

ORDINANCE NO. 2022-1007

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, MODIFYING, APPROVING AND CONFIRMING THE ASSESSMENTS AND ASSESSMENT ROLL OF LOCAL IMPROVEMENT DISTRICT NO. 2019-01, CONFIRMING SUBSTANTIAL COMPLETION OF THE CONSTRUCTION OF WATER, SEWER, STREET LIGHTING, STORM WATER, SIDEWALKS, AND ROAD CONSTRUCTION IMPROVEMENTS FROM SIXTH STREET TO ENOCH ROAD, AS ORDERED BY ORDINANCE NO. 2019-988, AND LEVYING AND ASSESSING A PORTION OF THE COST AND EXPENSE THEREOF AGAINST THE SEVERAL LOTS, TRACTS, PARCELS OF LAND, AND OTHER PROPERTY AS SHOWN ON THE ASSESSMENT ROLL.

WHEREAS, on October 2, 2019, the City Council of the City of Deer Park, Washington (the "City") passed City Ordinance No. 2019-988 forming Local Improvement District ("LID") No. 2019-01 for the financing of a portion of the cost of construction of infrastructure improvements and levying and assessing a portion of the cost and expense thereof against several lots, parcels of land, and other property shown on the preliminary proposed assessment roll, Section 8 of the LID Petition, Exhibit "1" to Ordinance No. 2019-988; and

WHEREAS, on December 2, 2019, the City recorded Ordinance No.2019-988 with the Spokane County Auditor under Auditor's File No. 6869270.

WHEREAS, the Petition for LID No. 2019-01 (Exhibit "1" to Ordinance No. 2019-988) submitted to the City and signed by all of the owners of the property benefiting from the LID improvements committed the property owners to the assessments; and

WHEREAS, Section 10 of the LID Petition, Exhibit "1" to Ordinance No. 2019-988, provides that 100% of the owners of property participating in the LID No. 2019-01 signed the Petition; and

WHEREAS, the City was able to design and construct the infrastructure improvements, including water, sewer, street lighting, storm water, sidewalk and road construction improvements on Cedar Road from Sixth Street to Enoch Road as identified in documents on file at the City and prepared by the City consulting engineers, JUB Engineers, Inc. ("JUB") and as provided by the City to the United States Commerce Economic Development Administration ("EDA") and the Community Economic Revitalization Board ("CERB") (the "LID Improvement Project") for the total final estimated cost of \$4,500,000 which amount is less than the anticipated cost of \$6,200,000; and

WHEREAS, because the City was able to design and construct the LID Improvement Project for less than the cost anticipated, the City Council has determined that the final assessment roll should be reduced proportionately from \$1,250,000 to \$875,000 to provide a \$375,000 savings for the LID Improvement Project property owners as set forth in Section 2 of this Ordinance, which replaces the preliminary assessment roll set forth in Section 8 of the LID Petition, Exhibit "1" to Ordinance No. 2019-988; and

WHEREAS, at the time of submission of the LID Petition to the City and at the time of passage of City Ordinance No. 2019-988, the City did not know specifically what the interest rate would be for LID No. 2019-01 and therefore Section 6 of the LID Petition, Exhibit "1" to

Ordinance No. 2019-988, provides the interest rate would be three percent which is equal to the interest rate on the CERB loan plus one-half of one percent for an administrative fee charged by the City which results in a total interest rate of three and one-half percent which is less than the maximum interest rate of five percent which the LID Petitioners agreed to pay; and

WHEREAS, RCW 35.44.080 and 35.44.090 provide that notice must be given to all property owners benefiting from the LID Improvements more than 15 days prior to the date of the public hearing on the final assessment roll and further provide the methods for publication of the same; and

WHEREAS, the City mailed the appropriate notice to all affected property owners on February 10, 2022, and published the notice in the Spokesman Review on February 14, 2022 and February 21, 2022, all dates being more than 15 days prior to the public hearing on the final roll assessment; and

WHEREAS, RCW 35.44.100 provides that the City Council for the City shall hold a public hearing on the final roll assessment for an LID prior to approval by the same providing an opportunity for affected property owners to comment; and

WHEREAS, a public hearing on the final roll assessment was held on March 16, 2022 at the Regular City Council Meeting and no affected property owners voiced objection to the final assessment roll; and

WHEREAS, following the public hearing, the City Council determined that passage of this Ordinance is in the best interests of the citizens of the City of Deer Park, Washington; now, therefore,

**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 finds and determines as follows:

(a) The Recitals set forth above in this Ordinance should be and hereby are made a part of this Ordinance; and

(b) The assessment roll levying the special assessments against the property located in LID No. 2019-01 (which properties are legally described in Exhibit "A" which is attached hereto and incorporated herein by this reference), created by Ordinance No. 2019-988 for construction and installation of the LID Improvement Project in the City, was filed with the City Clerk as provided by law; notice of the time and place of the public 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 public hearing on March 16, 2022 at 7:00 p.m., at City Hall in Deer Park, Washington. Further notice thereof was mailed by the City Clerk-Treasurer to each property owner shown on the assessment roll as required by law; and

(c) At the time and place fixed and designated in the notice, the public 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; and

(d) The City Council, sitting and acting as a Board of Equalization for the purposes of considering the assessment roll and special benefits to be received by each lot, parcel and tract of land shown upon such assessment roll, including the increase and enhancement of the fair market value of each such parcel of land by reason of the construction of the LID Improvement Project, determined the special assessments to be appropriate; and

(e) The method of assessment submitted by the property owners in the LID Petition that was used in LID No. 2019-01 (Exhibit "1" to City Ordinance No. 2019-988), 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 competent material or convincing evidence to the contrary at the public hearing.

Section 2. Certain properties whose owners signed LID Petition No. 2019-01, Exhibit "1" to Ordinance No. 2019-988, changed ownership following passage of said Ordinance. All new owners have confirmed their continued commitment to LID No. 2019-988 following passage of Ordinance No. 2019-988. These ownership changes are identified as follows:

- A. Property owners Knight Family Airport, LLC and Daniel and Carol McDonald swapped properties commonly known as Spokane County Tax Parcel ("Parcel") No. 29364.0025 and 29364.0027. This property swap and commitment to the LID was recorded with the Spokane County Auditor under Auditor's File No. 7168271 on January 5, 2022. Knight Family Airport, LLC is responsible for the assessment roll payment for Parcel 29364.0027 and Daniel and Carol McDonald are responsible for the final assessment roll payment for Parcel 29364.0025.
- B. Property owned by Bradley and Peggy Coyle, commonly known as Parcels 29361.0019 and 29361.0018 is now owned by the Coyle Family Living Trust. The Coyle Family Living Trust is responsible for the final assessment roll payment for Parcels 29361.0019 and 29361.0018.
- C. Property owned by Eldredge Holdings, LLC, commonly known as Parcel 29364.0024, is now owned by Airport Mini Storage, LLC. Airport Mini Storage, LLC is responsible for the final assessment roll payment for Parcel 29364.0024.

Section 3. The final assessment roll for LID No. 2019-01 is hereby established and confirmed in all respects in the total amount of \$875,000 as set forth in the table below and shall be applicable to the real properties described in Exhibit "A" to this Ordinance.

<u>PROPERTY OWNER</u>	<u>SPOKANE COUNTY TAX PARCEL NUMBER</u>	<u>LID FINAL ASSESSMENT ROLL AMOUNT</u>
Knight Family Airport, LLC	29364.2001	76,386.96
Knight Family Airport, LLC	29364.1901	67,450.02
Knight Family Airport, LLC	29364.0027	60,768.72
Terrance A. & Marcia H. McDonald, husband and wife	29364.0026	60,748.47
Daniel J. & Carol A. McDonald, husband and wife	29364.0025	60,746.31
Airport Mini Storage, LLC	29364.0024	55,223.37
Deer Park Country Club, LLC	29365.0035	11,046.52
Reynolds Property	29361.0023	56,186.26
City of Deer Park	29361.0022	61,709.52
Leif Semar, as his separate estate	29361.0021	61,709.52
Tyler Holmes, as his separate estate	29361.0020	61,709.52
Coyle Living Trust	29361.0019	123,419.03
Coyle Living Trust	29361.0018	117,895.78
Total Assessments		\$875,000

Section 4. 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 other 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 5. The assessment roll as approved and confirmed shall be filed with the City Clerk-Treasurer for collection and the City Clerk-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 thirty (30) days from the date of first publication of such notice and on or before August 1, 2022, without penalty, interest or costs, and that effective August 1, 2022, the sum remaining unpaid may be paid in twenty (20) equal annual installments of principal and interest, commencing on August 1, 2022. The interest rate on the twenty (20) equal annual installments shall be three and one-half percent (3.50%) per annum, which interest rate is one-half of one percent greater than the true all in interest rate the City is paying on the Community Economic Revitalization Board ("CERB") loan used to finance a portion of the LID Improvement Project for Local Improvement District No. 2019-01.

The first installment of the 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 August 1, 2022, interest upon the whole unpaid sum shall be charged at the rate described 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 the date such installment is due and payable (August 1 of each

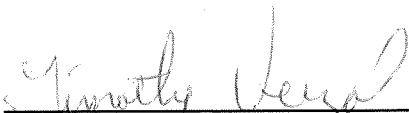
year) shall thereupon become delinquent. The collection of such delinquent installments shall be enforced in the manner provided by law.

Section 6. The LID Improvement Project was determined to be substantially complete on November 17, 2021. The City made its first annual CERB loan payment in January 2022.

Section 7. If any section, sentence, clause, or phrase of this ordinance shall 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.

Section 8. This Ordinance shall take effect and be in full force five (5) days after this ordinance or summary thereof consisting of the title is published.

APPROVED:



TIMOTHY VERZAL, MAYOR

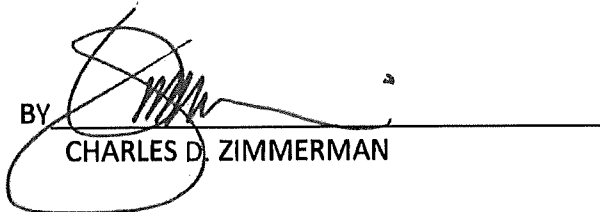
ATTEST/AUTHENTICATED:



DEBY CRAGUN, CITY CLERK/TREASURER

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

BY  _____
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.:

3/7/2022
3/16/2022
3/18/2022
3/23/2022
2022-1007

SUMMARY OF ORDINANCE NO. 2022-1007

of the City of Deer Park, Washington

On the 16th day of March, 2022, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2022-1007. 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. 2019-01, CONFIRMING SUBSTANTIAL COMPLETION OF THE CONSTRUCTION OF WATER, SEWER, STREET LIGHTING, STORM WATER, SIDEWALKS, AND ROAD CONSTRUCTION IMPROVEMENTS FROM SIXTH STREET TO ENOCH ROAD, AS ORDERED BY ORDINANCE NO. 2019-988, AND LEVYING AND ASSESSING A PORTION OF 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 17th day of March, 2022.



CITY CLERK/TREASURER, DEBY CRAGUN

Exhibit A
LID No 2019-01
Property Legal Descriptions

Lot 1, Knight Final Short Plat SP 2018-5, as per plat recorded in Volume 32 of Short Plats, page 95 and 96, records of Spokane County;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29364.2001**

Lot 1, Knight Final Short Plat SP 2016-1, as per plat recorded in Volume 30 of Short Plats, pages 40 and 41, records of Spokane County;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29364.1901**

The South half of the South half of the Northeast quarter of the Southeast quarter of Section 36, Township 29, Range 42 East of the Willamette Meridian;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29364.0027**

The North half of the South half of the Northeast quarter of the Southeast quarter of Section 36, Township 29 North, Range 42 East of the Willamette Meridian;

Except Cedar Road;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29364.0026**

That portion of the Southeast quarter of Section 36, Township 29 North, Range 42 East of the Willamette Meridian, described as follows:

Beginning at the South quarter corner of Section 26;
Thence North 0°43'48" West, along the North-South centerline of Section 36, 1,321.01 feet to a point;
Thence South 88°50'44" East, 1,326.04 feet to a point;
Thence North 0°57'51" West 660.22 feet to the true point of beginning;
Thence South 88°49'45" East, 1,293.33 feet to a point 30 feet West as measured at right angles to the East line of said Section 36;
Thence North 1°11'55" West, on a line parallel with and 30 feet West of the East line of said Section 36, 329.97 feet to a point;
Thence North 88°49'15" West 1,291.99 feet to a point;
Thence South 0°57'51" East, 330.11 feet to the point of beginning;

Except Cedar Road;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29364.0025**

The North half of the North half of the Northeast quarter of the Southeast quarter of Section 36, Township 29 North, Range 42 East of the Willamette Meridian;

Except the North 30 feet;

And except Cedar Road;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29364.0024**

The South 30 feet of the Northeast quarter and the North 30 feet of the Southeast quarter of Section 36, Township 29 North, Range 42 East of the Willamette Meridian;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29365.0035**

The South half of the South half of Southeast quarter of the Northeast quarter of Section 36, Township 29 North, Range 42 East of the Willamette Meridian;

Except the South 30 feet thereof;

And except Cedar Road;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29361.0023**

The North half of the South half of the Southeast quarter of the Northeast quarter of Section 36, Track 29 North, Range 42 East of the Willamette Meridian;

Except Cedar Road;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29361.0022**

The South half of the North half of the Southeast quarter of the Northeast quarter of Section 36, Township 29 North, Range 42 East of the Willamette Meridian;

Except Cedar Road;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29361.0021**

The North half of the North half of the Southeast quarter of the Northeast quarter of Section 36,
Township 29 North, Range 42 East of the Willamette Meridian;

Except Cedar Road;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29361.0020**

The South half of the East half of the Northeast quarter of the Northeast quarter of Section 36,
Township 29 North, Range 42 East of the Willamette Meridian;

Except County roads;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29361.0019**

The North half of the East half of the Northeast quarter of the Northeast quarter of Section 36,
Township 29 North, Range 42 East of the Willamette Meridian;

Except County roads;

Situate in the City of Deer Park, County of Spokane, State of Washington

Spokane County Assessor's **Parcel No. 29361.0018**