

ORDINANCE NO. 1087

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE TITLE OF CHAPTER 3.08 OF THE REDMOND MUNICIPAL CODE TO "LOCAL IMPROVEMENTS AND ASSESSMENTS"; ADDING A NEW SECTION 3.08.040 TO THE REDMOND MUNICIPAL CODE TO PROVIDE FOR FORECLOSURE OF DELINQUENT LOCAL IMPROVEMENT ASSESSMENTS; ADDING A NEW SECTION 3.08.050 TO PROVIDE FOR NOTIFICATION OF DELINQUENCIES TO PROPERTY OWNERS; ADDING A NEW SECTION 3.08.060 PROVIDING FOR ACCELERATION OF INSTALLMENTS AND AWARD OF REASONABLE ATTORNEYS' FEES; ADDING NEW SECTIONS 3.08.070 THROUGH 090 PROVIDING FOR NOTICE OF REDEMPTION RIGHTS TO FORMER OWNERS.

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THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. The title of Chapter 3.08 of the Redmond Municipal Code is hereby amended from "Local Improvement Guaranty Fund" to "Local Improvements and Assessments."

Section 2. A new Section 3.08.040 is hereby added to the Redmond Municipal Code to be entitled "Foreclosure of Delinquent Assessments" and to read as follows:

3.08.040 Foreclosure of Delinquent Assessments. If, on the first day of January, in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the City Attorney is authorized to commence foreclosure proceedings on the delinquent assessment or delinquent installments by an appropriate action on behalf of the City in King County Superior Court. The foreclosure proceeding shall be in accordance with the provisions of RCW Chapter 35.50, as now exists or as may hereafter be amended. Such foreclosure proceedings shall be commenced on or before December 1, 1982, and there after on or before June 1 of each succeeding year.

Section 3. A new Section 3.08.050 is hereby added to the Redmond Municipal Code to be entitled "Notice to Property Owner" and to read as follows:

3.08.050 Notice to Property Owner. The City Treasurer-Comptroller shall send by certified mail to each person whose name appears on the assessment roll county and/or tax rolls as owner of the property charged with any delinquent assessment or installment, at each address listed on said assessment roll and/or county tax roll, a notice at least thirty (30) days before commencement of any action to foreclose a delinquent assessment or installment. The notice shall state the amount due on each separate lot, tract or parcel of land, and the date after which the foreclosure proceedings will commence.

Section 4. A new Section 3.08.060 is hereby added to the Redmond Municipal Code to be entitled "Acceleration of Installments -- Attorneys' Fees" and to read as follows:

3.08.060 Acceleration of Installments -- Attorneys' Fees. In any action brought for the foreclosure of a delinquent assessment or installment, future installments not otherwise due and payable shall thereupon be accelerated and the entire balance of the assessment with interest, penalty and cost shall become due and payable and the collection thereof shall be enforced by foreclosure as set forth in this Chapter; provided, however, that in the case of such foreclosure there shall be added to the cost and expense as provided by RCW Chapter 3.50 such reasonable attorneys' fees as the court may adjudge to be equitable, and the amount thereof apportioned to each delinquent assessment or installment appearing on the assessment roll.

Section 5. A new Section 3.08.070 is hereby added to the Redmond Municipal Code to be entitled "Notice of Right of Redemption" and to read as follows:

3.08.070 Notice of Right of Redemption. Within sixty (60) days of the sale of any property as a result of an action by the City to foreclose a local assessment lien, the purchaser of the property shall give notice in the form and manner provided hereinafter to the record owner or owners of the property as identified by a title report current as of the date of filing of the foreclosure action. Said notice shall again be given no less than sixty (60) days prior to, nor more than one hundred twenty (120) days prior to, the date of expiration of the period of redemption as provided by law.

Section 6. A new Section 3.08.080 is hereby added to the Redmond Municipal Code to be entitled "Form of Notice of Redemption Right" and to read as follows:

3.08.080 Form of Notice of Redemption Right. The notice of redemption right shall be substantially in accord with the following form, with all blanks properly filled in:

NOTICE OF REDEMPTION RIGHT

The real property located in the City of Redmond, King County, Washington, whose street address, if any, is \_\_\_\_\_, which is legally described as:

was sold on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to \_\_\_\_\_, pursuant to court order to satisfy delinquent local improvement district assessment installments.

A title report shows that you are the record owner of the property. Please take notice that the sale of the property will become final and your right to redeem the property will be extinguished unless exercised prior to the expiration of two years from the date of the sale, to wit on or before \_\_\_\_\_.

In order to redeem your property, you must take affirmative action in accord with Washington statutes governing the right of redemption or these rights will be lost.

Section 7. A new Section 3.08.090 is hereby added to the Redmond Municipal Code to be entitled "Service of Notice of Redemption Right" and to read as follows:

3.08.090 Service of Notice of Redemption Right. Service of the notice provided in this chapter shall be deemed adequate on the production of one of the following:

1. An affidavit evidencing personal service in accord with the procedures for in-person service of process in superior courts in the State of Washington;
2. A receipt signed by the record owner evidencing actual receipt of the notice by mail;
3. An affidavit that after diligent search, which at a minimum shall include the use of a commercial locating service, the record owner cannot be located, and affirming that the notice has been mailed by certified mail, return receipt requested, to the last known address of the record owner as determined from review of the title report, the current telephone directory for the area of the owner's last known residence and consultation with the United States Postal Service regarding any forwarding address left by the owner.

Section 8. A new Section 3.08.100 is hereby added to the Redmond Municipal Code to be entitled "Failure to Provide Notice -- Effect" and to read as follows:

3.08.100 Failure to Provide Notice -- Effect. Failure to provide the notice of redemption rights as provided in this chapter shall not affect the validity of the legal action which foreclosed the City's local assessment lien, provided that no final deed or other evidence of title shall be issued to the purchaser until compliance with the provisions of this chapter regarding notice of redemption rights has been demonstrated. In the event of failure to give the final notice in a timely manner, the purchaser shall be deemed to have consented to an extension of the record owner's right to redeem which shall continue until sixty (60) days have elapsed subsequent to fulfillment of the final notice requirements as set forth in this chapter and the record owner shall be entitled to redeem until said time.

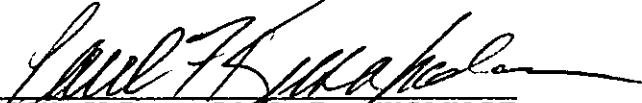
Section 9. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such validity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 10. This ordinance shall be in full force and effect thirty (30) days after passage and publication by posting as provided by law.

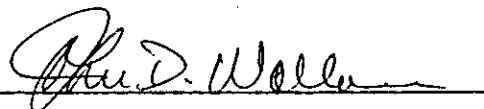
CITY OF REDMOND

  
MAYOR, CHRISTINE T. HIMES

ATTEST/AUTHENTICATED:

  
CITY CLERK, PAUL F. KUSAKABE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK:	September 29, 1982
PASSED BY THE CITY COUNCIL:	October 19, 1982
SIGNED BY THE MAYOR:	October 19, 1982
POSTED:	October 21, 1982
EFFECTIVE DATE:	November 20, 1982