

ORDINANCE NO. 2011-01

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to Local Improvement District No. 22; approving and confirming the assessments and assessment roll of Local Improvement District No. 22 for the Winslow Way Reconstruction Project, as provided by Ordinance No. 2010-32; and, levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land and other property as shown on the assessment roll.

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN as follows:

Section 1. Recitals.

1.1 Local Improvement District No. 22, in the City of Bainbridge Island, Washington (the "City"), sometimes referred to as the Winslow Way LID ("LID No. 22" or the "LID") was created by Ordinance No. 2010-32 for the purpose of improving the area within the City adjacent to Winslow Way by the construction of utility and street improvements. The assessment roll proposing the special assessments to be levied against the property located in the LID has been filed with the City Clerk as provided by law.

1.2 As provided by law, the City has published notice of the time and place of hearing on the assessment roll, providing an opportunity to make objections and protests to the roll, fixing the time and place of such hearing for February 2, 2011 at 7 p.m. in the Council Chambers in the City Hall, Bainbridge Island, Washington. Further notice thereof was mailed by the City Clerk to each property owner shown on the assessment roll.

1.3 The hearing was held at the time and place designated in the notice. All written protests received were considered and all persons appearing at the hearing who wished to be heard were heard. The City Council, sitting and acting as a Board of Equalization, considered the assessment roll and the special benefits to be received by each lot, parcel and tract of land shown upon such roll, including the increase and enhancement of the fair market value of each such parcel of land by reason of the improvements.

Section 2. Findings of Fact and Conclusions of Law.

2.1 Section 1, above, is incorporated herein by this reference.

2.2 Local Improvement District No. 22, has been created and established for the purpose of making utility and street improvements, more commonly referred to as the Winslow Way Reconstruction Project, all as provided by Ordinance No. 2010-32. The assessments and assessment roll for Local Improvement District No. 22 as the same now stand shall be and the same are approved and confirmed in all things and respects in the total amount of \$1,000,000.

2.3 Each of the lots, tracts, parcels of land and other property shown upon the assessment roll is determined and declared to be specially benefited by this improvement in at

least the amount charged against the same, and the assessment appearing against the same is in proportion to the several assessments appearing upon the roll. There is levied and assessed against each lot, tract or parcel of land and other property appearing upon the roll the amount finally charged against the same thereon.

2.4 There are no additional findings or conclusions attached to this document.

Section 3. Confirmation and Collection.

3.1 The assessment roll as approved and confirmed shall be filed with the City Finance Director for collection and the Finance Director is authorized and directed to publish notice as required by law stating that the roll is available for collection and that payment of any assessment thereon or any portion of such assessment can be made at any time within 30 days from the date of first publication of such notice without penalty, interest or cost. Thereafter, the sum remaining unpaid may be paid in ten (10) equal annual installments of principal with interest due on the unpaid balance, and shall be collected. The estimated interest rate is stated to be 5% per annum, with the exact interest rate to be fixed by the resolution authorizing the issuance and sale of the local improvement bonds for Local Improvement District No. 22 in accordance with Ordinance No. 2010-33. The first installment of assessments on the assessment roll shall become due and payable during the 30-day period succeeding the date one year after the date of first publication by the Finance Director of notice that the assessment roll is available for collection and annually thereafter each succeeding installment shall become due and payable in like manner.

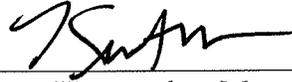
3.2 If the whole or any portion of the assessment remains unpaid after the first 30-day period, interest upon the whole unpaid sum shall be charged at the rate as determined above, and each year thereafter one of the installments of principal together with interest due on the unpaid balance, shall be collected. Any installment not paid prior to expiration of the 30-day period during which such installment is due and payable shall thereupon become delinquent. Each delinquent installment shall be subject, at the time of delinquency, to a penalty equal to the rate of interest provided, plus 5%, levied on both principal and interest due upon that installment, and all delinquent installments also shall be charged interest at the rate as determined above. The collection of such delinquent installments shall be enforced in the manner provided by law.

Section 4. Ratification of Prior Acts. Any actions taken consistent with the purpose and authority but prior to the effective date of this ordinance are ratified, approved, and confirmed.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

PASSED by the City Council this 9th day of February, 2011.

APPROVED by the Mayor this 9th day of February, 2011.



Kirsten Hytopoulos, Mayor

ATTEST:



Rosalind D. Lassoff, City Clerk

FILED WITH CITY CLERK:	January 28, 2011
PASSED BY THE CITY COUNCIL:	February 9, 2011
PUBLICATION DATE:	February 11, 2011
EFFECTIVE DATE:	February 16, 2011
ORDINANCE NO.:	2011-01

CERTIFICATION

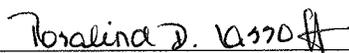
I, the undersigned, City Clerk of the City of Bainbridge Island, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. 2011-32 (the "Ordinance") is a full, true and correct copy of an Ordinance duly adopted at a regular meeting of the City Council of the City held at the regular meeting place thereof on February 9, 2011, as that Ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after publication in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

DATED this 9th day of February, 2011.

CITY OF BAINBRIDGE ISLAND,
WASHINGTON



Rosalind D. Lassoff, City Clerk