

ORDINANCE NO. 41

An Ordinance Relating to Local Improvements in the Town of Redmond.

BE IT ORDAINED by the Council of the Town of Redmond as follows:-

SECTION I.

METHOD OF PROCEDURE

Whenever the Town Council shall provide for local improvements, this ordinance and ordinances amendatory thereof, and the laws of the State of Washington relating thereto, shall apply.

SECTION II.

MANAGEMENT OF WORK

After the Town Council shall have provided by ordinance for the making of any local improvement, plans therefor shall be approved, the contract let and the work supervised by it in accordance with the provisions of the Town Charter.

SECTION III.

MODES OF PAYMENT

There shall be two (2) modes of making payment for such portion of the cost and expense of any improvement provided for in this ordinance, as shall be payable by special assessments, to wit: "Immediate Payment" and "Payment by Bonds". The mode adopted shall be the mode petitioned for in case said improvement shall be initiated by petition, otherwise the mode shall be the one which the Council shall designate in the ordinance ordering such improvement.

SECTION IV.

THE ASSESSMENT ROLL

After the Town Council has by ordinance authorized the making of any local improvement and not less than twenty (20) days prior to the date fixed by it for the completion of the improvements the Town Engineer shall prepare and file with the Town Clerk an

assessment roll which shall contain the description of each lot, tract, parcel of land or other property to be assessed; the amount to be charged, levied or assessed against the same, and the name of the owner thereof, if known, but in no case shall a mistake in the name of the owner be fatal when the description of the property is correct.

The ordinance confirming any assessment roll shall levy and assess against each lot, tract or parcel of land or other property appearing upon said roll, the amount charged against the same. Upon the enactment of such ordinance, the roll shall be delivered to the Town Clerk, who shall forthwith transmit the same to the Town Treasurer with his certificate that the same has been duly approved by ordinance and annually thereafter, in the case of assessments payable by the mode of "Payment by Bonds" the Treasurer shall extend the installments of principal and interest upon the unpaid balance as shown upon said approved roll.

SECTION V.

MODE OF IMMEDIATE PAYMENT

Whenever the cost and expense of any improvement shall be payable by the mode of "Immediate Payment" the Town Treasurer shall, upon receipt of such roll, publish a notice in the official paper of the Town for two (2) consecutive issues that the said roll is in his hands for collection and that any assessment thereon ~~on any~~ portion of any assessment may be paid at any time within thirty ^{first} (30) days from the date of the /publication of said notice, without penalty, interest or costs, and that unless payment be made within such time, such assessment or unpaid portion thereof will become delinquent. Upon delinquency a penalty of five per cent (5%) shall attach to, and become a part of, all such assessments. Delinquent assessments shall bear interest at the rate of eight

per cent (8%) per annum until paid. Such delinquent assessments with penalty and interest shall forthwith be collected and the lien thereof be enforced in the manner provided by law.

SECTION VI.

MODE OF PAYMENT BY BONDS

Whenever the cost and expense of any improvement shall be payable by the mode of "Payment by Bonds", the Town Treasurer shall publish notice of such fact as required by law.

The first installment shall become due and payable during the thirty day period succeeding a date one (1) year after the date of first publication of such 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 expiration of thirty days from the date of the first publication of the notice herein provided, 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 the 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, until paid, be subject to a charge for interest at the bond rate, and to an additional charge of five per cent (5%) penalty levied upon both principal and interest due on such installment or installments.

The Engineer in making up the assessment roll shall include in the cost of such improvement the sum of \$1.75 for each real property description therein contained to cover the cost of collection in the event that any assessment is not paid in full

within the thirty day period following the publication of the notice herein provided. The Town Treasurer shall deduct from any assessment paid in full within said thirty day period the above sum of \$1.75.

SECTION VII.

SPECIAL FUND

The ordinance confirming any assessment roll shall also create a special fund to be called "Local Improvement Fund, District No. _____", into which shall be placed all sums paid on account of such assessment, including all interest and penalty thereon, and in the event of sale of bonds by the town, all premiums and accrued interest on bonds issued for such improvement, except as hereinafter provided.

SECTION VIII.

ISSUANCE OF BONDS

After the expiration of thirty days from the date of first publication of the Treasurer's notice referred to in Section VI. of this ordinance, the Town Treasurer shall report to the Town Mayor the total amount of the assessment, the total amount paid to him to redeem any lots, tracts or parcels of land or other property from the assessment levied thereon, and the total amount unpaid on such assessment, whereupon the Mayor and Town Clerk shall issue the bonds of the local improvement district established by ordinance providing for such improvement in an amount equal to the amount unpaid on such assessment roll as shown by such report. The bonds shall be of such demonination and shall bear such rate of interest as provided by law and the ordinance authorizing their issue.

SECTION IX.

BOND REGISTRY

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

SECTION X.

CERTIFICATE OF SALE

Two (2) years after the date of delinquency of an assessment payable by the mode of "Immediate Payment" or of an installment of an assessment payable by the mode of "Payment by Bonds", it shall be the duty of the Town Treasurer to proceed to sell the property described in any such local assessment roll for the amount of such delinquent assessment, or installment, together with penalty and interest accruing to date of sale, and for the costs of such sale.

Certificates of sale shall be executed and delivered by the Treasurer to the purchasers at such sale, and assessment deeds shall be executed and delivered by him to the persons thereunto entitled. All steps and proceedings required to be done in connection with such sale, certificate of sale and assessment deeds shall be had and conducted according to law.

At the expiration of the two year period heretofore mentioned the Town Treasurer shall issue a warrant authorizing and directing the sale of such delinquent property to satisfy all delinquent and unpaid assessments, or installments thereof, together with interest, penalties and costs, as provided by law. Such warrant shall be deemed and taken as an execution against said property for the amount of said assessments or installments thereof, with interest, penalties and costs, and the Town Treasurer shall, within sixty (60) days from the issue of said warrant, commence the sale of said property.

SECTION XI.

LOCAL IMPROVEMENT CONTRACTS

In letting all contracts for public improvements the Town Council shall provide therein that there shall be reserved from the moneys earned by the contractor on estimates during the progress of the improvement work, a sum equal to fifteen (15) per cent of such estimates, as a trust fund for the protection and payment of any person or persons, mechanics, sub-contractors, or material men who shall perform any labor or furnish any supplies under or by virtue of such contract. Said fund shall be retained for a period of thirty (30) days following the final acceptance of said improvement or work as completed, and every person performing labor or furnishing supplies toward the completion of said improvement shall have a lien upon said fund so reserved; Provided, notice of the lien of such claimant shall be given in the manner and within the time provided by the laws of the State of Washington. No improvement shall be deemed completed until the Town Engineer shall have filed a statement with the Town Council that such improvement is completed.

During the time allowed by the Town Council for the completion of the contract the Town Engineer shall, on the first day of each month, issue an estimate of the amount of work completed during the preceding month by the contractor, but after the expiration of the time allowed by the Town Council for the completion of said contract, no estimate shall be issued other than the final estimate. Such final estimate issued by the Town Engineer shall include in addition to a statement of the amount of money due the contractor, a statement of the amount of money expended for abstracts, advertising, accounting and collection, and shall include engineering expenses incurred prior to the

expiration of the time allowed by the Town Council for the completion of the contract. All engineering expenses incurred after that time shall be borne by the contractor as a penalty for failure to complete the work within the specified time.

The Town Treasurer shall, on or about the 10th day of the month following the issuance of the estimate by the Engineer, deliver to the contractor money or warrants in an amount equal to such estimates, less the percentage to be retained therefrom as provided herein. After the expiration of thirty (30) days following the final acceptance of said improvement or work and the expiration of the time for the filing of lien claims as provided by law, said reserve, or all amounts thereof, in excess of a sufficient sum to meet and discharge the claims of material men and laborers who have filed their claims as provided by law, together with a sum sufficient to defray the cost of such action, and to pay attorney's fees, shall be paid to said contractor.

Such warrants shall be drawn against the local improvement district fund under which the work is being done, and shall bear interest at the rate of eight (8) per cent per annum from the date of issuance until redeemed.

The Town Treasurer shall, immediately upon receipt from the Engineer of the final estimate for any local improvement, file with the Town Clerk a certificate setting forth the total amount of said final estimate, together with any accrued interest or warrants issued or to be issued to the contractor.

SECTION XII.

PAYMENT OF COST

The Town Treasurer shall issue warrants bearing interest at eight per cent per annum to cover the cost and expense of said improvement from its initiation as such cost or expense may become payable. The warrants issued shall be redeemed in numerical order

so far as payments into the local improvement district fund shall permit.

Where the mode of payment is "Payment by Bonds" the contractor shall in his contract with the Town of Redmond agree to purchase the bonds issued to pay the entire cost of the improvement, engineering and all other costs, immediately upon their issue by paying to the Town Treasurer the face value of said bonds and receiving in return the bonds. The proceeds of the sale of bonds shall be placed to the credit of the Local Improvement District fund and shall be used to pay all cost and expense of the improvement.

SECTION XIII.

BIDS ON CONTRACT

The Town Council may provide that all the work be done in any Local Improvement District shall be let in one contract or, at its option, the work may be subdivided and separate contracts let for each subdivision thereof. All contracts shall be let to the lowest bidders therefor unless the Town Council shall decide that all bids are too high, in which event it may reject all bids and re-advertise, or the Town may proceed to do the work by "day work". For at least two consecutive weeks before the letting of any contract the Town Council shall cause to be published in the official newspaper of the Town an invitation for the submission of sealed proposals for the contemplated work. The plans and specifications shall be filed in the office of the Town Clerk for public inspection during the above period. All bids must be sealed and accompanied by a certified check, payable to the Town Treasurer, for a sum not less than five (5) per cent of the amount of the bid; and must be filed with the Town Clerk on or before the day and hour named in the call for bids. At that time

the bids shall be publicly opened and read by the Town Council. All checks shall then be returned except that of the successful bidder, which shall be retained until the contract is entered into in accordance with said bid, and a duly approved and accepted bond therefor be filed in the office of the Town Treasurer. If said bidder fails to enter into such contract within ten (10) days from the date on which he is notified that he is the successful bidder, the Town Clerk shall declare the check forfeited and shall deliver said check to the Town Treasurer, who shall deposit it to the credit of the Local Improvement District fund. The Town Council shall then readvertise for bids. Such forfeitures shall not be remitted.

SECTION XIV

EFFECTIVE DATE

This ordinance shall be in full force and effect from and after the date of the passage and publication thereof as provided by law.

Passed by the Town Council the 21 day of April 1926, and signed by me in open session this 21 day of April 1926, in authentication of its passage.

Wm Brown

MAYOR

Attest:

U. B. Beed

TOWN CLERK