

TOWN OF COUPEVILLE, WASHINGTON

ORDINANCE NO. 126

AN ORDINANCE relating to local improvements and special assessments in the Town of Coupeville, providing the manner of making such improvements and collecting such assessments and providing for the issuance of local improvement bonds, and repealing all ordinances or parts of ordinances in conflict therewith.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON,
as follows:

Section 1. Whenever the Town Council of the Town of Coupeville shall provide for making local improvements and for paying the whole or any portion of the cost and expense thereof by levying and collecting special assessments on property especially benefited, the proceedings therefor shall be in accordance with the provisions of an Act of the legislature of the State of Washington, entitled "An Act Relating to Local Improvements in Cities and Towns and Repealing Certain Acts and Parts of Acts," approved March 17, 1911, and Acts amendatory thereof (being Chapters 35.43, 35.44, 35.45, 35.49, 35.50 and 35.53, RCW), and the provisions of this Ordinance and ordinances amendatory thereof.

Section 2. Any such improvement may be initiated either upon petition or by resolution therefor, but such improvement may be ordered only by ordinance.

In case the improvement is initiated by petition, such petition shall be presented to and filed with the Town Clerk, or such other officer as may be designated by the Town Council. The Town Engineer shall thereupon examine such petition, determine the sufficiency thereof and ascertain if the facts therein stated are true and shall cause an estimate of the cost and expense of such improvement to be made and shall transmit the same to the Town Council, together with all papers and information in his possession regarding the same, together with his recommendations thereon and a description

of the boundaries of the district and a statement of the proportionate amount of the cost and expense of such improvement which shall be borne by property within the proposed assessment district, and a statement of the actual valuation of the real estate, including twenty-five per cent of the actual valuation of the improvements in such proposed district according to the valuation last placed upon it for purpose of general taxation, together with all other outstanding and unpaid local improvement assessments against the property included in the district, excluding penalties and interest; and in case the said petition is sufficient, shall also submit a diagram showing thereon the lots, tracts or parcels of land and other property which will be especially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of property, PROVIDED, that no such diagram shall be required where such estimates are on file in the office of the Town Engineer, or other designated Town office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.

The Town Council may initiate such improvement directly by resolution declaring its intention to order such improvement and setting forth the nature and territorial extent thereof and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the Town Council, or a committee thereof, at the time specified in such resolution. Such resolution shall be published in at least two (2) consecutive issues of the official newspaper of the Town, or, if there is no official newspaper, in a newspaper of general circulation within the Town, and the date of hearing thereon shall be at least fifteen (15) days after the date of the first publication of the same. The Town Engineer shall submit to the Town Council, at or prior to the date fixed for such hearing, the same data and information required to be submitted in the case of a petition.

The Town Council may, by ordinance, authorize the making of any such improvement and, in case of an improvement initiated by resolution of the Town Council, such ordinance may be passed on or at any time after the date of the hearing specified in the resolution.

Section 3. Every ordinance ordering a local improvement to be paid in whole or in part by assessments against the property specially benefited shall establish a local improvement district to be known as "Local Improvement

District No. _____," which shall embrace as nearly as practicable all the property specially benefited by the improvement.

Unless otherwise provided in the ordinance ordering the improvement, the improvement district shall include all the property between the termini of the improvement abutting upon, adjacent, vicinal, or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance of ninety feet back from the marginal lines thereof or to the center line of the blocks facing or abutting thereon, whichever is greater (in the case of unplatted property, the distance back shall be the same as in the platted property immediately adjacent thereto); Provided, that if the local improvement is such that the special benefits resulting therefrom extend beyond the boundaries as above set forth, the Council may create an enlarged district to include as nearly as practicable all the property to be specially benefited by the improvement; the petition or resolution for an enlarged district and all proceedings pursuant thereto shall conform as nearly as is practicable to the provisions relating to local improvement districts generally, except that the petition or resolution must describe it as an enlarged district and state what proportion of the amount to be charged to the property specially benefited shall be charged to the property lying between the termini of the proposed improvement and extending back from the marginal lines thereof, and what proportion thereof to the remainder of the enlarged district; Provided, further, that whenever the nature of the improvement is such that the special benefits conferred on the property are not fairly reflected by the use of the aforesaid termini and zone method, the ordinance ordering the improvement may provide that the assessment shall be made against the property of the district in accordance with the special benefits it will derive from the improvement without regard to the zone and termini method.

Section 4. All local improvements, funds for the making of which are derived in whole or in part from assessments upon property specially benefited, shall be made either by the Town itself, or by contract upon competitive bids in the manner provided by law. The Town Council shall determine

whether such local improvement shall be done by contract or the Town itself.

Section 5. The cost and expense of any such improvement shall be distributed and assessed against all the property included in such local improvement district, in accordance with the special benefits conferred thereon, and in the manner provided by law.

Section 6. The Town Council may provide by ordinance for the payment of the whole or any portion of the cost and expense of any local improvement by bonds of the improvement district, but no bonds shall be issued in excess of the cost and expense of the improvement, nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest.

Section 7. Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the manner prescribed therein, and at not less than par and accrued interest. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement.

Section 8. The Town Council may provide by ordinance for the issuance of warrants in payment of the cost and expense of any local improvement, payable out of the local improvement district fund. The warrants shall bear interest at the rate of not to exceed eight per cent per annum and shall be redeemed either in cash or by local improvement bonds for the same improvement authorized by ordinance.

All warrants against any local improvement fund sold by the Town or issued to a contractor and by him sold or hypothecated for a valuable consideration shall be claims and liens against the improvement fund against which they are drawn prior and superior to any right, lien or claim of any surety upon the bond or bonds given the the Town by or for the contractor to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or provisions and supplies for the carrying on of the work.

Section 9. All assessments for local improvements shall be collected by the Town Treasurer and shall be kept in a separate fund to be known as "Local Improvement Fund, District No. ____" and shall be used for no other purpose than the redemption of warrants drawn upon the bonds issued against the fund to provide payment for the cost and expense of the improvement.

As soon as the assessment roll has been placed in the hands of the Town Treasurer for collection, she shall publish a notice in the official newspaper of the Town for ten consecutive daily or two consecutive weekly issues, or if there is no official newspaper, in a newspaper of general circulation within the Town, that the roll is in his hands for collection and that any assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or costs.

Section 10. In all cases where bonds are issued to pay the cost and expense of a local improvement, the ordinance levying the assessments shall provide that the sum charged against any lot, tract, and parcel of land or other property, or any portion thereof, may be paid during the thirty-day period allowed for the payment of assessments without penalty or interest and that thereafter the sum remaining unpaid may be paid in equal annual installments. The number of installments shall be less by two than the number of years which the bonds issued to pay for the improvement are to run. Interest on the whole amount unpaid at the rate fixed by the ordinance shall be due on the due date of the first installment of principal and each year thereafter on the due date of each installment of principal. The first installment shall become due and payable during the thirty-day period succeeding a date one year after the date of first publication of the Treasurer's notice, and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of any assessment remain unpaid after the first thirty (30) day period herein provided for, interest upon the whole unpaid sum shall be charged at the rate fixed in the ordinance providing for such improvement, and each year thereafter one of said installments,

together with interest due upon the whole of the unpaid balance, shall be collected. Any installment not paid prior to the expiration of the thirty-day period during which such installment is due and payable shall thereupon become delinquent. All delinquent installments shall be subject to a charge for interest at the bond rate and to an additional charge of five (5) per cent penalty levied upon both principal and interest due on such installment or installments.

Section 11. In case said improvement is made on the bond installment plan, the Town Treasurer shall, at the expiration of thirty (30) days after the first publication of the notice to pay assessment, report to the Town Council the amount collected by him upon the said roll and shall specify in said report the amount remaining unpaid upon said roll, and the Town Council may then, or at a subsequent meeting, by ordinance, direct the Mayor and Town Clerk to issue the bonds on the local improvement district established by the ordinance ordering the improvement in an amount equal to the amount remaining unpaid on said assessment. Said ordinance shall specify the denomination of the bonds which, except for bond numbered "one," shall be in multiples of one hundred (\$100.00) dollars each.

Section 12. All bonds, unless otherwise specially ordered by the Council, issued in pursuance of the provisions of this ordinance, may be in substantially the following form:

No. _____ \$ _____

UNITED STATES OF AMERICA

STATE OF WASHINGTON

LOCAL IMPROVEMENT BOND

TOWN OF COUPEVILLE

LOCAL IMPROVEMENT DISTRICT NO. _____

N.B. This bond is issued by virtue of the provisions of RCW 35.45.010 et seq., § 35.45.070 of which reads as follows:

"Neither the holder nor the owner of any bond or warrant issued under the provisions of this act shall have any claim therefor against the city or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued, and

except as against the local improvement guaranty fund of such city or town, and the city or town shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the city or town. The remedy of the holder or owner of a bond or warrant in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund."

The Town of Coupeville, a municipal corporation of the State of Washington, hereby promises to pay to _____ or bearer _____ Dollars (\$ _____), in 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 Town, and known as "Local Improvement Fund, District No. _____," and not otherwise, except from the guaranty fund, as herein provided. Both principal of and interest on this bond are payable at the office of the Town Treasurer of said Town.

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 coupon to the Town Treasurer.

This bond is payable on or before the _____ day of _____, 19____, and is subject to call by the Town Treasurer of said Town whenever there shall be sufficient money in said Local Improvement Fund to pay the same and all unpaid bonds of the series of which this bond is one, which are prior to this bond in numerical order, over and above sufficient for the payment of interest on all unpaid bonds of said series. The call for payment of this bond, or of any bond of the series of which this is one, shall be made by the Town Treasurer by publishing the same once in the official newspaper, or, if there is no official newspaper, in a newspaper of general circulation within the Town, and when such call is made for the payment of this bond it 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 any remaining coupons shall be void.

The Town Council of said Town as the agent of said Local Improvement District No. _____, established by Ordinance No. _____, has caused this bond to be issued in the name of said Town as the bond of said Local Improvement 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 said Ordinance No. _____, as is levied and assessed against the property included in said Local Improvement District No. _____ 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 and to the Local Improvement Guaranty Fund of the Town of Coupeville for the payment of either the principal of or interest on this bond.

This bond is one of a series of _____ bonds aggregating in all the principal sum of _____ Dollars (\$ _____), all of which bonds are subject to the same terms and conditions as herein expressed.

IN WITNESS WHEREOF, the Town of Coupeville has caused these presents to be signed by its Mayor and attested by its Town Clerk and sealed with its corporate seal this _____ day of _____, 19____.

TOWN OF COUPEVILLE, WASHINGTON

BY _____
MAYOR

ATTEST:

TOWN CLERK

There shall be attached to each bond such a number of coupons as shall be required to represent the interest thereon payable either annually or semiannually, as the case may be, for the term of said bonds, which coupons shall be substantially in the following form:

On the _____ day of _____, 19____, the TOWN OF COUPEVILLE, STATE OF WASHINGTON, promises to pay to the bearer at the office of the Town Treasurer _____ Dollars (\$ _____), being (six) (twelve) months' interest due that day on Bond No. _____ of the bonds of Local Improvement 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, and if said bond shall be called for payment before maturity hereof, then this coupon shall be void.

TOWN OF COUPEVILLE, WASHINGTON

BY _____
MAYOR

ATTEST:

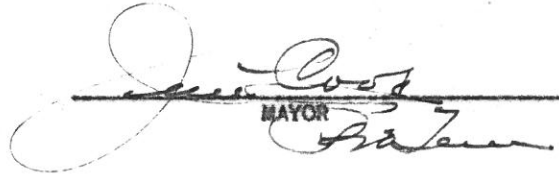
TOWN CLERK

The Town Treasurer shall keep in his office a register of all such bonds in which he shall enter the local improvement district for which the same are issued and the date, amount and number of each bond and the terms of payment.

Section 13. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 14. The laws of the State of Washington and the provisions of this Ordinance shall be applicable to all local improvements and proceedings therein initiated by petition or resolution subsequent to the passage and legal publication or posting of this Ordinance, including Local Improvement District No. 1, and all proceedings and the manner of the collection and enforcement of all assessments in such proceedings shall be in compliance therewith.

PASSED by the Town Council at a regular meeting thereof and
APPROVED by the Mayor of the Town of Coupeville, Washington, this 14th day
of July, 1958.


MAYOR

ATTEST:

TOWN CLERK

I, LORINE N. KIPPEN, Clerk of the Town of Coupeville, Washington,
do hereby certify that the attached Ordinance, being Ordinance No. _____, is
a full, true, complete and correct copy of the original Ordinance passed
July 14, 1958, as said Ordinance appears on the Minute Book of the Town.

DATED this 14th day of July, 1958.

Clerk of the Town of Coupeville,
Washington