



Legislation Text

File #: CB 120072, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE modifying, approving, and confirming the final assessments and assessment roll of Local Improvement District (LID) No. 6751, for the construction of the improvements of LID No. 6751, as provided by Ordinance 125760; levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land, and other property as shown on the final assessment roll; and ratifying and confirming certain prior acts.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Findings. A copy of the findings, conclusions, and decision adopted by the City Council on the proposed Final Assessment Roll and the appeals of multiple appellants from the Hearing Examiner's Recommendation is attached to this ordinance as Attachment 1, and the City Clerk is directed to file the original in Clerk File 314476. The Final Findings and Recommendation ("Final Report") of the Hearing Examiner for The City of Seattle on the Final Assessment Roll for the Waterfront Local Improvement District (LID) No. 6751 (the "Waterfront LID") filed with the City Clerk on February 1, 2021, Attachment 2 to this ordinance, is hereby adopted. The Final Report is filed in Clerk File 321888. The Director of Transportation is hereby directed to modify the Final Assessment Roll in accordance with the Hearing Examiner's Final Report and file the same with the City Clerk. As permitted under Revised Code of Washington (RCW) 35.44.410, the Director of Transportation is further directed to identify any parcel in the Waterfront LID that has been sold in part, subdivided, or merged in the time period between the initial filing of Clerk File 321491, Final Assessment Roll for Waterfront LID, on November 8, 2019, and the date of passage of this ordinance, and to segregate the assessment levied against such land; apportioning the assessment by percent ownership as reflected in the records of the King County Assessor, and to modify the Final Assessment Roll to reflect the apportionment, and

file the same with the City Clerk.

Section 2. The final assessments and the Final Assessment Roll of the Waterfront LID, for the purpose of constructing the improvements of LID No. 6751 (“LID Improvements”) as provided by Ordinance 125760, and as modified in accordance with Section 1 of this ordinance, are hereby approved and confirmed in the total amount of \$174,379,463.

Section 3. Each of the lots, tracts, parcels of land, and other property shown upon the Final Assessment Roll is determined and declared to be specially benefited by the Waterfront LID Improvements 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 City Clerk shall transmit the assessment roll as approved and confirmed to the Director of Finance and Administrative Services for collection. Pursuant to RCW 35.49.010 and Seattle Municipal Code (SMC) 20.04.130, the Director of Finance and Administrative Services shall publish notice once a week for two consecutive weeks, stating that the roll is in the Director’s hands for collection and that all or any portion of the assessment may be paid within 30 days from the date of the first publication of the notice without penalty, interest, or costs. Payment of assessments and interest thereon will be as follows:

A. Payment of Assessments within 30-Day Prepayment Period. Payment of any assessment or payment of 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.

B. Assessments Payable in Installments. Waterfront LID assessments remaining unpaid at the expiration of the 30-day prepayment period shall be payable in accordance with RCW 35.49.020. Interest on Waterfront LID assessments remaining unpaid at the expiration of the 30-day prepayment period shall accrue per annum at an estimated interest rate equal to 6.5 percent. This an estimated interest rate and, notwithstanding SMC 20.04.120, the final rate (the “Interest Rate”) shall be fixed in accordance with RCW 35.49.020 and in

accordance with the ordinance authorizing the issuance and sale of the local improvement bonds (“LID Bond Ordinance”) for the Waterfront LID.

C. Interest-Only Assessment Payments in Years 1 through 10. Pursuant to RCW 35.49.020, the City hereby adopts the ten-year “interest only” provision allowing cities to collect interest-only assessment payments for the first ten years of a local improvement district for all properties. All assessments, or portions of assessments, unpaid after the 30-day period allowed for payment of assessments without penalty or interest may be paid in ten equal installments (“Principal Installments”) beginning with the eleventh year and ending with the twentieth year from the expiration of the 30-day period, together with interest on the unpaid Principal Installments at the Interest Rate. In each of the first ten years after the expiration of the 30-day period, an installment of interest on the principal sum of the outstanding assessment balance, calculated at the Interest Rate, shall be paid and collected. Beginning with the eleventh year, a Principal Installment, together with the interest due on the outstanding principal balance, shall be paid and collected. As a result of this provision, assessment payments due starting in the eleventh year will reflect a significantly increased payment over the payment due in the tenth year because the installments commencing in that eleventh year will include (1) a Principal Installment; plus (2) the interest (calculated at the Interest Rate) on the then total outstanding principal balance; plus (3) any delinquency or penalty amounts due. There is no penalty for prepayment of a portion or all of the principal balance of assessments outstanding at any time; however, a prepayment on any date other than an installment payment date will include interest calculated at the Interest Rate to the next upcoming installment payment date.

D. Delinquent Payments. Any interest or installment not paid when such payment of interest or installment is due shall be considered delinquent. Notwithstanding the provisions of SMC 20.04.130.B, each delinquent installment shall be subject, at the time of delinquency, to a charge of a ten percent penalty levied on interest or both the principal and interest due upon that installment depending on the collection year pursuant to Section 4(B) of this ordinance. All delinquent installments including the penalty levied shall be charged interest

at the Interest Rate. The collection of such delinquent interest payments and installments and foreclosure, including foreclosure on any accelerated obligation to pay the entire assessment, shall be enforced in the manner provided for by law.

Section 5. Deferral of Assessments for Economically Disadvantaged Property Owners. The collection of an assessment upon property assessed by a local improvement district, or any installment thereof, may be deferred as provided in RCW 35.43.250 and 35.54.100, as now existing or hereafter amended, upon the application of a person responsible for the payment of an assessment, who is economically disadvantaged. The terms and conditions for the deferral of collection of such assessments, the persons eligible therefor, the rate of interest, and the duties of the respective City officials and the obligations of the City's previously created Local Improvement Guaranty Fund with respect thereto, shall be in accordance with Chapter 20.12 SMC and with RCW 35.43.250 and 35.54.100 as now existing or hereafter amended.

Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Section 7. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Findings, Conclusions and Decision of the City Council of The City of Seattle in the Matter of the Final Assessment Roll for Local Improvement District No. 6751 (Waterfront LID) and the Appeals of Multiple Appellants

Attachment 2 - The Final Findings and Recommendation of the Hearing Examiner for The City of Seattle on the Final Assessment Roll for the Waterfront Local Improvement District (LID No. 6751)