

ORDINANCE NO. 2014-938

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, MODIFYING, APPROVING AND CONFIRMING THE ASSESSMENTS AND ASSESSMENT ROLL OF LOCAL IMPROVEMENT DISTRICT NO. 2013-01 FOR THE CONSTRUCTION AND INSTALLATION OF SEWER LINES AND APPURTENANCES AS ORDERED BY ORDINANCE NO. 2013-934, AND LEVYING AND ASSESSING 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 DEER PARK, WASHINGTON, DO ORDAIN as follows:

Section 1. After due consideration, and being fully informed and advised, the City Council of the City of Deer Park, Washington (the "City"), finds and determines as follows:

(a) The assessment roll levying the special assessments against the property located in Local Improvement District No. 2013-01 in the City, created by Ordinance No. 2013-934 for the construction and installation of certain improvements in the City, was filed with the City Clerk as provided by law; Notice of the time and place of the hearing thereon and for making objections and protests to the roll was published in the manner provided by law fixing the time and place for commencement of the hearing thereon for the 22nd day of January, 2014, at 7:00 p.m., local time, at City Hall in Deer Park, Washington. Further notice thereof was mailed by the City Clerk to each property owner shown on the roll as required by law;

(b) At the time and place fixed and designated in the notice the hearing was convened and commenced and no written protests were received at or before the hearing and all persons appearing at the hearing who wished to be heard were heard;

(c) The City Council, sitting and acting as a Board of Equalization for the purpose of considering the 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, determined the special assessments to be appropriate; and

(d) The method of assessment submitted by the Petitioner property owners in the LID Petition that was used in Local Improvement District No. 2013-01, to be the most fair and equitable method available and more properly reflective of the special benefits to the affected lots, tracts, and parcels of land than any other methods, and that no property owner produced any competent, material and convincing evidence to the contrary at the hearing.

Section 2. The assessments and assessment roll of Local Improvement District No. 2013-01, as the same now stand in the assessment roll attached hereto as Exhibit "A" should be and the same are approved and confirmed in all things and respects in the total amount of \$1,360,697. The legal descriptions for the properties subject to the LID assessments are attached hereto as Exhibit "B".

Section 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.

Section 4. The assessment roll as approved and confirmed shall be filed with the City Treasurer for collection and the City Treasurer is authorized and directed to publish notice as required by law stating that the roll is in her hands 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, and that thereafter the sum remaining unpaid may be paid in twenty (20) equal annual installments of principal and interest, commencing on the date said thirty (30) day payment period expires. The estimated assessment interest rate is stated to be 5.5% per annum, with the exact interest rate to be one quarter of one percent greater than the interest rate fixed in the ordinance authorizing the issuance and sale of the bonds to finance the improvements to be constructed as the Local Improvement District No. 2013-01 Project, but in no event greater than 5.5% per annum. Such notice shall not be published before the City Treasurer determines the construction of the improvements to be constructed within Local Improvement District No. 2013-01 are substantially complete.

The first installment of assessments on the assessment roll shall become due and payable as set forth in the preceding paragraph and each succeeding installment shall become due and payable annually in like manner. 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. The collection of such delinquent installments shall be enforced in the manner provided by law.

Section 5. This ordinance shall take effect and be in full force five (5) days after this ordinance or a summary thereof consisting of the title is published.

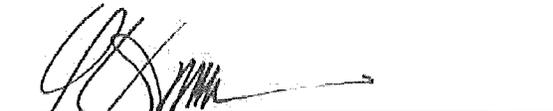
APPROVED:


ROBERT WHISMAN, MAYOR

ATTEST/AUTHENTICATED:


DEBRA L. CRAGUN, CITY CLERK/TREASURER

APPROVED AS TO FORM:
OFFICE OF CITY ATTORNEY


CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	<u>12/31/13</u>
PASSED BY THE CITY COUNCIL	:	<u>01-22-2014</u>
PUBLISHED	:	<u>01-24-2014</u>
EFFECTIVE DATE	:	<u>01-31-2014</u>
ORDINANCE NO.	:	<u>2014-938</u>

EXHIBIT "A"
ASSESSMENT ROLL FOR CITY OF DEER PARK
LOCAL IMPROVEMENT DISTRICT NO. 2013-01

<u>PROPERTY OWNER</u>	<u>SPOKANE COUNTY TAX PARCEL NUMBER</u>	<u>LID ASSESSMENT AMOUNT</u>
Deer Park Country Club, LLC	29364.0033	\$66,674
Deer Park Country Club, LLC	29364.0032	66,674
Deer Park Country Club, LLC	29364.0031	66,674
Deer Park Country Club, LLC	29364.0030	66,674
Deer Park Country Club, LLC	29364.0029	88,446
Deer Park Country Club, LLC	29364.0028	36,739
Deer Park Country Club, LLC	28012.0012	111,574
Deer Park Country Club, LLC	28011.0005	134,709
Choice Holding, LLC	29364.0010	89,806
Choice Holding, LLC	28011.0083	46,264
Choice Holding, LLC	28011.0002	136,070
Reilly Family, LLC	28011.0003	110,217
Reilly Family, LLC	28011.0010	74,839
Chilson	28011.0081	106,135
Chilson	28011.0001	104,774
DJD-ENT, LLC	28011.0102	54,428
TOTAL ASSESSMENTS		\$1,360,697

For purposes of the above table and Exhibit "A" to this Petition, the references to "Chilson" as a property owner shall mean "Elmer C. Chilson, spouse of Barbara A. Chilson and Barbara A. Chilson, Trustee, of the Barbara A. Chilson Living Trust" and the references to "DJD-ENT, LLC" shall mean the same as "DRDJ Vet."

EXHIBIT "B"

The legal descriptions for the properties subject to the City of Deer Park Local Improvement District No. 2013-01 Petition are as follows with respect to each property owner. All of the legal descriptions are hereby modified to exclude any portions of the properties described below in this Exhibit "B" which have been deeded or dedicated to the City of Deer Park, Washington for right of way purposes.

1. DEER PARK COUNTRY CLUB, LLC LEGAL DESCRIPTION

THAT PORTION OF THE NORTH HALF OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 42 EAST, W.M., LYING NORTHWESTERLY OF AIRPORT ROAD AND EAST OF THE CENTER LINE OF SECTION 36, TOWNSHIP 29 NORTH, RANGE 42 EAST, W.M. EXTENDED SOUTH;

EXCEPT THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 42 EAST, W.M. LYING NORTHWESTERLY OF AIRPORT ROAD AND EAST OF THE CENTER LINE OF SECTION 36, TOWNSHIP 29 NORTH, RANGE 42 EAST, W.M. EXTENDED SOUTH;

SITUATE IN THE CITY OF DEER PARK, COUNTY OF SPOKANE, STATE OF WASHINGTON;

AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING NORTH OF AIRPORT ROAD, ALL IN SECTION 36, TOWNSHIP 29 NORTH, RANGE 42 EWM;

EXCEPTING THEREFROM ANY PORTION LYING WITHIN CEDAR ROAD;

FURTHER EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO TE CITY OF DEER PARK BY DEED RECORDED SEPTEMBER 13, 1983 UNDER AUDITOR'S NOS. 8301920213, 8301930215, 839130216, 8309130219 AND 8309130221;

SITUATE IN THE CITY OF DEER PARK, COUNTY OF SPOKANE, STATE OF WASHINGTON.

APN: 28011.0005, 28012.0012, 29364.0028, 29364.0029, 29364.0030, 29364.0031, 29364.0032 and 29364.0033

**2. CHOICE HOLDINGS, LLC
LEGAL DESCRIPTION**

PARCEL A

THAT PORTION OF THE E1/2 OF GOVERNMENT LOT 2, LYING SOUTHEASTERLY OF DEER PARK AIRPORT ROAD, IN SECTION 1, TOWNSHIP 28 NORTH, RANGE 42 EAST, W.M.;

EXCEPT THE NORTHERLY 30 FEET, MEASURED AT RIGHT ANGLES, FOR CITY STREET RIGHT OF WAY PURPOSES;

AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE E1/2 OF SAID GOVERNMENT LOT 2 AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF DEER PARK-AIRPORT ROAD, A COUNTY ROAD 100.00 FEET IN WIDTH;

THENCE NORTH 45°10'55" EAST ALONG SAID RIGHT OF WAY 10.69 FEET;
THENCE LEAVING THE SAID RIGHT OF WAY SOUTH 24°11'10" EAST, 78.23 FEET TO THE POINT OF BEGINNING; SAID POINT OF BEGINNING IS ALSO THE CENTER OF A CIRCLE WITH A RADIUS OF 10.00 FEET, THE PERIMETER OF WHICH DEFINES THE PROPERTY LINE.

SITUATE IN THE CITY OF DEER PARK, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL B

THE W1/2 OF GOVERNMENT LOT 1 OF THE NE1/4 OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 42 EAST, W.M.

SITUATE IN THE COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL C

THAT PORTION OF THE SE1/4 OF SECTION 36, TOWNSHIP 29 NORTH,
RANGE 42 EAST, W.M., LYING SOUTHEASTERLY OF DEER PARK-AIRPORT
ROAD #1833;

EXCEPT THE EAST 30 FEET THEREOF FOR CEDAR ROAD;

AND EXCEPT THE SOUTH 35 FEET THEREOF.

SITUATE IN THE CITY OF DEER PARK, COUNTY OF SPOKANE, STATE OF
WASHINGTON.

APN: 28011.0083

APN: 28011.0002

APN: 29364.0010

**3. REILLY FAMILY, LLC
LEGAL DESCRIPTION**

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF
SECTION 1, TOWNSHIP 28 NORTH, RANGE 42 EAST OF THE WILLAMETTE
MERIDIAN;

EXCEPTING THEREFROM THE SOUTH 35 FEET FOR THE DEER PARK-
MILAN CRP NO. 1273;

SITUATE IN THE CITY DEER PARK, COUNTY OF SPOKANE, STATE OF
WASHINGTON.

APN: 28011.0003

APN: 28011.0010

**4. BARBARA A. CHILSON LIVING TRUST
LEGAL DESCRIPTION**

THE EAST HALF OF GOV'T LOT 1; AND THE NORTH HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 42 EAST, W.M., IN THE CITY OF DEER PARK, SPOKANE COUNTY, WASHINGTON;

EXCEPT THE EAST 30 FEET THEREOF FOR CEDAR ROAD.

APN: 28011.0001

APN: 28011.0081

**5. DJD-ENT, LLC
LEGAL DESCRIPTION**

LOT 2 OF CITY OF DEER PARK SHORT PLAT, SP-2013-01, RECORDED AUGUST 15, 2013 IN BOOK 28 OF SHORT PLATS AT PAGES 27 AND 28, SPOKANE COUNTY AUDITOR FILE NO. 6239063.

APN: 28011.0102

SUMMARY OF ORDINANCE NO. 2014-938

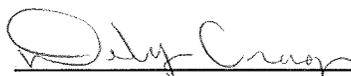
of the City of Deer Park, Washington

On the 22nd day of January, 2014, the City Council of the City of Deer Park passed Ordinance No. 2014-938. A summary of the content of said Ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, MODIFYING, APPROVING AND CONFIRMING THE ASSESSMENTS AND ASSESSMENT ROLL OF LOCAL IMPROVEMENT DISTRICT NO. 2013-01 FOR THE CONSTRUCTION AND INSTALLATION OF SEWER LINES AND APPURTENANCES AS ORDERED BY ORDINANCE NO. 2013-934, AND LEVYING AND ASSESSING THE COST AND EXPENSE THEREOF AGAINST THE SEVERAL LOTS, TRACTS, PARCELS OF LAND AND OTHER PROPERTY AS SHOWN ON THE ASSESSMENT ROLL.

The full text of this Ordinance will be mailed upon request.

DATED this 23rd day of January, 2014.



DEBY CRAGUN, CITY CLERK/TREASURER

I, DEBRA L. CRAGUN, City Clerk of the City of Deer Park, Washington, certify that the attached copy of Ordinance No. 2014-938 is a true and correct copy of the original ordinance passed by the City Council on the 22nd day of January, 2014, as that ordinance appears on the Minute Book of the City,.

DATED this 23rd day of January, 2014.

CITY OF DEER PARK, WASHINGTON



DEBRA L. CRAGUN, City Clerk