

Ordinance No. 00320

[Council meeting minutes of Nov 3 2003](#)

ORDINANCE NO. 320

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating Chapter 9.24 of the Lakewood Municipal Code relating to the establishment of a process for the formation of Local Improvement and Utility Local Improvement Districts.

WHEREAS, the City of Lakewood desires improvements to the infrastructure of the City; and

WHEREAS, some such improvements specifically benefit particular local property owners; and,

WHEREAS, pursuant to RCW 35.43 through 35.56, the City has the authority to finance such local improvements through the formation of Local Improvement Districts (LID) and Utility Local Improvement Districts (ULID).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That a new Chapter 9.24 of the Lakewood Municipal Code be, and the same hereby is, created to read as follows:

Chapter 9.24 LOCAL IMPROVEMENT DISTRICTS

Sections:

- 9.24.010 Procedures relating to local improvement districts and utility local improvement districts.
- 9.24.020 Powers and duties of city engineer ? Assessment roll.
- 9.24.030 Delinquent installments ? Penalties.
- 9.24.040 Notice of delinquent assessments.
- 9.24.050 Foreclosure of delinquent assessments.
- 9.24.060 Issuance of bonds.

9.24.010 Procedures relating to local improvement districts and utility local improvement districts.

A local improvement, the cost of which is to be borne in whole or in part by special assessments on the property benefited thereby, may be ordered only by an ordinance, pursuant either to a resolution or petition therefor and in accordance with the provisions of Chapter [35.43](#) RCW through Chapter [35.56](#) RCW, as amended.

9.24.020 Powers and duties of city engineer ? Assessment roll.

A. The city engineer is designated as the officer responsible for determining the sufficiency and accuracy of any petition filed to initiate a proceeding for the formation of a local improvement district or utility local improvement district. Upon the filing of a petition found by the city engineer to be sufficient or upon the adoption of a resolution initiating a proceeding for the formation of a local improvement district or utility local improvement district, the city engineer shall cause an estimate to be made of the cost and expense of the proposed improvement and shall certify it to the city council, together with all papers and information in the city engineer's possession touching

the proposed improvement, a description of the boundaries of the district, and a statement of what portion of the cost and expense of the improvement should be borne by the property owners within the proposed district.

B. The city engineer shall prepare the final plans and contract documents and shall obtain bids for the construction of the improvement.

9.24.030 Delinquent installments ? Penalties.

Whenever any installment upon any local improvement district assessment or utility local improvement district assessment shall become delinquent, each such delinquent installment remaining unpaid at the date of delinquency shall have added thereto a penalty equal to the rate of interest provided by ordinance for the bonds or installment note or notes issued to pay the costs of the improvement in such local improvement district or utility local improvement district plus five (5) percent. When not otherwise provided by ordinance, such delinquent installments shall bear interest at the same rate as is provided by ordinance for the final assessment roll for such local improvement district or utility local improvement district or for the bonds or installment note or notes issued in payment or part payment of the cost of the improvement in such local improvement district or utility local improvement district.

9.24.040 Notice of delinquent assessments.

It shall be the duty of the city treasurer on or before the first day of July of each year to notify by certified mail the persons whose names appear on the assessment roll as the owners of property charged with assessments or installments which are more than two (2) years delinquent on the first day of January preceding, or for which the final installment has been delinquent since the first day of January of the preceding year, for the purpose of foreclosing the delinquent assessment or delinquent installment as provided by Chapter [35.50](#) RCW. If the person whose name appears on the tax rolls of the Pierce County assessor as the owner of the property, or the address shown for the owner on such rolls differs from that appearing on the city assessment roll, then the city treasurer shall also mail a copy of the notice to that person or that address. The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which proceedings to foreclose will be commenced.

9.24.050 Foreclosure of delinquent assessments.

When any local improvement district or utility local improvement district assessment is payable in installments, upon failure to pay any installment due, the assessment shall become immediately due and payable, and the collection thereof shall be enforced by foreclosure. The payment of all delinquent installments, together with interest, penalty and costs, at any time before the entry of judgment in foreclosure shall extend the time of payment on the remainder of the assessment installments as if there had been no delinquency or foreclosure. Foreclosure proceedings may be commenced at any time on or before November 15 of the year in which, on the first day of January of such year, two (2) installments of any local improvement district or utility local improvement district assessment were delinquent or the final installment was delinquent for more than one (1) year. In case of foreclosure, there shall be added to the costs and expenses provided by Chapter [35.50](#) RCW, such reasonable attorneys' fees as the court may adjudge to be equitable, and the amount thereof shall be apportioned to each delinquent assessment or installment appearing on that roll. When one (1) or more delinquent installments are paid before the foreclosure proceedings are completed, payment of such costs shall be a prerequisite to the city's dismissal of such proceedings unless otherwise ordered by the court.

9.24.060 Issuance of bonds.

All local improvement district and utility local improvement district bonds shall be issued and registered in compliance with the applicable provisions of state and federal law and the ordinances authorizing the issuance and sale of the bonds.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council 3rd day of November, 2003.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney