

ORDINANCE 858

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, PROVIDING FOR THE IMPROVEMENT OF A CERTAIN AREA BY THE CONSTRUCTION AND INSTALLATION OF A SANITARY SEWER SYSTEM, INCLUDING A NECESSARY SEWER INTERCEPTOR, ALL PURSUANT TO RESOLUTION 643 OF THE CITY, PASSED AND APPROVED APRIL 27, 1989; ORDERING THE FORMATION OF UTILITY LOCAL IMPROVEMENT DISTRICT NO. 11 AND PROVIDING FOR THE COST OF THE IMPROVEMENTS BY SPECIAL ASSESSMENTS UPON THE PROPERTY OF SAID DISTRICT SPECIALLY BENEFITED BY SAID IMPROVEMENTS.

WHEREAS, on April 27, 1989, the city council of the City of Lacey, Washington, adopted its Resolution 643, declaring its intention to order the improvement of a certain area by the construction and installation of a sanitary sewer system and related improvements including a necessary sewer interceptor and by doing all work required in connection therewith; and

WHEREAS, said resolution was duly published and notice of said hearing was duly given by mail as required by law; and

WHEREAS, said hearing was held on May 25, 1989, as provided in said notice and after discussion of said improvements and due consideration thereof, the council has determined to order the construction and installation of the improvements hereinafter more particularly described and to create a utility local improvement district therefore; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. That certain area within the utility local improvement district hereinafter formed shall be improved by the construction and installation of a sanitary sewer system and related improvements and by the construction of a necessary sewer interceptor leading to said district, all as described in Exhibit "B" attached hereto and incorporated by reference herein.

This improvement is part of the overall comprehensive sewer plan of the city and is an addition to and an extension of the existing sanitary sewer system.

Such sanitary sewer improvements shall be installed as more fully described in plans therefore which will be kept on file with the city's Department of Public Works. Such plans for the improvements shall be subject to such changes as to details of pipe size and location or any other details of said plans or the design of said improvements not affecting the service to be provided as shall be authorized by the city either prior to or during the actual course of construction.

The city shall acquire by purchase, franchise, lease or condemnation, any and all property both real and personal or any interest therein and all rights-of-way, franchises, permits and easements which may be found necessary for the purpose of constructing and installing the above described improvements.

Section 2. There is hereby established a utility local improvement district of the city to be known as "Utility Local Improvement District No. 11," which district shall include all of

the property described in Exhibit "A" attached hereto and incorporated by reference herein.

Section 3. The estimated cost of the improvements within the area of the district is \$1,617,715.00 which cost shall be born by and assessed against the property within Utility Local Improvement District No. 11. The estimated cost of the North Lacey Sewer Interceptor Facilities is \$3,950,000.00. The estimated portion of this cost to be borne by and assessed against the property with Utility Local Improvement District No. 11 is \$1,570,400.00. The estimated total amount of the assessments against the property within the district is \$3,188,115.00.

Section 4. By reason of the nature of the improvements, the special benefits conferred on the property are not in all cases accurately and fairly reflected by the use of the zone and termini method of assessment. Therefore, the cost of the improvements which are to be constructed within the district and borne by assessments shall be distributed in accordance with the special benefits derived therefrom by assessing those properties abutting the transmission lines by use of a combination of a front foot and area charge and by assessing those properties not abutting the transmission lines with an area charge only. The portion of the cost of the North Lacey Sewer Interceptor Facilities which is to be borne by assessments against the property within the district shall be distributed by assessing a general facilities charge of \$800.00 for each acre of assessable property other than those properties upon which there are

currently located single family residences. The council finds that this method of setting assessments more fairly reflects the special benefits to the properties being assessed than would the zone and termini method. The council further finds that property which cannot be built upon because of its dedication for roadways, storm drainage, water production and open space will not be benefited by the improvements and therefore will not be assessed.

Section 5. All of the assessments levied, including interest and penalties thereon, shall be paid into such fund or funds as shall hereafter be designated by the city council and used solely to pay for the improvements ordered herein or to pay and secure such revenue bonds, warrants, installment notes or such other evidences of indebtedness as shall be issued to pay part or all of the costs of said improvements together with interest thereon.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, this 25<sup>th</sup> day of May, 1989.  
CITY COUNCIL

BY Kay M. Boyd  
Mayor

Attest:

Charlotte M. Taylor  
City Clerk

Approved as to form:

[Signature]  
City Attorney

Published: June 4, 1989

EXHIBIT "A"

LEGAL DESCRIPTION OF AREA WITHIN ULID 11

The property to be included in the Utility Local Improvement District would begin at the south quarter corner of Section 3, Township 18 North, Range 1 West, W.M., in Thurston County, Washington; thence northerly along the center line of said Section 3 to the northwest corner of the south half of the south half of the southeast quarter of Section 3; thence easterly along the north line of said south half of the south half of the southeast quarter to the east line of said section 3; thence easterly along the north line of the south half of the south half of the southwest quarter of Section 2, Township 18 North, Range 1 West, W.M., to the northeast corner of the south half of the southwest quarter of the southwest quarter of said Section 2; thence North  $73^{\circ}08'32''$  East, 681.01 feet to the easterly margin of Marvin Road N.E.; thence northwesterly and northerly along the easterly boundary of Marvin Road N.E., to the north line of the southwest quarter of Section 35, Township 19 North, Range 1 West, W.M.; thence easterly along the center line of said Section 35 to the west quarter corner of Section 36, Township 19 North, Range 1 West, W.M.; thence easterly along the center line of said Section 36 to the west margin of Meridian Road N.E.; thence southerly along the westerly margin of Meridian Road N.E., to the north line of the southeast quarter of the northeast quarter of Section 1, Township 18 North, Range 1 West, W.M.; thence westerly along the north line of said parcel to the northwest corner of said southeast quarter of the northeast quarter of Section 1; thence southerly along the west line of said parcel to the southwest corner of said southeast quarter of the northeast quarter of Section 1; thence easterly along the south line of said parcel to the west margin of Meridian Road N.E.; thence southerly along the west margin of Meridian Road N.E. to the northerly right-of-way line of PSH No. 1--Interstate 5; thence westerly along the northerly right-of-way line of PSH No. 1--Interstate 5 to its intersection with the north line of the southeast quarter of Section 10, Township 18 North, Range 1 West, W.M.; thence westerly along the north line of said southeast quarter of Section 10, to the center of said Section 10; thence north along the center line of said Section 10 to the north quarter corner of said Section 10, being also the south quarter corner of Section 3, and the point of beginning.

Situate in Thurston County, State of Washington.

EXHIBIT "B"

Nature and Territorial Extent of Proposed Improvement:

The improvement shall consist of the installation of approximately 8180 linear feet of up to 24-inch diameter sanitary sewer main including manholes, side sewer stub-outs if requested to properties fronting the proposed sewer main and other appurtenances as required. The route of the improvement begins approximately 260' east of the center of Section 11, Township 18N., Range 1W., W.M.; thence west 260', thence north along the centerline of Sections 11 and 2 to the terminus approximately 1340 feet south of the north line of Section 2, Township 18N., Range 1W., W.M. and including a 1300-foot extension from said main to the east located approximately 320 feet north of the southline of Section 2, Township 18N., Range 1W., W.M.

Offsite improvements to be built which are of benefit to property in this ULID are known as the North Lacey Sewer Interceptor Facilities and Further identified as follows:

- 1) 4380 Feet of 15" to 42" gravity sewer interceptor on Martin Way from Kinwood to a sewer pump station on Martin Way west of Woodland Creek.
- 2) The Martin Way Pump Station.
- 3) 7890' of 12" and 14" force main on Martin Way and on private easements north of Martin Way connecting to
- 4) 1215' of 15" and 27" gravity interceptor on Sleater Kinney and private easement which connects to the existing LOTT interceptor on Martin Way west of Sleater Kinney.