

Ordinance No. 54547

AN ORDINANCE relating to the payment of the cost and expense of the condemnation of land and property under the power of eminent domain, by the levy and collection of local assessments upon land specially benefited, providing methods of procedure therefor and repealing Ordinances Nos. 34920, 40746 and 37168.

Council Bill No. 4480

INTRODUCED:	BY:
REFERRED:	TO:
REFERRED:	
REPORTED:	VETO:
SECOND READING:	PUBLISHED:
THIRD READING:	VETO SUSTAINED:
SIGNED:	PASSED OVER VETO:
PRESENTED TO MAYOR:	APPROVED:
FILED:	PUBLISHED:
INCROSSED:	BY:
VOL. C 2 PAGE 502	MEK
COMPALED BY:	AND

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62678 - Methods of fees for segregation
R 3581 - no par. of cost to be borne by Gen'l fund
15167 - a sec 1
Ord 8-5-91 Sec 14

10 Ordinance No. 57686 and by Ord 58128 (Form of Bonds)
75167
(Proposed Section 1 by Ordinance) ORDINANCE NO. 54547
Notice to owners

AN ORDINANCE relating to the payment of the cost and expense of the condemnation of land and property under the power of eminent domain, by the levy and collection of local assessments upon land specially benefited; providing methods of procedure therefor and repealing Ordinances Nos. 34920, 40746 and 37166.

Be it Ordained by The City of Seattle as follows:

75167
Section 1. METHOD OF PROCEDURE. 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 ordinance.

Section 2. 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.

Section 3. 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."

Section 4. 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.

Section 5. 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 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.

Section 6. 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 ordinance 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 ordinance. 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 in 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.

Section 7. 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 ordinance.

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.

That 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 assessments 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.

Section 8. 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 improvement.

Section 9. 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.

Section 10. FORM OF BONDS. All bonds issued in pursuance of the provisions of this ordinance shall be in substantially the following form:

7 Ord
58128

"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 available 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 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 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 by its Mayor and attested by its Comptroller and sealed with its corporate seal this day of _____, in the year of Our Lord One Thousand Nine Hundred _____.

THE CITY OF SEATTLE,

By _____ Mayor.

Attest: (Seal)

City Comptroller and ex-officio
City Clerk."

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 _____, 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."

Section 11. BOND REGISTRY. 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.

Section 12. WARRANTS, WHEN ISSUED: 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.

Section 13. PAYMENT 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.

Amend 8-25-91
Section 14. ITEMS OF COST. In preparing the assessment roll to pay the cost and expense of any improvement as provided in this ordinance, the Board of Eminent Domain Commissioners shall include all 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 the following sum, to-wit: In case of "Immediate Payment" assessment, the sum of Forty Cents (40¢) per description; in case of assessment payable in five (5) annual installments, the sum of One (\$1.00) Dollar per description; in case of assessment payable in ten (10) annual installments, the sum of One and 75/100 (\$1.75) Dollars per description; in case of assessment payable in twenty (20) years the sum of Two and 50/100 (\$2.50) Dollars per description, (which sum in a particular case will be the charge for the cost of accounting, clerical labor, books and blanks incurred by the City Comptroller and City Treasurer in connection with such assessment). When any such assessment payable in installments, shall be paid in full within the thirty day period fixed for the payment of the assessments without interest, the City Treasurer shall allow a rebate of the Comptroller's and Treasurer's charges in this section provided in excess of the sum of Forty Cents (40¢) per description. After the expiration of such thirty day period, the City Treasurer shall report to the City Comptroller the total amount so rebated.

Section 15. That Ordinance No. 34920, entitled:

"AN ORDINANCE relating to eminent domain proceedings in the City of Seattle, and declaring an emergency,"

approved July 7, 1915, and Ordinance No. 40746, entitled:

"AN ORDINANCE relating to eminent domain proceedings in the City of Seattle, amending Sections 4, 5 and 6 of Ordinance No. 34920, approved July 7, 1915; adding to said ordinance a new section to be known as Section 6-a, and repealing Ordinance No. 37405, approved May 25, 1917,"

approved April 5, 1920, and Ordinance No. 37168, entitled:

"AN ORDINANCE amending Section 13 of Ordinance No. 34920, entitled 'An Ordinance relating to eminent domain proceedings in the City of Seattle, and declaring an emergency,' approved July 7, 1915,"

approved March 13, 1917, be, and the same are hereby, repealed.

ORDINANCE NO. 54557 is amended
as follows:

Sec. 1 Ord 59034
75167

Sec. 10. Ord 57686
Ord 58128

Sec. 14 Ord 82591

Ord. 63678 re. Condemnation assessments
etc.

fee, segregating

Resolution No. 3581
No portion of cost to be borne
by general fund

(to be used for all Ordinances except Emergency.)

Section 16 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 the City Council the 23 day of JANUARY 1918

and signed by me in open session in authentication of its passage this 23 day of

1918 John S. Carroll

President of the City Council.

Approved by me this 26 day of 1918

Butcher A. Landes
Mayor.

Filed by me this 26 day of 1918

Attest: [Signature]
City Comptroller and Ex-Officio City Clerk.

By [Signature]
Deputy Clerk.

[SEAL]

Published FEB - 1 1918
City Comptroller and Ex-Officio City Clerk.

By [Signature]
Deputy Clerk.