

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 16-0422**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 8, 2016, OF A PROPOSITION FOR THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$19,750,000, OR SO MUCH THEREOF AS MAY BE ISSUED UNDER THE LAWS GOVERNING THE INDEBTEDNESS OF CITIES FOR THE PURPOSE OF PROVIDING FUNDS TO CONSTRUCT, DEVELOP, ACQUIRE, EQUIP, UPGRADE, AND IMPROVE WALKWAYS AND WATERWAYS IN THE CITY, AND LEVY EXCESS PROPERTY TAXES TO PAY THE BONDS.

WHEREAS, the City of Kenmore, Washington (the “City”) has developed a Comprehensive Plan and other planning documents which call for improved transportation facilities in the City, including new sidewalks and bike lanes; and

WHEREAS, the City has also developed a Parks, Recreation and Open Space Plan stating the need for improved public access to the City’s waterfront, natural open space, active recreation facilities, and other projects designed to expand City parks and provide safer streets and trails; and

WHEREAS, after seeking public input to collect suggestions from residents on parks, recreation, and walking and bicycling facility improvements within the City pursuant to the “Imagine Kenmore” initiative, the City Council (the “Council”) identified and prioritized capital projects related to constructing, developing, equipping, upgrading, acquiring, and improving arterial walkways, bike lanes, and waterfront access in the City (as further described herein, the “Projects”); and

WHEREAS, in order to pay the costs of the Projects, it is deemed necessary and advisable by the Council that the City issue and sell one or more series of its unlimited tax general obligation bonds in the principal amount of not to exceed \$19,750,000 (the “Bonds”); and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether such Bonds may be issued and sold for such purposes and taxes levied to pay such Bonds must be submitted to the qualified electors of the City for their ratification or rejection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The Council hereby finds that the best interests of the residents of the City require the City to construct, develop, equip, upgrade, acquire, and improve arterial walkways and waterfront access in the City, including the acquisition of property, as identified in Exhibit A, which is incorporated herein by this reference (the "Projects"), at the time, in the order and in the manner deemed most necessary and advisable by the Council. Costs of the Projects, which are estimated to be more than \$19,750,000, will be paid from proceeds of the Bonds (as defined in Section 2) authorized herein and other available funds of the City.

The cost of all necessary appraisals, negotiation, property acquisition, closing, architectural, engineering, project management, financial, legal and other consulting services, inspection and testing, demolition, administrative and relocation expenses, permitting, mitigation, construction, and other costs incurred in connection with the foregoing capital improvements shall be deemed a part of the capital costs of such Projects. Such Projects shall be complete with all necessary equipment and appurtenances.

The Council shall determine the exact specifications for the Projects, and the components thereof, as well as the timing, order and manner of completing the components of the Projects. The Council may alter, make substitutions to, and amend such components as it determines are in the best interests of the City and consistent with the general descriptions provided herein. The Council shall determine the application of moneys available for the various Projects so as to accomplish, as nearly as may be, all of the Projects.

If the Council shall determine that it has become impractical to design, construct, improve, obtain permits, renovate, acquire, develop, or equip all or any component of the Projects by reason of changed conditions, incompatible development, costs substantially in excess of the amount of Bond proceeds or tax levies estimated to be available, or acquisition by or dependence on a superior governmental authority, the City shall not be required to provide such component or components. If all of the Projects have been constructed or acquired or duly provided for, or found to be impractical, the City may apply remaining proceeds of the Bonds authorized herein (including earnings thereon) or any portion thereof to other street, arterial walkways, and waterfront access capital purposes or to the redemption of the Bonds as the Council, in its discretion, shall determine.

In the event that the proceeds from the sale of the Bonds, plus any other money of the City legally available for such purpose, are insufficient to accomplish all of the Projects, the City shall use the available funds for paying the cost of those portions of the Projects deemed by the Council most necessary and in the best interest of the City.

Section 2. Authorization of Bonds. For the purpose of providing all or a portion of the funds necessary to pay the costs of the Projects, together with incidental costs and costs of issuance of the Bonds, the City shall issue and sell its unlimited tax general obligation bonds in the aggregate principal amount of not to exceed \$19,750,000 (the "Bonds"). The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the Constitution and laws of the State of Washington. The balance, if any,

of the cost of the Projects shall be paid out of any other legally available funds. The Bond proceeds (and earnings thereon) shall be used to pay the costs of the Projects, together with incidental costs and costs related to the sale and issuance of the Bonds, and shall not be used for the replacement of equipment or for a purpose other than a capital purpose.

Section 3. Details of the Bonds. The Bonds provided for in Section 2 hereof shall be issued in such amounts and at such time or times as deemed necessary and advisable by the Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the Council. The Bonds shall mature in such amounts and at such times within a maximum term of 20 years from date of issue of a series, all as authorized by the Council and as provided by law. The Bonds shall be unlimited tax general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitations. The exact date, form, terms, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the Council. After voter approval of the Bond proposition and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by chapter 39.50 RCW. The proceeds of the Bonds may also be used to reimburse the City for expenditures previously made for such Projects.

Section 4. Bond Election. It is hereby found that the best interests of the inhabitants of the City require the submission to the qualified electors of the City of a proposition authorizing the City to issue Bonds for the purposes of funding the Projects, at an election to be held on November 8, 2016. King County Elections, as *ex officio* supervisor of elections in King County, Washington, is hereby requested to assume jurisdiction of and to call and conduct the election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth. Such election shall be conducted by mail.

The City Clerk is hereby authorized and directed, prior to August 2, 2016, to certify the proposition to the Director of King County Elections, Washington in substantially the following form:

CITY OF KENMORE PROPOSITION NO. 1

GENERAL OBLIGATION BONDS
WALKWAYS AND WATERWAYS IMPROVEMENTS

The City Council of the City of Kenmore adopted Ordinance 16-0422 concerning a proposition for sidewalks, bike lanes and waterfront access improvements. If approved, this proposition authorizes the City to fund new sidewalks and pedestrian and bicycle safety improvements along arterials, including Juanita Drive and 68th Avenue; construct, acquire, and improve waterfront access, viewpoints, walkways, facilities, open spaces, and natural habitats at City parks, including Log Boom, Rhododendron, and Squire's Landing; issue up to \$19,750,000 of general obligation bonds maturing within a maximum of 20 years and levy annual excess property taxes to repay the bonds, as provided in Ordinance 16-0422. Should this proposition be approved:

YES?

NO?


Certification of this proposition by the City Clerk to the Director of King County Elections, Washington, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this ordinance, are hereby ratified.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.


Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON
AT A REGULAR MEETING ON THIS 13TH DAY OF JUNE, 2016.

CITY OF KENMORE, WASHINGTON


David Baker, Mayor *for*

ATTEST/AUTHENTICATED:


Patty Saffin, City Clerk

Approved as to form:


Pacifica Law Group LLP

FILED WITH THE CITY CLERK: June 3, 2016
PASSED BY THE CITY COUNCIL: June 13, 2016
ORDINANCE NO.: 16-0422
DATE OF PUBLICATION: June 17, 2016
EFFECTIVE DATE: June 22, 2016

Exhibit A

PROJECTS

The projects (the “Projects”) include constructing, developing, equipping, upgrading, acquiring, and improving arterial walkways, bike lanes, and waterfront access in the City, including but not limited to the following:

- **68th Avenue.** Pedestrian and bicycle safety improvements to 68th Avenue, including but not limited to sidewalk and bike lane construction from NE 182nd Street to Locust Way/61st Avenue NE (near the northern City limit).
- **Juanita Drive.** Pedestrian and bicycle safety improvements to Juanita Drive, including but not limited to sidewalk and bike lane construction from NE 170th Street (Simonds Road) to the southern (Kirkland border) City limits.
- **Log Boom Park.** Constructing, improving, developing, upgrading, acquiring, and equipping park facilities and areas at Log Boom Park, including but not limited to a waterfront promenade, beach expansion, picnic area, waterfront pavilion, lake view points, paths and trails, environmental shoreline and wetland enhancements, parking (on and/or nearby off-site), boating facilities, and other water access and environmental improvements and facilities.
- **Rhododendron Park.** Constructing, improving, developing, upgrading, acquiring, and equipping park facilities and areas at Rhododendron Park, including but not limited a boardwalk, paths and trails, a dock, open space enhancements, parking, and other water access and environmental improvements and facilities.
- **Squires Landing Park.** Constructing, improving, developing, upgrading, acquiring, and equipping park facilities and areas at Squires Landing Park, including but not limited to a boardwalk, paths and trails, river and wildlife viewing points, natural habitat and open space enhancements, parking, boating facilities, and other water access and environmental improvements and facilities.