition period for pre-qualification.

20.56.010 Definitions. As used herein:

(1) "Bona fide occupational qualification" means a job qualification as to a person's age, sex, race, creed, color or national origin which will be essential to the accomplishment of the purposes for which the person is hired;

(2) "Commission" means the human rights commission of the city of Seattle;

(3) "Consultant contracts" shall mean contracts for expert and temporary personal services, but shall not include contracts for services in connection with anticipated or pending litigation in which the city is involved;

(4) "Contracting authority" means the city officer or board authorized to enter into contracts on behalf of the city;

(5) "Contract" shall have its ordinary and usual meaning, but shall not include agreements made with other governmental agencies, associations of governmental agencies or officials, or with particular officers or employees of such agencies for services related to their official position or employment;

(6) "Director" means the director of the department of human rights or his designee;

(7) "Minority," "minorities," or "minority persons" mean: persons who may be excluded or discriminated against because of creed, race, color, sex, age or national origin and including but not limited to persons between the ages of forty and sixty-five, women, Blacks, Asians, (Japanese, Chinese, Filipino, Korean, Samoan), American Indians, Spanish Americans, Mexican

20.56.020—20.56.030 IMPROVEMENTS

Americans, Puerto Ricans and other persons with Spanish surnames not otherwise reported;

(8) "Services" shall have its ordinary and usual meaning, but shall not include subscription services or services related to anticipated or pending litigation in which the city is involved;

(9) "Vendor" means a contractor who has a contract with the city for supplies, materials or equipment. (Ord. 101432 § 1; October 2, 1972).

20.56.020 Powers and duties of the director. The director shall have the power and duty to:

(1) Assist all city contracting authorities in preparing equal opportunity and anti-discrimination provisions for contract specifications, advise as to the compliance records of prospective contractors, and report findings as to discriminatory practices and employment guidelines recommended by the human rights commission and established by pertinent ordinances, state or federal laws or regulations pertaining to equal opportunity affecting prospective contracts;

(2) Recommend to city contracting authorities the content of contract specifications requiring affirmative action to assure equality of employment opportunity, including but not limited to minimum employment goals and ranges of ratios for minority persons adversely affected by discrimination;

(3) Perform the duties prescribed in this chapter, including adopting, rescinding, and amending suitable rules and regulations to implement this chapter, reviewing sworn statements and proposed affirmative action programs, making investigations, assisting contractors, and evaluating contractor compliance and assisting contracting authorities to meet the requirements of this chapter;

(4) Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter. (Ord. 101432 § 2; October 2, 1972).

20.56.030 Requirements for city contracts—Franchises, consultant, public improvement and services contracts. All consultant contracts, franchises, and contracts for public improvements, or services, the estimated cost of which exceeds one thousand dollars, shall contain the following provisions:

(1) "During the performance of this contract, the contractor agrees as follows:

"The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, or national origin, unless based upon bona fide occupational qualification. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, race, color, sex, age, or national origin.

Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause."

(2) "Contractor will, prior to commencement and during the term of this contract, furnish to the Director of Human Rights (as used herein Director means the Director of the Human Rights Department or his designee) upon his request and on such form as may be provided by the Director therefor, a report of the affirmative action taken by the contractor in implementing the terms of this provision, and will permit access to his records of employment, employment advertisements, application forms, other pertinent data and records by the Director for the purposes of investigation to determine compliance with this provision."

(3) "If upon investigation the Director finds probable cause to believe that the contractor has failed to comply with any of the terms of the provision, the contractor and the contracting authority shall be so notified in writing. The contracting authority shall give the contractor an opportunity to be heard, after 10 days' notice. If the contracting authority concurs in the findings of the Director, it may suspend the contract and/or withhold any funds due or to become due to the contractor, pending compliance by the contractor with the terms of this provision."

(4) "Failure to comply with any of the terms of this provision shall be a material breach of this contract."

(5) "The foregoing provision will be inserted in all sub-contracts for work covered by this contract." (Ord. 101432 § 3.1; October 2, 1972).

20.56.040 Requirements for city contracts—Lease and concession contracts. All contracts of the city for leases and concessions shall contain the following provisions:

"The lessee (contractor) agrees to comply with all state and local laws prohibiting discrimination with regard to creed, race, color, sex, age, or national origin."

All contracts of the city for leases and concessions of seven consecutive days duration or longer and involving employers with three or more employees shall contain the following provisions:

"During the performance of this contract, the lessee (contractor) agrees as follows:

"The lessee (contractor) will not discriminate against any employee or applicant for employment because of creed, race, color, sex, age, or national origin, unless based upon a bona fide occupational qualification. The lessee (contractor) will take affirmative action to ensure that applicants are employed, and that employees are treated

20.56.050 IMPROVEMENTS

during employment without regard to their creed, race, color, sex, age, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The lessee (contractor) agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause. The lessee (contractor) will take affirmative action to ensure that all of its employees, agents and subcontractors adhere to this provision; provided, nothing herein shall prevent an employer from giving preference in employment to members of his immediate family.

"Lessee (contractor) will, upon the request of the Director (as used herein Director means the Director of the Human Rights Department, or his designee) furnish to the Director on such form as may be provided therefor, a report of the affirmative action taken by the lessee (contractor) in implementing the terms of this provision, and will permit access to his records of employment, employment advertisements, application forms, other pertinent data and records by the Director for the purpose of investigation to determine compliance with this provision.

"If, upon investigation, the Director determines that there is probable cause to believe that the lessee (contractor) has failed to comply with any of the terms of this provision, the lessee (contractor) shall be so notified in writing. The contracting authority shall give the lessee (contractor) an opportunity to be heard, after 10 days' notice. If the contracting authority concurs in the findings of the Director, it may suspend or terminate this lease (contract) and evict lessee (terminate the contract) in accordance with law.

"Failure to comply with any of the terms of this provision shall be a material breach of this lease (contract).

"The foregoing provision will be inserted in all subleases (subcontracts) entered into under this lease (contract)."

(Ord. 101432 § 3.2; October 2, 1972).

20.56.050 Requirements for city contracts—Supplies, materials and equipment contracts. All contracts of the city for the purchase of supplies, materials, or equipment shall contain the following provision:

"During the performance of this contract, the vendor agrees as follows:

"The vendor will not discriminate against any employee or applicant for employment because of creed, race, color, sex, age, or national origin, unless based upon a bona fide occupational qualification. The vendor will take affirmative action to ensure that applicants are em-

ployed, and that employees are treated during employment, without regard to their creed, race, color, sex, age, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.”

Before any city contracting authority accepts any bid or enters into any contract for the purchase of supplies, materials, or equipment the vendor shall be pre-qualified to do business with the city as provided for herein, provided that the contracting authority may waive the requirement of pre-qualification whenever it finds and certifies after investigation that:

(a) Needed supplies, materials or equipment are available only from a single source and that the vendor has failed to comply with the requirements for pre-qualification; or

(b) An emergency exists which requires the immediate purchase of supplies, materials, or equipment and for which the contracting authority is authorized to secure the supplies, materials, or equipment in the open market, without advertisement, at the lowest obtainable price, and that the vendor of the supplies, materials, or equipment is not currently disqualified from doing business with the city by reason of its removal from pre-qualified status or its failure to satisfy the pre-qualification requirements pursuant to its application for pre-qualification.

City contracting authorities purchasing supplies, materials, or equipment shall cause notice of this pre-qualifying requirement to be included in all invitations to bid and to be conspicuously displayed in all offices purchasing supplies, materials, or equipment for the city.

A vendor shall be deemed to be pre-qualified when the contracting authority, with the advice and recommendations of the director, finds that:

(a) The vendor is complying with federal, state, and local laws regarding discrimination;

(b) The vendor has satisfactorily completed and filed with the director on such form as the director provides therefor, the following information:

(1) An employment profile which may include the number of employees, their creed, race, color, sex, age and national origin, and the type of work each performs by general categories, and such other information as requested by the director; and

(2) A sworn statement as set out in Section 20.56.070 which shall become terms and conditions of any and all contracts of the vendor with the city for the purchase of supplies, materials, or equipment.

A contracting authority may assume that a vendor has satisfied the requirements for pre-qualifying if the director does not notify the contract-

ing authority to the contrary within three working days of the submission to the director by the vendor of all information and sworn statements required to pre-qualify.

Whenever the contracting authority, with the advice of the director, finds that a contractor's sworn statement is in need of review or updating, he shall so notify the vendor who shall take steps as necessary to review or update his sworn statement to meet the contracting authority's requirements, provided that if changes in the sworn statement would have a substantial financial impact on the contractor with regard to contracts already entered into, the changes shall not apply to such contracts.

If upon investigation the director determines that there is probable cause to believe that the vendor has failed to comply with any of the terms of this section or with the obligations of the sworn statement, written findings as to each such probable breach shall be given by the director to the vendor and the contracting authority. The contracting authority shall give the vendor an opportunity to be heard, after ten days' notice. If the contracting authority concurs in the findings of the director, it may cancel or suspend the vendor's pre-qualification. (Ord. 101432 § 3.3; October 2, 1972).

20.56.060 Substitution of city, state or federal provisions. A city contracting authority may substitute in lieu of the contract provisions set forth in Sections 20.56.030, 20.56.040 and 20.56.050 such antidiscrimination or equal opportunity provisions required or requested by the department of human rights, the United States of America or the state of Washington. (Ord. 101432 § 3.4; October 2, 1972).

20.56.070 Sworn statement. All city contracts covered by this chapter except those for the purchase of supplies, materials, or equipment, shall include a sworn statement specifically setting forth what affirmative action the contractor will take to insure equality of opportunity in employment during the term of the contract. (Ord. 101432 § 4; October 2, 1972).

20.56.080 Notice of contracts awarded. As to each city contract of one thousand dollars or more, the contracting authority shall furnish to the director the name of the contractor to whom such contract has been awarded and the dollar amount for which it was awarded. City contracts of less than one thousand dollars shall be made available upon request of the director. (Ord. 101432 § 5; October 2, 1972).

20.56.090 Assistance to contractors. The director may offer the services and facilities of the department of human rights to assist contractors desiring to bid on, or having been awarded a city contract, to comply with the equal opportunity provisions for such contract, and may offer information as to organizations and agencies available to assist such contractor in recruiting, tutoring, training, and/or otherwise preparing potential employees. (Ord. 101432 § 6; October 2, 1972).

20.56.100 Employment goals, ranges or ratios. Whenever the director has certified to any city contracting authority that:

(1) Identified minorities are being denied equal employment opportunity within the city in certain occupations, trades, professions or supervisory types of work included in city contracts by reason of creed, race, color, sex, age, or national origin due to existing discrimination or the effects of prior discrimination; and

(2) Persons within such minorities are ready, willing and capable of accepting such employment or performing such tasks if the opportunity be available; and

(3) Employment goals, ranges, or ratios for employment of such minorities in such occupations, trades, professions or supervisory types of work or tasks are necessary to assure such persons equality of employment opportunity and to overcome discrimination or the effects of past discrimination and social or institutional inertia; and

(4) The goals, ranges or ratios certified reasonably reflect the employment goals, ranges or ratios that would exist under conditions of equal employment opportunity and assure fair, equal and nondiscriminatory treatment of all persons without respect to creed, race, color, age, sex, or national origin.

then specifications for contracts let by any contracting authority and involving the line of work or tasks so certified shall include a provision establishing employment goals, ranges or ratios for such minorities as certified by the director and adjusted by the contracting authority, if necessary, to reflect a standard of performance that can be carried out by a contractor proceeding in good faith and making every reasonable effort to comply in all phases of employment, including solicitation, training and apprenticeship, promotion, and treatment of employees. Such provisions shall include provisions relating to enforcement and sanctions for noncompliance.

Employment goals may be implemented by or stated as a minimum number, ratio, range or a particular assignment, and may include participation in multi-employer programs for training and/or employment or coordination with state and federal equal opportunity training programs, and shall be designed and used to assure that applicants for employment and employees receive equal employment opportunities and fair, equal and nondiscriminatory treatment without regard to creed, race, color, sex, age, or national origin.

On projects or activities financed with assistance from the United States or the state of Washington, the contracting authority may substitute for such provisions such anti-discrimination or equal employment opportunity provision required or requested by the department of human rights, the United States or the state.

City contracting authorities shall, upon making adjustments or when requested by the director, submit copies of the contracts covered by this

section to the director for recommendations and further suggestions with regard to minority employment goals which should be part of the specifications. Contracts so submitted to the director may be assumed adequate if not returned within five days with recommendations for improvement. Contracting authorities shall, as to any contract submitted to the director under this section, notify the director for the final form of such contract before the date of its award.

Certifications by the director under this section shall be in effect until revoked or revised by the director and the contracting authority is notified of such revocation or revision.

Employment goals established by this section are not intended and shall not be taken to diminish the contractor's responsibility and obligation under other sections of this chapter. A contractor whom the director of human rights has certified to be acting in good faith and making every reasonable effort to comply with the employment goals established shall be deemed in compliance even though the employment goals are not met. (Ord. 101432 § 7; October 2, 1972).

20.56.110 Procedures when compliance with special goals is unsatisfactory. Prior to the completion of any contract which contains provisions establishing employment goals, ranges or ratios, the director may report to the contracting authority regarding the performance by such contractor. If the director fails to submit such report, the city contracting authority may assume adequate compliance.

Coincident with or before a report from the director asserting unsatisfactory contractor performance is sent to a contracting authority, the director shall notify the contractor of such report in writing and of the contractor's right to be heard as set forth in this chapter.

The contracting authority shall give the contractor an opportunity to be heard, after ten days' notice. If the contracting authority concurs with the report of the director and is satisfied from the evidence that the contractor has failed to comply with the provisions of this chapter or the promises and/or representations made in a sworn statement pursuant to Section 20.56.060 or with the employment goals established in the contract in accordance with Section 20.56.100, the contracting authority shall so find, and shall not enter into any other contract with such contractor until it is reasonably assured of future satisfactory compliance.

Action under this section shall be in addition to other remedies that may be available to the city under the contract. (Ord. 101432 § 8; October 2, 1972).

20.56.120 Transition period for pre-qualification. For a period of three months following the effective date of the ordinance codified in this chapter, a contracting authority purchasing supplies, materials, or equipment may find a contractor to be pre-qualified for purposes of Section 20.56.050 when the contractor has filed the required information and sworn state-

ment with the director and such contractor shall continue to be pre-qualified unless the contracting authority, with the advice and recommendations of the director, finds the contractor not qualified. (Ord. 101432 § 9; October 2, 1972).

Chapter 20.60 SHORELINE DEVELOPMENT

Sections:

- 20.60.010 Purpose.
- 20.60.020 Definitions.
- 20.60.030 Policy.
- 20.60.040 Substantial development permit.
- 20.60.050 Variances.
- 20.60.060 Review.
- 20.60.070 Commencement of construction.
- 20.60.080 Rulings to state.
- 20.60.090 Rescission of permits.
- 20.60.100 Penalty.
- 20.60.110 Application.

20.60.010 Purpose. The purpose of this chapter is to implement the Shoreline Management Act of 1971 (Chapter 286, Laws of 1971), 1st Ex. Sess.) by regulating substantial development on shorelines of the city. (Ord. 100423 § 1; November 11, 1971).

20.60.020 Definitions. As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

“Development” means a use consisting of the construction or exterior alteration of structures; dredging, drilling; dumping, filling, removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

“Director” means the director of community development of the city of Seattle;

“Ordinary high water mark” on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that conditions exists on June 1, 1971, or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall

20.60.020 IMPROVEMENTS

be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

"Shorelines" means all of the water areas of the city, including reservoirs, and the associated wetlands, together with the lands underlying them; except: (i) Shorelines of state-wide significance, (ii) Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments, and (iii) Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

"Shorelines of state-wide significance" means those shorelines described in Section 3 of the Shoreline Management Act of 1971;

"Shorelines of the city" are the total of all "shorelines" and "shorelines of state-wide significance" within the city;

"Superintendent" means the superintendent of buildings of the city of Seattle;

"Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the

water or shorelines of the city; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements,

(ii) Construction of the normal protective bulkhead common to single family residences,

(iii) Emergency construction necessary to protect property from damage by the elements,

(iv) Construction of a barn or similar agricultural structure on wetlands,

(v) Construction or modification of navigational aids such as channel markers and anchor buoys,

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirement of the city other than requirements imposed pursuant to this chapter;

"Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology. (Ord. 100423 § 2; November 11, 1971).

20.60.030 Policy. The legislature has found that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern through the state relating to their utilization, protection, restoration, and preservation. In addition, it found that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further found that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these

20.60.040 IMPROVEMENTS

shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature has declared that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department of ecology in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in Section 10(2) of the Shoreline Management Act of 1971 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the city shall be preserved to the greatest extent feasible consistent with the over-all best interest of the state, the city, and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the city's shoreline. Alterations of the natural condition of the shorelines of the city, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the city, industrial and commercial developments which are particularly dependent on their location or use of the shorelines of the city and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the city.

Permitted uses in the shorelines of the city shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. (Ord. 100423 § 3; November 11, 1971).

20.60.040 Substantial development permit. No substantial development shall be undertaken on shorelines of the city without first obtaining a substantial development permit from the superintendent. Applications for permit shall be made on forms prescribed by the superintendent, shall

be made by the property owner, lessee, contract purchaser, or other person entitled to possession of the property, or by an authorized agent, and, except for applications filed by or on behalf of the city, shall be accompanied by a receipt of the city treasurer showing payment by the applicant of a fee of twenty-five dollars. Upon receipt of the application, the superintendent shall refer the application to the director for an investigation and determination as to its conformance with the standards of this chapter, and shall instruct the applicant to publish notices thereof once a week for two consecutive weeks in a newspaper of general circulation in the area where said development is proposed and once in the city official newspaper, and four copies of the notice shall be posted prominently on the property concerned and in conspicuous public places within three hundred feet thereof. Said notices shall include a statement that any person desiring to present his views to the director with regard to said application may do so in writing to said director, and any person interest in the director's action on an application for a permit may submit his views or notify the director of his interest within thirty days of the last date of publication of notice. Such notification or submission of views to the director shall entitle said persons to a copy of the action taken on the application.

Except as provided in Section 20.60.050, a substantial development permit shall be granted only when the development proposed is consistent with:

(1) The policy of Section 20.60.030; and (2) After their adoption, the guidelines and regulations of the department of ecology; and (3) So far as can be ascertained, the master program developed or being developed for the city. The burden of proving that the proposed substantial development is consistent with the criteria which must be met before a permit is granted shall be on the applicant. The director may direct that the superintendent attach to the permit such conditions regarding the location character and other features of the proposed structures or use as he deems necessary to carry out the spirit and purposes of this chapter and in the public interest. All permits granted by the superintendent shall be consistent with the determinations and directions of the director. (Ord. 100423 § 4; November 11, 1971).

20.60.050 Variances. Substantial development permits may be granted which are at variance with the criteria which must be met before a permit is granted where, owing to special conditions pertaining to a specific piece of property, the literal interpretation and strict application of the criteria would cause undue and unnecessary hardship. No such variances shall be granted unless the director finds:

(1) Exceptional or extraordinary circumstances or conditions applying to the subject property or to the intended use thereof that do not apply generally to other properties on shorelines in the same vicinity;

(2) The variance permit is necessary for the preservation and en-

20.60.060—20.60.110 IMPROVEMENTS

joyment of a substantial property right of the applicant possessed by the owners of other properties on shorelines in the same vicinity;

(3) The variance permit will not be materially detrimental to the public welfare or injurious to property on shorelines in the same vicinity;

(4) The variance permit will not adversely affect the master program developed or being developed for the city. (Ord. 100423 § 5; November 11, 1971).

20.60.060 Review. Any person aggrieved by the granting or denying of a substantial development permit on shorelines of the city, or by the rescinding of a permit pursuant to Section 20.60.090, may seek review from the shorelines hearing board by filing a request for the same within thirty days of receipt of the final order, and by concurrently filing copies of his request with the Department of Ecology and the Attorney General as provided in Section 18(1) of the Shorelines Management Act of 1971. (Ord. 100423 § 6, November 11, 1971).

20.60.070 Commencement of construction. No construction pursuant to a substantial development permit authorized by Section 20.60.040 will begin or be authorized and no building, grading or other construction permits or use permits shall be issued by the superintendent of buildings until forty-five days from the date of final approval and grant of the permit by the superintendent or until all review proceedings are terminated if such proceedings were initiated within forty-five days of the date of final approval by the director. (Ord. 100423 § 7; November 11, 1971).

20.60.080 Rulings to state. Any ruling on an application for a substantial development permit under authority of this chapter, whether it be an approval or denial, shall concurrently with the transmittal of the ruling to the applicant, be filed with the Department of Ecology and the Attorney General by the superintendent. (Ord. 100423 § 8; November 11, 1971).

20.60.090 Rescission of permits. Any substantial development permit may be rescinded by the superintendent upon the finding that a permittee has not complied with conditions of the permit. (Ord. 100423 § 9; November 11, 1971).

20.60.100 Penalty. Anyone violating or failing to comply with the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both such fine and imprisonment, and each day's violation or failure to comply shall constitute a separate offense. (Ord. 100423 § 10; November 11, 1971).

20.60.110 Application. This chapter shall apply to all substantial developments where the necessary building, grading or other construction permits or use permits were applied for on or after June 1, 1971, and any act pursuant to the authority of this chapter and prior to the effective date hereof is hereby ratified and confirmed. (Ord. 100423 § 11; November 11, 1971).