

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Public Hearing on and Possible Motion to Adopt Proposed Ordinance No. 552, Relating to Local Improvement District (LID) #3		Meeting Date: April 4 th 2011
Department: Public Works	Attachments: 1. Ordinance No. 552 Forming LID # 3 and Ordering the Work; 2. Public Works Staff Report; 3. Metes and Bounds Description of LID # 3 4. Map of Boundary of LID # 3 5. Project Activities	Fund Source: LID Activity Cost: \$68,000 Amount Budgeted: N/A (Residents Pay 100 %) Unencumbered Budget Authority: N/A
Contact: Larry R. Blanchard, Director		
Telephone: (206) 248-5514		
Adopted Initiative: Yes No X	Initiative Description: N/A	
<p>PURPOSE/REQUIRED ACTION: Property owners of property along SW 116th Place petitioned the City to form LID # 3. City Council accepted the petition as the Public Works Director found the petitions to be in order, and the Street and Drainage Improvements were found to cost approximately \$68,000 based on the Public Works Director's estimate of cost. The City Council has since set a public hearing date for April 4th, 2011 and will hear proponents and opponents testimony to determine if the City will proceed forward with the LID.</p> <p>BACKGROUND (Include prior Council action & discussion): At the October 25, 2011 City Council meeting a motion was made by Councilmember Block, seconded by Deputy Mayor Clark, and passed unanimously to authorize the distribution and submittal of the petition to form an LID to Fund Street and Drainage Improvements to SW 116th Place. Mr. Gough, the original petitioner to form the LID, has obtained 11 out of 14 (79% of the property owners) signatures. Resolution 319 set a Public Hearing Date of April 4th, 2011 for the formation of the LID # 3, and based on the number of petitions the properties included in the LID # 3 was reduced to 12. Upon hearing testimony from proponents and opponents alike the City Council may request that an Ordinance be submitted to them Forming LID # 3 and ordering the work to be completed. After project completion the final assessment roll will be submitted to the City Council and a hearing will occur @ that time.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Upon hearing the testimony from the proponents and the opponents to the formation of LID # 3, the City Council may consider Ordinance 552 establishing the LID and ordering the work to be completed. 2. Consider approval of Ordinance 552 establishing LID # 3 and ordering the work done @ the April 11th 2011 City Council Meeting. 3. Do not approve the formation of the LID. 		
Administrative Recommendation: Approve Ordinance No. 552, establishing LID # 3 and ordering the work done.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
<p>Suggested Motion: Move to adopt Ordinance No. 552, Establishing Local Improvement District No. 3, and Ordering the Carrying Out of the Proposed Improvement.</p>		
Submitted by: Larry Blanchard	Mike Martin	
Administration	City Manager	
Today's Date: February 22, 2011	File Code: <a href="R:/CC/AgendaBills2011/040411pw-1 Res 319 publ hrg LID 116<sup>th</sup> Place">R:/CC/AgendaBills2011/040411pw-1 Res 319 publ hrg LID 116th Place	

CITY OF BURIEN, WASHINGTON**ORDINANCE NO. 552**

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, ORDERING STREET AND DRAINAGE IMPROVEMENTS TO SW 116TH PLACE IN ACCORDANCE WITH RESOLUTION NO. 319 OF THE CITY OF BURIEN; ESTABLISHING LOCAL IMPROVEMENT DISTRICT NO. 3 AND ORDERING THE CARRYING OUT OF THE PROPOSED IMPROVEMENT; PROVIDING THAT PAYMENT FOR THE IMPROVEMENT BE MADE BY SPECIAL ASSESSMENTS UPON THE PROPERTY IN THE DISTRICT.

WHEREAS, by Resolution No. 319, adopted February 28, 2011, the City Council declared its intention to order street and drainage improvements to SW 116th Place and fixed April 4, 2011, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers of the City Hall as the time and place for hearing all matters relating to the proposed improvement; and

WHEREAS, the City's Public Works Director caused an estimate to be made of the cost and expense of the proposed improvement and certified that estimate to the City Council, together with all papers and information in its possession touching the proposed improvement, a description of the boundaries of the proposed Local Improvement District, and a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district; and

WHEREAS, that estimate is accompanied by a diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property that will be specially benefited by the proposed improvement and the estimated cost and expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the City Council on the date and at the time above mentioned, and all objections to the proposed improvement were duly considered and overruled by the City Council, and all persons appearing at such hearing and wishing to be heard were heard; and

WHEREAS, the City Council has determined it to be in the best interests of the City that the improvement as hereinafter described be carried out and that a Local Improvement District be created in connection therewith;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Burien, Washington (the “City”), orders the construction of the improvements more particularly described in Exhibit A attached hereto and by this reference incorporated herein.

All of the foregoing shall be in accordance with the plans and specifications prepared by the City’s Public Works Department and may be modified by the City Council as long as such modification does not affect the purpose of the improvements.

Section 2. There is created and established a Local Improvement District to be called Local Improvement District No. 3 of the City of Burien, Washington (the “District”), the boundaries or territorial extent of the District being more particularly described in Exhibit B attached hereto and by this reference incorporated herein.

Section 3. The total estimated cost and expense of the improvement is declared to be \$68,000 of which cost and expense not to exceed \$68,000 shall be borne by and assessed against the property specially benefited by the improvement included in the District, which embraces as nearly as practicable all property specially benefited by such improvement.

Section 4. In accordance with the provisions of RCW 35.44.047, the City may use any method or combination of methods to compute assessments that may be deemed to fairly reflect the special benefits to the properties being assessed.

Section 5. Local Improvement District warrants may be issued in payment of the cost and expense of the improvement herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund.

Section 6. In all cases where the work necessary to be done in connection with the making of such improvement is carried out pursuant to contract upon competitive bids (and the City shall have and reserves the right to reject any and all bids), the call for bids shall include a statement that payment for such work will be made in cash warrants drawn upon the Local Improvement Fund.

Section 7. The Local Improvement Fund for the District is created and established in the office of the Finance Officer. The collection of special assessments, interest and penalties thereon shall be deposited into the Local Improvement Fund.

Section 8. Within fifteen (15) days of the passage of this ordinance there shall be filed with the Finance Officer the title of the improvement and District number, a copy of the diagram or print showing the boundaries of the District and the preliminary assessment roll or abstract of such roll showing thereon the lots, tracts and parcels of land that will be specially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract or parcel of land. The Finance Officer immediately shall post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

Section 9. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 10. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____^H DAY OF APRIL, 2011, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____TH DAY OF APRIL, 2011.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig D. Knutson, City Attorney

Filed with the City Clerk: April ____, 2011
Passed by the City Council: April ____, 2011
Ordinance No. 552
Date of Publication: April ____, 2011



Burien

Washington, USA

400 SW 152nd Street • Suite 300 • Burien, WA 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

March 29, 2011

Larry Blanchard, Public Works Director
City of Burien

Re: Staff Report for LID 3 - SW 116th Place Street and Drainage Improvements

The following is intended to provide information about Local Improvement District 3 – SW 116th Place Street and Drainage Improvements.

Description

Private property owners along SW 116th Place asked the City of Burien to work together to construct street and drainage improvements in and to SW 116th Place. The current drainage system includes both public and private runoff and would be better suited to be built to City of Burien Construction Standards. Once constructed, the drainage system will be dedicated to the City of Burien for future ownership and maintenance.

Boundary

Improvements will begin on SW 116th Place approximately 250' west of centerline at 30th Avenue Southwest. Please see the attached Metes and Bounds Description provided by Jonathan Becker, Project Manager for Duncanson Company, Inc and diagram showing the lots, tracts, and parcels of land and other property which will be specially benefitted by the proposed improvements.

Estimated Cost

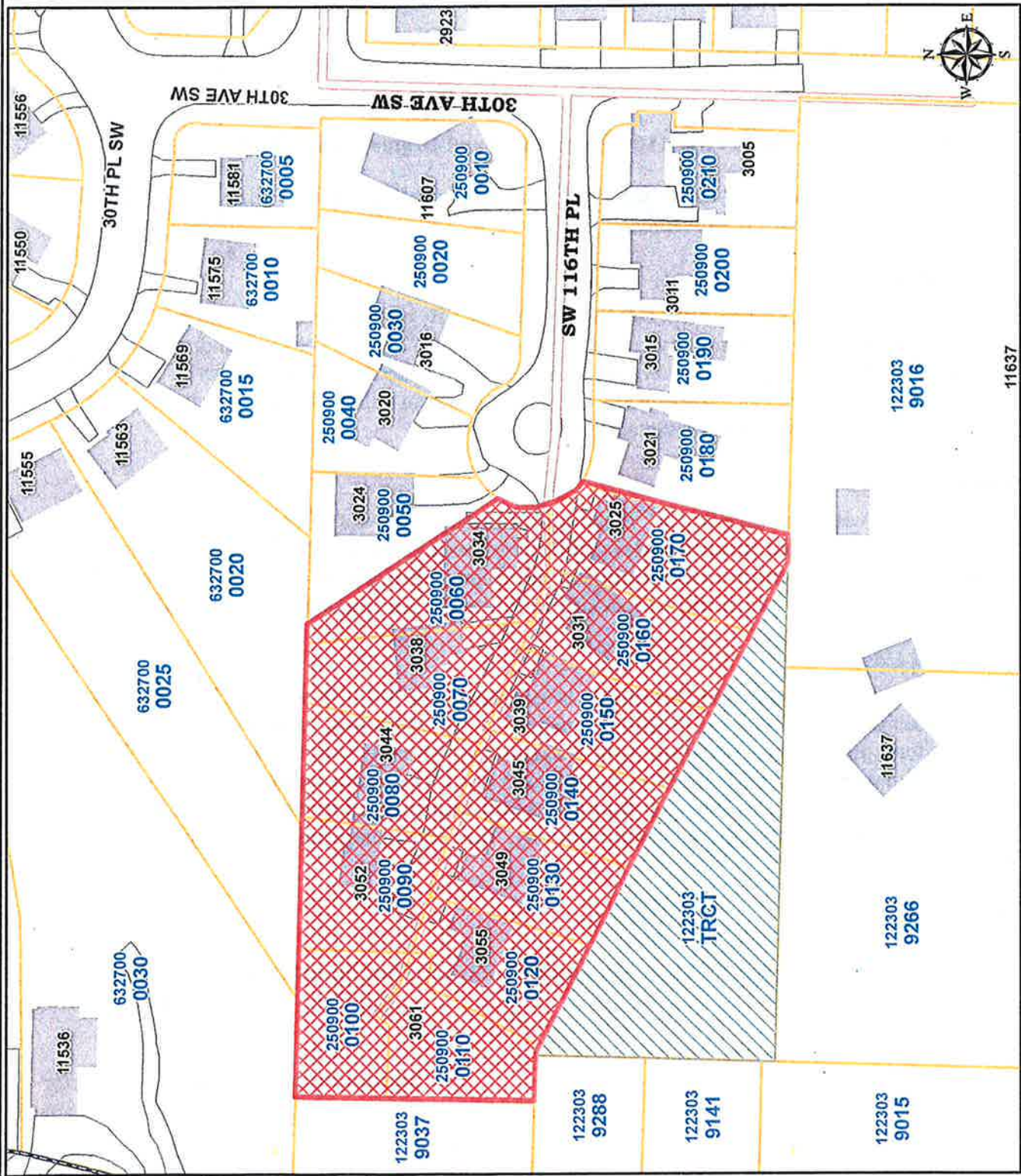
The total cost of the proposed improvements is estimated to be \$68,000 which includes surveying services, design engineering, construction management, administration, and cost to replace the existing storm pipe. The proposed assessment against each property is estimated to be \$5,666.67, with an estimated annual payment of \$1,141.85 for 5 years. The actual assessments may vary from the estimated assessments as long as it does not exceed a figure equal to the increased true and fair value of what the improvements add to the property. The City Council may modify the years of pay back up to 20 years.

Project Schedule

The City would like to begin construction as early as July 2011 and the estimated completion date would be December 2011.

Malissa Phok, Right-of-Way Inspector
City of Burien

LOCAL IMPROVEMENT DISTRICT 3 - SW 116TH PL



Legend

Parcels

- Tax Parcel
- Tract
- Multiple

Impervious Areas

- Driveway
- Roadway

Buildings

- Standing
- Proposed
- Proposed Demolition

THE CITY OF BURIEN DISCLAIMS ANY WARRANTY OF FITNESS OF USE FOR PARTICULAR PURPOSE, EXPRESS OR IMPLIED, WITH RESPECT TO THIS PRODUCT.

0 100 200 400 Feet

Fenton Wood Description

Tax Parcels: 2509000060, 2509000070, 2509000080, 2509000090,
2509000100, 2509000110, 2509000120, 2509000130, 2509000140,
2509000150, 2509000160, 2509000170

That portion of the Fenton Wood Plat, recorded in Volume 72 of Plats, Page 79, records of King County, Washington; located in Section 12, Township 23 North, Range 3 East, W.M. described as follows:

Beginning at the northwest corner of Lot 10 of said Fenton Wood Plat;
Thence along the north line of said plat, South $88^{\circ}35'36''$ East 328.00 feet to the northeast corner of Lot 6 of said plat;
Thence along the east line of said Lot 6, South $33^{\circ}14'37''$ East 159.15 feet to the beginning of a non-tangent curve, concave to the east, the radius point of which bears South $57^{\circ}10'51''$ East 45.00 feet, said curve also being the westerly margin of Southwest 116th Place;
Thence along said curve and margin of said Southwest 116th Place 65.43 feet through a central angle of $83^{\circ}18'37''$ to the northeast corner of Lot 17 of said Fenton Wood Plat;
Thence along the east line of said Lot 17, South $16^{\circ}18'25''$ East 145.10 feet to the south line of said Fenton Wood Plat;
Thence along said south line for the next three courses, North $88^{\circ}35'36''$ West 17.87 feet;
Thence North $62^{\circ}50'07''$ West 379.70 feet;
Thence North $88^{\circ}35'36''$ West 33.00 feet to the southwest corner of Lot 11 of the Fenton Wood Plat;
Thence along the west line of said Fenton Wood Plat, North $01^{\circ}45'52''$ East 165.00 feet to the Point of Beginning.



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Fenton Wood Description

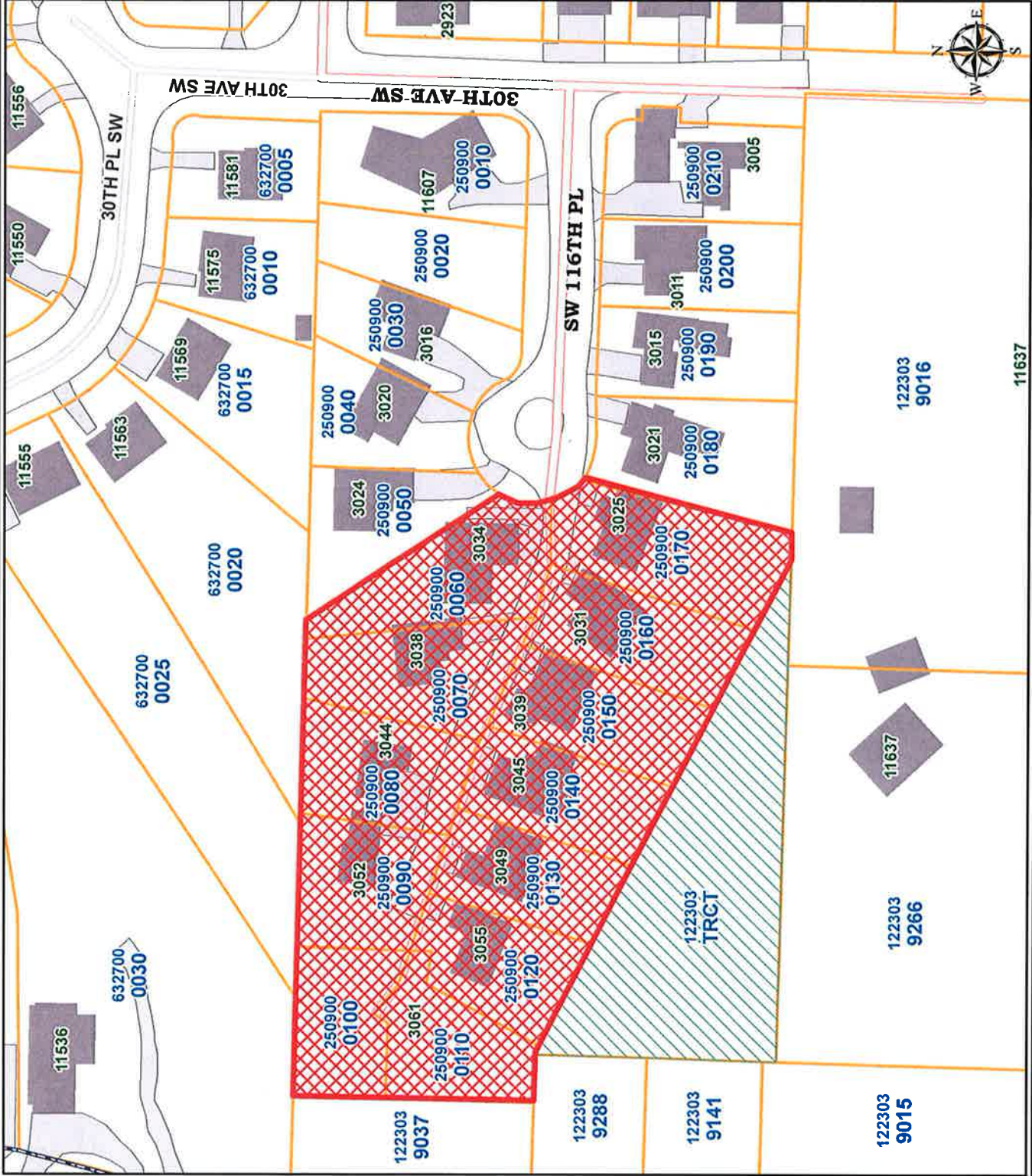
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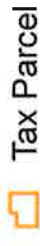


LOCAL IMPROVEMENT DISTRICT 3 - SW 116TH PL



Legend

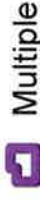
Parcels



Tax Parcel



Tract

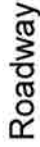


Multiple

Impervious Areas

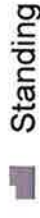


Driveway



Roadway

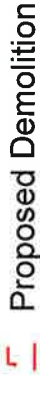
Buildings



Standing



Proposed



Proposed Demolition



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SW 116TH PLACE DRAINAGE IMPROVEMENT PROJECT**Proposed Formation Local Improvement District****Project Activities**

Step	Activity	Description
1	Filing of LID Petition	Closing dated for filing of a petition signed by the owners of property aggregating a majority of the area of the proposed LID (RCW 35.43.120)
2	Certification of Sufficiency	Engineers determines sufficiency of petition, and prepares cost estimate, assembles other statutorily require information and certifies it to the council (RCW 35.43.130)
3	SEPA Determination	The proposed LID is categorically exempt from SEPA (WAC, Chapter 197.11.800(17))
4	Declaration of Intent to form LID	Adopt resolution declaring intention to form LID and fix public hearing date (RCW 35.43.125 and 130)
5	Notice of Hearing	Mail notice of public hearing at least 15 before the date fixed for hearing to the property owners of record on the rolls of the County Assessor (RCW 35.43.150 and 270)
6	Publish Resolution Declaring Intent to Form LID	Publish resolution declaring intent to from LID and fixing public hearing date in at least two consecutive issues of the official newspaper, the first publication being at least 15 days prior to the hearing (RCW 35.43.140)
7	Formation Hearing	Conduct hearing on formation of LID
8	LID Ordinance	Pass ordinance creating LID and ordering the improvement (RCW 35.43.070)
9	Publish Ordinance	Publish ordinance creating LID in official newspaper.
10	File Ordinance	Within 15days of formation, file ordinance creating LID, boundary diagram and preliminary assessment roll with City Treasurer. The City Treasures shall immediately [post the proposed assessment roll on the index LID assessments (RCW 35.50.005)
11	Expiration of time limit on litigation	No lawsuit may be maintained challenging the formation of the LID if not filed within 30 days after passage of the formation ordinance (RCW 35.43.100)
12	Final Assessment Roll	Preparation of the final assessment roll and hearing will occur following project completion

