

2/7/77

Introduced By: R.R. "BOB" GREIVE

77-122

Ordinance No. 3092

AN ORDINANCE providing for the authorization, sale and issuance of \$23,837.56 principal amount King County Road Improvement District No. 71 Bonds and providing for the date, form, terms and maturities of said bonds.

PREAMBLE: The Legislature of the State of Washington (hereinafter the "State"), by Chapter 192, Laws of 1951, as amended, (Revised Code of Washington Chapter 36.88) (hereinafter the "Bond Statute") has authorized the King County Council (hereinafter the "Council") to form road improvement districts, to specially assess property within such districts, to construct improvements within such district and to sell and issue bonds for the purpose of financing a part of the cost of accomplishing such improvements. Pursuant to the Bond Statute, King County has, by Ordinance No. 2524, adopted October 27, 1975, created King County Road Improvement District No. 71 (hereinafter "RID No. 71") upon the petition of owners of property within the said district following a public hearing. King County has confirmed the Assessment Roll for RID No. 71 by Ordinance No. 2912, adopted September 27, 1976, following public hearing; the thirty-day period provided for the payment of the assessment by property owners within RID No. 71 has expired; and the Council deems it necessary and advisable that \$23,837.56 principal amount in bonds now be issued pursuant to the Bond Statute for the purpose of paying a part of the costs and expenses incurred in making the RID No. 71 Capital Improvements;

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

Section 1: Description of Bonds. There is hereby authorized to be sold and issued, pursuant to the Bond Statute, an issue of road improvement district special assessment bonds to be entitled "King County Road Improvement District No. 71 Bonds" (hereinafter the "Bonds"), in the principal amount of \$23,837.56, for the purpose of paying a part of the costs and expenses incurred in the improvement of 38th Avenue South from South 380th Street northerly for approximately one-half mile to its intersection with Military

1 Road, in south King County (hereinbefore and hereinafter the
2 "RID No. 71 Capital Improvements").

3 The Bonds shall be dated May 1, 1977, shall be 24 in
4 number, of the denomination of \$1,000 each, except Bond
5 No. 1, which shall be in the denomination of \$837.56, shall
6 be numbered from one to twenty-four, inclusive, and all
7 shall be payable on the first day of May, 1994.

8 The Bonds shall bear interest from May 1, 1977, payable
9 annually thereafter on the first day of May 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
12 the Bonds by ordinance.

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

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

19 Section 2: Redemption Prior to Maturity. Each and
20 every Bond shall be subject to redemption prior to its
21 maturity at a price of 100% of the par value thereof whenever
22 there shall be sufficient monies available to retire one or
23 more outstanding Bonds in the King County Road Improvement
24 District No. 71 Bond Fund (hereinafter the "Bond Fund") over
25 and above the amount necessary to make the interest payments
26 next accruing on the outstanding Bonds.

27 If and when the conditions of the foregoing paragraph
28 shall from time to time occur, the King County Comptroller
29 shall call for redemption such of the Bonds as may be paid
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1 on the next annual interest payment date from the monies
2 available as aforesaid, in numerical order, lowest numbers
3 first. Notice of such call for redemption shall be published
4 by said Comptroller in the official newspaper of King County
5 at least once, not less than thirty nor more than sixty days
6 prior to the date of intended redemption.

7 Interest on all Bonds so called for redemption shall
8 cease to be accrued on the date specified for redemption
9 unless the same are not redeemed upon presentation made
10 pursuant to such call.

11 Section 3: Source of Payment of Bonds. The principal
12 of and interest on the Bonds shall be payable solely from
13 the Bond Fund, which fund was created by King County Ordinance
14 No. 2524, and, as to any monies which may be available from
15 time to time therein, from the King County Road Improvement
16 Guaranty Fund, as established by King County Resolution No.
17 13558 for the purpose of guaranteeing the payment of all
18 outstanding King County road improvement bonds without
19 preference among the various issues of such bonds, in the
20 order of their presentation.

21 Neither the holder nor the owner of any of the Bonds
22 shall have any claim therefor against King County except for
23 payment of the special assessments made for the improvement
24 for which the Bonds were issued and except as against the
25 improvement guaranty fund of King County, and King County
26 shall not be liable to any holder or any owner of any of the
27 Bonds for any loss in the guaranty fund occurring in the
28 lawful operation thereof by King County. The remedy of the
29 holder or owner of any of the Bonds in case of nonpayment
30 shall be confined to the enforcement of any assessments made
31 in RID No. 71 and to the guaranty fund.

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1 If the Council should fail to cause any of the Bonds to
2 be paid when due or to promptly collect any assessments when
3 due, the owner of any of the Bonds may proceed in his own
4 name to collect the assessments and foreclose the lien
5 thereof in any court of competent jurisdiction and shall
6 recover in addition to the amount of the Bonds outstanding
7 in his name, interest thereon at 5% per annum, together with
8 the costs of suit, including a reasonable attorney's fee to
9 be fixed by the court. Any number of owners of Bonds for
10 any single project may join as plaintiffs and any number of
11 the owners of property upon which the assessments are liens
12 may be joined as defendants in the same suit.

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

16 Any action to collect any special assessment by King
17 County or by the holder of any of the Bonds is subject to a
18 statute of limitations in effect at the time of the com-
19 mencement of any such action. The applicable statute of
20 limitations now in effect is Revised Code of Washington
21 Section 36.88.90, which provides that any action shall be
22 commenced within ten years after an assessment against
23 property within the road improvement district shall have
24 become delinquent or within ten years after the last install-
25 ment of any such assessment shall have become delinquent,
26 when said special assessment is payable in installments.

27 Section 4: Deposit of Assessment Payments. King
28 County does hereby covenant and agree with the holders of
29 each and every Bond that all installments of principal
30 and/or interest, or penalties for late payment thereof,
31 hereafter received from assessments made upon the property
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1 within RID No. 71 in accordance with King County Ordinance
 2 No. 2912, shall be promptly deposited in the Bond Fund. The
 3 monies deposited in the Bond Fund shall be used for no other
 4 purpose than the payment of costs and expenses of the RID
 5 No. 71 Capital Improvements and the payment of principal of
 6 and interest on the Bonds.

7 Section 5: Bonds Do Not Exceed Cost and Expense. This
 8 Council does hereby find that the principal amount of the
 9 Bonds to be issued pursuant to this ordinance do not exceed
 10 the cost and expense of RID No. 71. As used in the fore-
 11 going sentence, "cost and expense" shall have the meaning
 12 described in Revised Code of Washington Section 36.88.300.

13 Section 6: Bond Form. Each of the Bonds shall be
 14 substantially in the following form:

15
 16 No. _____ (\$1,000)
 17 (\$837.56 on Bond No. 1)

18 UNITED STATES OF AMERICA
 19 STATE OF WASHINGTON
 20 KING COUNTY ROAD IMPROVEMENT DISTRICT NO. 71

21 THE COUNTY OF KING, a municipal corporation of the
 22 State of Washington, for value received, promises to pay to
 23 the bearer of this Bond, but solely out of the fund estab-
 24 lished by King County Ordinance No. 2524 known as the "King
 25 County Road Improvement District No. 71 Bond Fund" (herein-
 after the "Bond Fund"), and, as to any monies available
 therein, out of the King County Road Improvement Guaranty
 Fund, all as provided in King County Ordinance No. _____,
 adopted _____, 197__ (hereinafter the "Bond
 Ordinance"), the principal sum of

26 (ONE THOUSAND DOLLARS)
 27 (EIGHT HUNDRED THIRTY-SEVEN DOLLARS and 56/100
 on Bond No. 1)

28 ON THE FIRST DAY OF MAY, 1994, unless redeemed prior thereto,
 29 upon presentation and surrender of this Bond, and to pay
 interest thereon from the date hereof until maturity or
 earlier redemption of this Bond, at the rate of

30 _____ % (_____ %) PER ANNUM,

31 payable annually on May 1 of each year, upon presentation
 32 and surrender of the respective interest coupons hereto

1 attached as they severally mature. Both the principal of
2 and the interest on this Bond are payable in lawful money of
3 the United States of America at the office of the King
County Comptroller, in the City of Seattle, Washington.

4 This Bond is one of a duly authorized issue of bonds
5 designated "King County Road Improvement District No. 71
6 Bonds" (hereinbefore and hereinafter referred to as the
7 "Bonds"), aggregating \$23,837.56 in principal amount, numbered
8 from 1-24, inclusive, of like date, maturity, rate of interest,
9 privilege of redemption, and denomination (except as to the
10 denomination of Bond No. 1), and is issued pursuant to and
in full compliance with the Constitution and the statutes of
the State of Washington, and particularly Chapter 192, Laws
of 1951 of the State of Washington (Revised Code of Washing-
ton, Chapter 36.88), as amended, and by virtue of proceedings
duly adopted and authorized by the King County Council and
more particularly in the Bond Ordinance.

11 The Bonds are issued for the purpose of paying a part
12 of the costs and expenses incurred in the improvement of
13 38th Avenue South from South 380th Street northerly for
14 approximately one-half mile to its intersection with Military
Road, in South King County, all within King County Road
Improvement District No. 71. Said District was created by
King County Ordinance No. 2524, adopted October 27, 1975.

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

25 The principal of and interest on the Bonds shall be
26 payable solely from the Bond Fund and, as to any monies
27 which may be available from time to time therein, from the
28 King County Road Improvement Guaranty Fund, as established
29 by King County Resolution No. 13559 for the purpose of
guaranteeing the payment of all outstanding King County road
improvement bonds without preference among the various
issues of such bonds, in the order of their presentation.

30 Neither the holder nor the owner of any of the Bonds
31 shall have any claim therefor against King County except for
32 payment of the special assessments made for the improvement

1 for which the Bonds were issued and except as against the
 2 improvement guaranty fund of King County and King County
 3 shall not be liable to any holder or any owner of any of the
 4 Bonds for any loss in the guaranty fund occurring in the
 5 lawful operation thereof by King County. The remedy of the
 6 holder or owner of any of the Bonds in case of non-payment
 shall be confined to the enforcement of any assessments made
 in RID No. 71 and to the said Guaranty Fund. The Bonds
 shall not constitute an obligation of the State of Washington,
 either general or special, or an obligation of King County
 except as herein stated.

7 King County has covenanted in the Bond Ordinance and
 8 does hereby covenant that all installments of principal
 9 and/or interest, or penalties for late payment thereof,
 10 hereafter received from assessments made upon the property
 11 within RID No. 71 in accordance with King County Ordinance
 12 No. 2912, shall be promptly deposited in the Bond Fund. The
 monies deposited in the Bond Fund shall be used for no
 purpose other than the payment of costs and expenses of
 construction and improvement in RID No. 71 and the payment
 of principal of and interest on the Bonds.

13 Reference is made to the Bond Ordinance and the Bond
 14 Statute for the covenants and declarations of King County
 15 and of the terms and conditions upon which this Bond has
 16 been issued, which terms and conditions are incorporated
 herein as if fully set forth. King County hereby irrevocably
 and unconditionally covenants it will keep and perform
 all the covenants of this Bond and of the Bond Ordinance.

17 It is hereby certified that all acts, conditions and
 18 things required by the Constitution and statutes of the
 19 State of Washington to be done, to have happened, and to
 20 have been performed precedent to and in the issuance of this
 21 Bond have been done, have happened, and have been performed
 as required by law, and that the issuance of this Bond and
 the Bonds does not violate any Constitutional or statutory
 limitation on bonded indebtedness of the State of Washington
 or King County.

22 IN WITNESS WHEREOF, the COUNTY OF KING has caused this
 23 Bond to be executed by the manual signature of the County
 24 Executive and to be attested by the manual signature of the
 25 Clerk of the King County Council, and has caused the official
 seal of King County to be impressed hereon, and the interest
 coupons hereto attached to be executed by the facsimile
 signatures of each of said officials, and this Bond to be
 dated as of the first day of May, 1977.

26
 27 ATTEST:

KING COUNTY, WASHINGTON

28
 29 By: Clerk of the Council

By: King County Executive

30 [SEAL]

1 the par value thereof plus accrued interest to the date of
2 delivery, on all the terms and conditions set out in the
3 Official Notice of Sale. Sealed bids will be received at
4 such time, place and date as the King County Comptroller
5 shall hereafter determine. All bids submitted shall be
6 publicly opened and read at the place determined for receipt
7 of such bids. This Council reserves the right to reject any
8 and all bids and to waive any irregularity in any bid.

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

22 The King County Comptroller is hereby authorized and
23 directed to determine the time, place and date of the sale
24 and to take such other actions to publicize the sale as he
25 may deem necessary, including the preparation of an Official
26 Statement.

27 Upon determination of the interest rate that the Bonds
28 shall bear, the King County Purchasing Agent is hereby
29 authorized and directed to cause the Bonds to be printed
30 substantially in the form described herein.

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

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1 Following printing, the King County Purchasing Agent shall
2 deliver the Bonds to the King County Comptroller for delivery
3 to the purchasers thereof. The King County Comptroller is
4 hereby authorized and directed to do everything necessary
5 for the prompt execution and delivery of the Bonds, in
6 definitive form, to the purchasers thereof against payment
7 of the principal of the Bonds and accrued interest to the
8 date of delivery. The principal of the Bonds shall be
9 deposited in the King County Road Improvement District No.
10 71 Construction Fund, which Fund was created by King County
11 Ordinance No. 2524, and the accrued interest shall be deposited
12 in the Bond Fund.

13 Section 11: Contract - Savings Clause. The covenants
14 contained in this ordinance and in the Bonds and the provi-
15 sions of the Bond Statute shall constitute a contract between
16 King County and the holder of each and every Bond and shall
17 be construed in accordance with and controlled by the laws
18 of the State of Washington.

19 If any one or more of the covenants or agreements
20 provided in this Ordinance to be performed on the part of
21 King County shall be declared by any court of competent
22 jurisdiction and final appeal to be contrary to law, then
23 such covenant or covenants, agreement or agreements, shall
24 be null and void, and shall be deemed separable from the
25 remaining covenants and agreements in this Ordinance, and
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1 shall in no way affect the validity of the other provisions
2 of this Ordinance.

3 INTRODUCED AND READ for the first time this 14th day
4 of February, 1977.

5 PASSED this 28th day of February, 1977.

KING COUNTY COUNCIL
King County, Washington

Mike Lowry
Chairman

10 ATTEST:

11 Jarvis M. Owens
12 Clerk of the Council

13 APPROVED this 7th day of March, 1977.
14 ~~February~~

[Signature]
King County Executive