

XX 38

# Ordinance No. 106117

AN ORDINANCE providing for the improvement of  
5TH AVENUE from Spring Street to Olive Way;

CONSTRUCTING AND/OR RECONSTRUCTING DECORATIVE  
SIDEWALKS, CONCRETE CURBS AND GUTTERS, AND APPUR-  
TENANCES, RECONSTRUCTING THE STREET BASE, PAVING  
AND CHANNELIZATION, CONSTRUCTING BENCHES, KIOSKS,  
DRINKING FOUNTAINS, BICYCLE RACKS AND OTHER SIMI-  
LAR PEDESTRIAN AMENITIES, TOGETHER WITH LANDSCAP-  
ING AND OTHER MISCELLANEOUS CONSTRUCTION CONNECT-  
ED THEREWITH, STREET LIGHTING, SIGNALIZATION AND  
PROVIDING FOR THE NECESSARY SURFACE DRAINAGE AND  
ACQUISITION OF ANY NECESSARY RIGHT OF WAY

12/26/76 Pass (2-0)  
RESOLUTION NO. 25101

COMPTROLLER  
FILE NUMBER 284307

# Council Bill No. 98016

INTRODUCED: DEC 20 1976	BY: EXECUTIVE REQUEST
REFERRED: DEC 20 1976	TO: TRANSPORTATION
REFERRED:	
REFERRED:	
REPORTED: DEC 27 1976	SECOND READING: DEC 27 1976
THIRD READING: DEC 27 1976	SIGNED: DEC 27 1976
PRESENTED TO MAYOR: DEC 28 1976	APPROVED: JAN 7 1977
RETD. TO CITY CLERK: JAN 7 1977	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

CF-284881 -CITY/STATE AGREEMENT FAM 159 FOR FEDERAL FUNDS RE 5TH AVE LID PROJECT.  
CF-285250 -CONTRACT -WESTCOAST ELEC Co OF WA -IMPROV 5TH AVE BY STREET IMPROVEMENTS; AUTH  
BY ORD'S 106117 & 106118

Res-26096 -Fixes date of hearing on assessment rolls.

Ord-108402 -Approves & confirms the assessment roll of LID 6684.

Ord. 108959 -Provides for the issuance & sale of an installment note for the purpose  
of paying the cost & expense of improv in LID 6684, etc...

Ord. 109146 -Provides for the issuance & sale of serial consolidated LID Bonds re ..., etal.

/ DCD

PUB  
B.L.D.G. (BQ)  
ENG.  
E.O.X  
A.C.  
E.E.  
C.O.  
LIGHT

(Improvement Ordinance - Bond Form)

ORDINANCE NO. 106117

**AN ORDINANCE** providing for the improvement of

5TH AVENUE from Spring Street to Olive Way;

by constructing and/or reconstructing decorative sidewalks, concrete curbs and gutters, and appurtenances, reconstructing the street base, paving and channelization, constructing benches, kiosks, drinking fountains, bicycle racks and other similar pedestrian amenities, together with landscaping and other miscellaneous construction connected therewith, street lighting, signalization and providing for the necessary surface drainage and acquisition of any necessary right of way;

all in accordance with Resolution No. 25101..... of the City Council of the City of Seattle, creating a local improvement district therefor, and providing that payment for said improvement be made by special assessments upon property in said district payable by the mode of ~~installment notes~~ "Payment by Bonds".

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1. That**

5TH AVENUE from Spring Street to Olive Way;

be improved by constructing and/or reconstructing decorative sidewalks, concrete curbs and gutters, and appurtenances, reconstructing the street base, paving and channelization, constructing benches, kiosks, drinking fountains, bicycle racks and other similar pedestrian amenities, together with landscaping and other miscellaneous construction connected therewith, street lighting, signalization, providing for the necessary surface drainage and acquiring necessary right of way; and that such other work be done as may be necessary in connection therewith, all of which work shall be done pursuant to RCW Sections 35.22.620, 35.22.630, 35.22.640, 35.22.650 and 35.43.190 and other applicable state law or city ordinances by City forces, day labor or by contract let through competitive bidding under the direction of the Board of Public Works subject to applicable state law according to plans and specifications therefor prepared pursuant to Ordinance 105217 by consultants and the City Engineer and approved by the Board of Public Works.

Section 2. That the cost and expense of said improvement, including all necessary and incidental expenses, shall be borne and assessed in accordance with law against the property included in the assessment district hereinafter created. The City of Seattle shall not be liable in any manner for any portion of the cost and expense of said improvement, except as herein provided, to wit:

(1) The City of Seattle shall pay from the General Fund any sums which would have been levied against United States Government property within the assessment district herein created, if said property were assessable in the same manner as other property in said district;

(2) the sum of One Million Three Hundred Thirty-six Thousand and No/100 Dollars (\$1,336,000) or so much thereof as may be necessary shall be paid by grant from the United States Government Federal Aid "M" funds as contemplated by Ordinance

Section 3. That by reason of the nature of this improvement the special benefits conferred on the property are not fairly reflected by the termini and zone method as specified in Sections 35.43.080, 35.44.010, 35.44.040, and 35.44.050 of the Revised Code of Washington, or by the enlarged district method prescribed in Section 35.43.080 of the Revised Code of Washington. Therefore, in accordance with provisions of Section 35.43.080 of the Revised Code of Washington, there is hereby established a local improvement district, to be called "Local Improvement District No. 6684", the property of which district shall be assessed in accordance with the special benefits to be derived from the improvement. The boundaries of said district are described as follows:

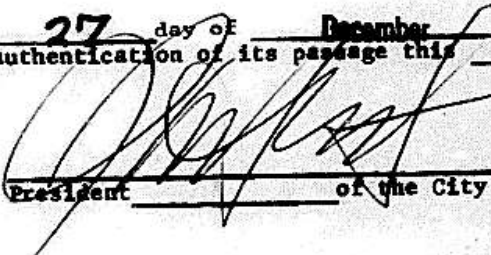
Beginning at a point on the northwesterly line of Spring Street midway between the northeasterly line of 5th Avenue and the southwesterly line of 6th Avenue; thence southwesterly along said northwesterly line to a line drawn midway between the southwesterly line of 5th Avenue and the northeasterly line of 4th Avenue; thence northwesterly along last described midway line to the northeasterly line of the alley in Block 19, A. A. Denny's Third Addition as established by Vacation Ordinance No. 17294; thence northwesterly along said northeasterly line of said alley to the easterly line of Westlake Avenue; thence northerly along the easterly line of Westlake Avenue to the southeasterly line of Pine Street; thence northeasterly along the southeasterly line of Pine Street to the northeasterly line of 5th Avenue; thence northwesterly along the northeasterly line of 5th Avenue to the easterly line of Westlake Avenue; thence northerly along the easterly line of Westlake Avenue to the southeasterly line of Olive Way; thence northeasterly along the southeasterly line of Olive Way to a line drawn midway between the northeasterly line of 5th Avenue produced northwesterly and the southwesterly line of 6th Avenue; thence southeasterly along last described midway line to beginning.

Section 4. Local improvement bonds bearing interest at a rate not to exceed 8 per cent per annum payable on or before 12 years from the date of issuance shall be issued in payment of the cost and expense of this local improvement, which bonds shall be redeemed by the collection of special assessments to be levied and assessed upon the property within said district, payable in ten equal annual installments, with interest thereon at a rate not to exceed 8 per cent per annum under the mode of "Payment by Bonds", as defined by law and the charter and ordinances of the City of Seattle. Funds obtained from the sale of these bonds shall be used in redemption of warrants issued on the local improvement fund of said district to finance the payment of the cost and expense of this improvement.

Section 5. The collection of any assessment levied by this local improvement district created by this ordinance may be deferred pursuant to the provisions of Chapter 137, Laws of 1972, First Extraordinary Session, in accordance with Ordinance No. 102560, which provides general terms and conditions for such deferral to implement the policy therefor adopted by Resolution No. 24262, and in accordance with Ordinance No. 104953 which amends Section 2 of said ordinance.

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise, it shall take effect at the time it shall become a law under the provisions of the City Charter.

PASSED by the City Council the 27 day of December, 1976  
and signed by me in open session in authentication of its passage this 27  
day of December, 1976.

  
\_\_\_\_\_  
President of the City Council

Approved by me this 7 day of January, 1977.

  
\_\_\_\_\_  
Mayor

Filed by me this 7 day of January, 1977.

ATTEST:   
\_\_\_\_\_  
City Comptroller and City Clerk

(SEAL)

Published \_\_\_\_\_

By   
\_\_\_\_\_

ASSISTANT CORPORATION COUNSEL

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## THE CITY OF SEATTLE

### LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104  
AREA CODE 206 TELEPHONE 625-2402

JOHN P. HARRIS, CORPORATION COUNSEL

December 16, 1976

CITY PROSECUTORS

RICHARD S. OETTINGER  
ROBERT M. ELIAS  
JACK B. REGAN  
ROBERT B. JOHNSON  
JOSEPH T. SCHLOSSER  
DAVID S. ADMIRE  
MYRON L. CORNELIUS  
ELIZABETH A. HUNKE  
HARRIETT M. CODY  
DAVID N. WALTON  
ANDRE WOOTEN

CLAIMS MANAGER

V. L. PORTER

City Council  
Seattle

Honorable Members:

Pursuant to the Mayor's request dated December 9, 1976 for legislation making a reimbursable appropriation from the Arterial City Street Fund for the construction of the 5th Avenue, Spring Street to Olive Way, improvement project, in part by local improvement district procedures, we have prepared and transmit herewith draft legislation.

Your attention is directed to the necessity to supply the information necessary to fill the blanks in the title and in Section 1 before passage of such legislation. You will be receiving from the City Engineer draft legislation creating a local improvement district in connection with the project, which legislation should be enacted prior to or simultaneously with the construction ordinance hereto attached.

Also necessary to complete the blanks in the attached draft legislation is an ordinance authorizing execution of an agreement with the State of Washington Department of Highways providing for an increase in the allocation of Federal Aid "M" funds for the project. Such draft legislation is also forwarded herewith, although the subject of a separate request.

Yours very truly,

JOHN P. HARRIS  
Corporation Counsel

By   
G. GRANT WILCOX  
Assistant

GGW:mlk  
Enclosure

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

DEC 27 1978

Your Committee on

TRANSPORTATION

to which was referred

C.B. 98016

Providing for the improvement of 5TH AVENUE from Spring Street to Olive Way; CONSTRUCTING AND/OR RECONSTRUCTING DECORATIVE SIDEWALKS, CONCRETE CURBS AND GUTTERS, AND APPURTENANCES, RECONSTRUCTING THE STREET BASE, PAVING AND CHANNELIZATION, CONSTRUCTING BENCHES, KIOSKS, DRINKING FOUNTAINS, BICYCLE RACKS AND OTHER SIMILAR PEDESTRIAN AMENITIES, TOGETHER WITH LANDSCAPING AND OTHER MISCELLANEOUS CONSTRUCTION CONNECTED THEREWITH, STREET LIGHTING, SIGNALIZATION AND PROVIDING FOR THE NECESSARY SURFACE DRAINAGE AND ACQUISITION OF ANY NECESSARY RIGHT OF WAY.

RECOMMEND THAT THE SAME DO PASS



TRANS.  
Chairman

Chairman

Committee

Committee

**ORDINANCE 106117**

**AN ORDINANCE** providing for the improvement of

**5TH AVENUE** from Spring Street to Olive Way;

by constructing and/or reconstructing decorative sidewalks, concrete curbs and gutters, and appurtenances, reconstructing the street base, paving and channelization, constructing benches, kiosks, drinking fountains, bicycle racks and other similar pedestrian amenities, together with landscaping and other miscellaneous construction connected therewith, street lighting, signalization and providing for the necessary surface drainage and acquisition of any necessary right of way; all in accordance with Resolution No. 26101 of the City Council of the City of Seattle, creating a local improvement district therefor, and providing that payment for said improvement be made by special assessments upon property in said district payable by the mode of "Payment by Bonds."

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** That

**5TH AVENUE** from Spring Street to Olive Way;

be improved by constructing and/or reconstructing decorative sidewalks, concrete curbs and gutters, and appurtenances, reconstructing the street base, paving and channelization, constructing benches, kiosks, drinking fountains, bicycle racks and other similar pedestrian amenities, together with landscaping and other miscellaneous construction connected therewith, street lighting, signalization, providing for the necessary surface drainage and acquiring necessary right of way; and that such other work be done as may be necessary in connection therewith, all of which work shall be done pursuant to RCW Sections 21.12.020, 21.12.030, 21.12.040, 21.12.050 and 21.12.120 and other applicable state law or city ordinances by City forces, day labor or by contract let through competitive bidding under the direction of the Board of Public Works subject to applicable state law according to plans and specifications therefor prepared pursuant to Ordinance 106117 by consultants and the City Engineer and approved by the Board of Public Works.

**Section 2.** That the cost and expense of said improvement, including all necessary and incidental expenses, shall be borne and assessed in accordance with law against the property included in the assessment district hereinafter created. The City of Seattle shall not be liable in any manner for any portion of the cost and expense of said improvement, except as herein provided, to-wit:

(1) The City of Seattle shall pay from the General Fund any sums which would have been levied against United States Government property within the assessment district herein created, if said property were assessable in the same manner as other property in said district;

(2) the sum of One Million Three Hundred Thirty-six Thousand and No/100 Dollars (\$1,336,000) or so much thereof as may be necessary shall be paid by grant from the United States Government Federal Aid "C" funds as contemplated by Ordinance.

**Section 3.** That by reason of the nature of this improvement the special benefits conferred on the property are not fairly reflected by the tentim and some method as specified in Sections 35.43.080, 35.44.010, 35.44.040, and 35.44.050 of the Revised Code of Washington, or by the enlarged district method prescribed in Section 35-43.080 of the Revised Code of Washington. Therefore, in accordance with provisions of Section 35.42.080 of the Revised Code of Washington, there is hereby established a local improvement district, to be called "Local Improvement District No. 4984," the property of which district shall be assessed in accordance with the special benefits to be derived from the improvement. The boundaries of said district are described as follows:

Beginning at a point on the northwesterly line of Spring street midway between the northeasterly line of 5th Avenue and the southwesterly line

of 5th Avenue; thence southwesterly along said northwesterly line to a line drawn midway between the southwesterly line of 5th Avenue and the northeasterly line of 4th Avenue; thence northwesterly along last described midway line to the northeasterly line of the alley in Block 19, A. A. Denny's Third Addition as established by Vacation Ordinance No. 17294; thence northwesterly along said northeasterly line of said alley to the easterly line of Westlake Avenue; thence northerly along the easterly line of Westlake Avenue to the southeasterly line of Pine Street; thence northeasterly along the southeasterly line of Pine Street to the northeasterly line of 5th Avenue; thence northwesterly along the northeasterly line of 5th Avenue to the easterly line of Westlake Avenue; thence northerly along the easterly line of Westlake Avenue to the southeasterly line of Olive Way; thence northeasterly along the southeasterly line of Olive Way to a line drawn midway between the northeasterly line of 5th Avenue produced northwesterly and the southwesterly line of 6th Avenue; thence southeasterly along last described midway line to beginning.

**Section 4.** Local improvement bonds bearing interest at a rate not to exceed 5 per cent per annum payable on or before 12 years from the date of issuance shall be issued in payment of the cost and expense of this local improvement, which bonds shall be redeemed by the collection of special assessments to be levied and assessed upon the property within said district, payable in ten equal annual installments, with interest thereon at a rate not to exceed 5 per cent per annum under the mode of "Payment by Bonds," as defined by law and the charter and ordinances of the City of Seattle. Funds obtained from the sale of these bonds shall be used in redemption of warrants issued on the local improvement fund of said district to finance the payment of the cost and expense of this improvement.

**Section 5.** The collection of any assessment levied by this local improvement district created by this ordinance may be deferred pursuant to the provisions of Chapter 27, Laws of 1971, First Extraordinary Session, in accordance with Ordinance No. 19880, which provides general terms and conditions for such deferral to implement the policy therefor adopted by Resolution No. 7224, and in accordance with Ordinance No. 10493 which amends Section 3 of said ordinance.

**Section 6.** This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 27th day of December, 1976, and signed by me in open session in authentication of its passage this 27th day of December, 1976.

**SAM SMITH,**

President of the City Council.

Approved by me this 7th day of January, 1977.

**WES UHLMAN,**  
Mayor.

Filed by me this 7th day of January, 1977.

Attest: **E. L. KIDD,**  
City Comptroller and  
City Clerk.

(Seal) By **W. ANGEVINE,**  
Deputy Clerk.

Publication ordered by **E. L. KIDD,** Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, January 10, 1977.

# Affidavit of Publication

**STATE OF WASHINGTON,  
KING COUNTY—SS.**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORDINANCE NO 106117

was published on Jan 10, 1977

*B. Abbott*

Subscribed and sworn to before me on

Jan 10, 1977

*E. Sanderson*

Notary Public for the State of Washington,  
residing in Seattle.