

2/22/78

1 Introduced By: MIKE LOWRY

2 No. 78-151

3
4 ORDINANCE NO. 3627

5 AN ORDINANCE providing for the authorization,
6 sale and issuance of \$200,672.17 principal
7 amount King County Road Improvement District
8 No. 64 Bonds and providing for the date,
9 form, terms and maturities of said bonds.

10 PREAMBLE: The Legislature of the State of Washington (here-
11 inafter the "State"), by Chapter 192, Laws of 1951, as amended
12 (Revised Code of Washington Chapter 36.88) (hereinafter the "Bond
13 Statute") has authorized the King County Council (hereinafter the
14 "Council") to form road improvement districts, to specially
15 assess property within such districts, to construct improvements
16 within such districts and to sell and issue bonds for the purpose
17 of financing a part of the cost of accomplishing such improve-
18 ments. Pursuant to the Bond Statute, King County has, by Ordinance
19 No. 1919, adopted February 4, 1974, as amended, created
20 King County Road Improvement District No. 64 (hereinafter "RID
21 No. 64") upon the petition of owners of property within the said
22 district following a public hearing. King County has confirmed
23 the Assessment Roll for RID No. 64 by Ordinance No. 3330, adopted
24 August 8, 1977, following public hearing; the thirty-day period
25 provided for the payment of the assessment by property owners
26 within RID No. 64 has expired; and the Council deems it necessary
27 and advisable that \$200,672.17 principal amount in bonds now be
28 issued pursuant to the Bond Statute for the purpose of paying a
29 part of the costs and expenses incurred in making the RID No. 64
30 Capital Improvements;

31 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

32 Section 1: Description of Bonds. There is hereby author-
33 ized to be sold and issued, pursuant to the Bond Statute, an
34 issue of road improvement district special assessment bonds to be
35 entitled "King County Road Improvement District No. 64 Bonds"
36 (hereinafter the "Bonds"), in the principal amount of \$200,672.17,
37 for the purpose of paying a part of the costs and expenses in-
38 curred in the clearing, grubbing, grading, draining, ballasting,
39 paving, landscaping, and street lighting of South 336th Street
40 from Ninth Avenue South easterly to 16th Avenue South and the
41 performance of such other work as was necessary in connection

42 //

43 //

1 therewith (hereinbefore and hereinafter the "RID No. 64 Capital
2 Improvements").

3 The Bonds shall be dated April 1, 1978, shall be 201 in
4 number, of the denomination of \$1,000 each, except Bond No. 1,
5 which shall be in the denomination of \$672.17, shall be numbered
6 from one to two hundred and one, inclusive, and all shall be
7 payable on the first day of April, 2000.

8 The Bonds shall bear interest from April 1, 1978, payable
9 annually thereafter on the first day of April of each year to
10 maturity, at such rate (not exceeding 8% per annum) as this
11 Council shall hereafter establish at the time of the sale of the
12 Bonds.

13 The Bonds shall be payable as to both principal and interest
14 in lawful money of the United States of America at the office of
15 the King County Comptroller.

16 The Bonds shall be payable to bearer with coupons attached,
17 similarly payable to bearer. The Bonds shall not be registrable
18 as to either principal or interest.

19 Section 2: Redemption Prior to Maturity. Each and every
20 Bond shall be subject to redemption prior to its maturity at a
21 price of 100% of the par value thereof whenever there shall be
22 sufficient monies available to retire one or more outstanding
23 Bonds in the King County Road Improvement District No. 64 Bond
24 Fund (hereinafter the "Bond Fund") over and above the amount
25 necessary to make the interest payments next accruing on the
26 outstanding Bonds.

27 If and when the conditions of the foregoing paragraph shall
28 from time to time occur, the King County Comptroller shall call
29 for redemption such of the Bonds as may be paid on the next
30 annual interest payment date from the monies available as afore-
31 said, in numerical order, lowest numbers first. Notice of such

32 //

1 call for redemption shall be published by said Comptroller in the
2 official newspaper of King County at least once, not less than
3 thirty nor more than sixty days prior to the date of intended
4 redemption.

5 Interest on all Bonds so called for redemption shall cease
6 to accrue on the date specified for redemption unless the same
7 are not redeemed upon presentation made pursuant to such call.

8 Section 3: Source of Payment of Bonds. The principal of
9 and interest on the Bonds shall be payable solely from the Bond
10 Fund, which fund was created by King County Ordinance No. 1919,
11 and, as to any monies which may be available from time to time
12 therein, from the King County Road Improvement Guaranty Fund, as
13 established by King County Resolution No. 13558 for the purpose
14 of guaranteeing the payment of all outstanding King County road
15 improvement bonds without preference among the various issues of
16 such bonds, in the order of their presentation.

17 Neither the holder nor the owner of any of the Bonds shall
18 have any claim therefor against King County except for payment of
19 the special assessments made for the improvement for which the
20 Bonds were issued and except as against the improvement guaranty
21 fund of King County and King County shall not be liable to any
22 holder or any owner of any of the Bonds for any loss in the
23 guaranty fund occurring in the lawful operation thereof by King
24 County. The remedy of the holder or owner of any of the Bonds in
25 case of nonpayment shall be confined to the enforcement of any
26 assessments made in RID No. 64 and to the guaranty fund.

27 If the Council should fail to cause any of the Bonds to be
28 paid when due or to promptly collect any assessments when due,
29 the owner of any of the Bonds may proceed in his own name to
30 collect the assessments and foreclose the lien thereof in any
31 //

32 //

1 court of competent jurisdiction and shall recover in addition to
2 the amount of the Bonds outstanding in his name, interest thereon
3 at 5% per annum, together with the costs of suit, including a
4 reasonable attorney's fee to be fixed by the court. Any number
5 of owners of Bonds for any single project may join as plaintiffs
6 and any number of the owners of property upon which the assess-
7 ments are liens may be joined as defendants in the same suit.
8 Any action to collect any special assessment by King County or by
9 the holder of any of the Bonds is subject to a statute of limita-
10 tions in effect at the time of the commencement of any such
11 action.

12 The Bonds shall not constitute an obligation, either general
13 or special, of the State of Washington nor an obligation of
14 King County except as stated in this Ordinance.

15 Section 4: Deposit of Assessment Payments. King County
16 does hereby covenant and agree with the holders of each and every
17 Bond that all installments of principal and/or interest, or
18 penalties for late payment thereof, hereafter received from
19 assessments made upon the property within RID No. 64 in accor-
20 dance with King County Ordinance No. 3330, shall be promptly
21 deposited in the Bond Fund. The monies deposited in the Bond
22 Fund shall be used for no other purpose than the payment of costs
23 and expenses of the RID No. 64 Capital Improvements and the
24 payment of principal of and interest on the Bonds.

25 Section 5: Bonds Do Not Exceed Cost and Expense. This
26 Council does hereby find that the principal amount of the Bonds
27 to be issued pursuant to this Ordinance does not exceed the cost
28 and expense of RID No. 64. As used in the foregoing sentence,
29 "cost and expense" shall have the meaning described in Revised
30 Code of Washington Section 36.88.300.

31 //

32 //

1 and such other work as was necessary in connection therewith in
2 South King County in the Federal Way area, all within King County
3 Road Improvement District No. 64. Said District was created by
4 King County Ordinance No. 1919, adopted February 4, 1974.

5 Each and every Bond shall be subject to redemption prior to
6 its maturity at a price of 100% of the par value thereof whenever
7 there shall be sufficient monies available to retire one or more
8 outstanding Bonds in the Bond Fund over and above the amount
9 necessary to make the interest payments next accruing on the
10 outstanding Bonds. If and when sufficient monies become availa-
11 ble from time to time as described in the foregoing sentence, the
12 King County Comptroller will call for redemption such of the
13 Bonds as may be paid on the next annual interest payment date
14 from the monies available as aforesaid, in numerical order,
15 lowest numbers first. Notice of such call for redemption shall
16 be published by said Comptroller in the official newspaper of
17 King County at least once, not less than thirty nor more than
18 sixty days prior to the date of intended redemption. Interest on
19 all Bonds so called for redemption shall cease to accrue on the
20 date specified for redemption unless the same are not redeemed
21 upon presentation made pursuant to such call.

22 The principal of and interest on the Bonds shall be payable
23 solely from the Bond Fund and, as to any monies which may be
24 available from time to time therein, from the King County Road
25 Improvement Guaranty Fund, as established by King County Resolu-
26 tion No. 13558 for the purpose of guaranteeing the payment of all
27 outstanding King County road improvement bonds without preference
28 among the various issues of such bonds, in the order of their
29 presentation.

30 Neither the holder nor the owner of any of the Bonds shall
31 have any claim therefor against King County except for payment of
32 the special assessments made for the improvement for which the
33 Bonds were issued and except as against the improvement guaranty
34 fund of King County and King County shall not be liable to any
35 holder or any owner of any of the Bonds for any loss in the
36 guaranty fund occurring in the lawful operation thereof by King
37 County. The remedy of the holder or owner of any of the Bonds in
38 case of nonpayment shall be confined to the enforcement of any
39 assessments made in RID No. 64 and to the said Guaranty Fund.
40 The Bonds shall not constitute an obligation of the State of
41 Washington, either general or special, or an obligation of King
42 County except as herein stated.

43 King County has covenanted in the Bond Ordinance and does
44 hereby covenant that all installments of principal and/or inter-
45 est, or penalties for late payment thereof, hereafter received
46 from assessments made upon the property within RID No. 64 in
47 accordance with King County Ordinance No. 1919, shall be promptly
48 deposited in the Bond Fund. The monies deposited in the Bond
49 Fund shall be used for no purpose other than the payment of costs
50 and expenses of construction and improvement in RID No. 64 and
51 the payment of principal of and interest on the Bonds.

52 Reference is made to the Bond Ordinance and the Bond Statute
53 for the covenants and declarations of King County and for the
54 terms and conditions upon which this Bond has been issued, which
55 terms and conditions are incorporated herein as if fully set
56 forth. King County hereby irrevocably and unconditionally

57 //

1 covenants it will keep and perform all the covenants of this Bond
2 and of the Bond Ordinance.

3 It is hereby certified, that all acts, conditions and things
4 required by the Constitution and statutes of the State of Wash-
5 ington to be done, to have happened, and to have been performed
6 precedent to and in the issuance of this Bond have been done,
7 have happened, and have been performed as required by law, and
8 that the issuance of this Bond and the Bonds does not violate any
9 Constitutional or statutory limitation on bonded indebtedness of
10 the State of Washington or King County.

11 IN WITNESS WHEREOF, the COUNTY OF KING has caused this Bond
12 to be executed by the manual signature of the County Executive
13 and to be attested by the manual signature of the [Deputy] Clerk
14 of the King County Council, and has caused the official seal of
15 King County to be impressed hereon, and the interest coupons
16 hereto attached to be executed by the facsimile signatures of
17 each of said officials, and this Bond to be dated as of the first
18 day of April, 1978.

19 ATTEST: KING COUNTY, WASHINGTON

20 By: [Deputy] Clerk of the Council
21 [SEAL]
22 By: King County Executive
23 King County Comptroller's
24 Reference No. _____

25 Section 7: Coupon Form. Each of the interest coupons to be
26 attached to the Bonds shall be substantially in the following
27 form:

28 King County Comptroller's Reference No. _____ On April, 19____

29 (Unless the Bond hereafter mentioned shall have been duly called for re-
30 demption)

31 KING COUNTY, WASHINGTON \$ _____
32 will pay to bearer, but solely from the King County Road Improvement District
33 No. 64 Bond Fund or the Guaranty Fund,
34 at the office of the King County Comptroller in Seattle, Washington, the sum
35 shown hereon in lawful money of the

36 //
37 //
38 //

1 United States of America, said sum being
2 the interest then due on its KING COUNTY
3 ROAD IMPROVEMENT DISTRICT NO. 64 BOND
4 dated April 1, 1978.

5 KING COUNTY, WASHINGTON

6 ATTEST:

7 By:

8 [facsimile signature]
9 [Deputy] Clerk of the
10 Council

11 [facsimile signature]
12 County Executive

13 Section 8: Execution of Bonds. The Bonds shall be executed
14 on behalf of King County by the County Executive and shall be
15 attested by the Clerk or the Deputy Clerk of the County Council
16 under the official seal of King County. The coupons attached to
17 the Bonds shall be executed with the facsimile signatures of each
18 of said officials.

19 In the event that either of the officials who shall have
20 signed the Bonds or whose facsimile signatures appear on the
21 interest coupons shall cease to be such officer before said Bonds
22 and interest coupons shall have been actually issued and deliver-
23 ed, such Bonds and interest coupons shall be valid nevertheless
24 and may be issued by King County with the same effect as though
25 said persons had not ceased to be such officers.

26 Section 9: Sale. The Bonds shall be sold at public sale
27 upon competitive bid to the bidder offering to purchase the same
28 at the lowest net interest cost to RID No. 64 (expressed in
29 dollars) at a price of not less than 100% of the par value there-
30 of plus accrued interest to the date of delivery, on all the
31 terms and conditions set out in the Official Notice of Sale.
32 Sealed bids will be received at such time, place and date as the
King County Comptroller shall hereafter determine. All bids
submitted shall be publicly opened and read at the place deter-

//

//

1 mined for receipt of such bids. This Council reserves the right
2 to reject any and all bids and to waive any irregularity in any
3 bid.

4 The Clerk of the Council is hereby authorized and directed
5 to cause to be prepared an Official Notice of Sale of the Bonds
6 and to publish said Notice or an abridgement thereof in the
7 official newspaper of King County once a week for two consecutive
8 weeks preceding the sale. Such Notice shall specify a place and
9 designate a day and hour subsequent to the date of last publica-
10 tion thereof when sealed bids will be received and publicly
11 opened for the purchase of the Bonds. Said Notice shall provide
12 that King County will furnish at the expense of the County the
13 printed Bonds and the approving legal opinion of Riddell, Wil-
14 liams, Ivie, Bullitt & Walkinshaw, Bond Counsel of Seattle,
15 Washington, which opinion will be printed on each Bond.

16 The King County Comptroller is hereby authorized and direct-
17 ed to determine the time, place and date of the sale and to take
18 such other actions to publicize the sale as he may deem necessary,
19 including the preparation of an Official Statement.

20 Upon determination of the interest rate that the Bonds shall
21 bear, the King County Purchasing Agent is hereby authorized and
22 directed to cause the Bonds to be printed substantially in the
23 form described herein.

24 Section 10: Delivery of Bonds and Deposit of Proceeds.

25 Following printing, the King County Purchasing Agent shall
26 deliver the Bonds to the King County Comptroller for delivery to
27 the purchasers thereof. The King County Comptroller is hereby
28 authorized and directed to do everything necessary for the prompt
29 execution and delivery of the Bonds, in definitive form, to the
30 purchasers thereof against payment of the principal of the Bonds

31 //
32 //

1 and accrued interest to the date of delivery. Accrued interest
 2 on the Bonds shall be deposited in the Bond Fund. The principal
 3 of the Bonds shall be deposited in the King County Road Improve-
 4 ment District No. 64 Construction Fund, which Fund was created by
 5 King County Ordinance No. 1919 and shall be used exclusively for
 6 the purposes of carrying out the RID No. 64 Capital Improvements
 7 and paying expenses incurred in connection with the sale and
 8 issuance of the Bonds.

9 Section 11: Contract -- Savings Clause. The covenants
 10 contained in this Ordinance and in the Bonds and the provisions
 11 of the Bond Statute shall constitute a contract between King
 12 County and the holder of each and every Bond and shall be con-
 13 strued in accordance with and controlled by the laws of the State
 14 of Washington.

15 If any one or more of the covenants or agreements provided
 16 in this Ordinance to be performed on the part of King County
 17 shall be declared by any court of competent jurisdiction and

18 //
 19 //
 20 //
 21 //
 22 //
 23 //
 24 //
 25 //
 26 //
 27 //
 28 //
 29 //
 30 //
 31 //
 32 //

1 final appeal to be contrary to law, then such covenant or cove-
2 nants, agreement or agreements, shall be null and void, and shall
3 be deemed separable from the remaining covenants and agreements
4 in this Ordinance, and shall in no way affect the validity of the
5 other provisions of this Ordinance.

6 INTRODUCED AND READ for the first time this 27th day of
7 February, 1978.

8 PASSED this 13th day of March, 1978.

10 KING COUNTY COUNCIL
11 King County, Washington

12 Bernice Stum
13 Chairman

14 ATTEST:

15 Dorothy M. Quinn DEPUTY
16 Clerk of the Council

17 APPROVED this 17th day of March, 1978.

18 [Signature]
19
20 King County Executive

21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //
29 //
30 //
31 //
32 //