

**CITY OF OCEAN SHORES, WASHINGTON**

**RESOLUTION NO. 560**

**A Resolution of the City Council of Ocean Shores, Washington, declaring its intention to order the formation of a local improvement district to finance the cost of repairing streets within the boundaries of the district; setting forth the nature and territorial extent of such proposed improvements; describing the boundaries thereof; and setting March 5, 2007 for a public hearing on the formation of the proposed local improvement district.**

**WHEREAS**, the City's streets were initially constructed from 1960 to 1970; and

**WHEREAS**, maintenance on the City's streets has not been adequate to prevent degradation of driving surfaces; and

**WHEREAS**, the City prepared a pavement condition survey, indicating recommended treatments for rehabilitation and restoration; and

**WHEREAS**, Town Hall meetings were held November 7, 2005, and February 28, 2006, to present results of the condition survey, recommended rehabilitation and restoration treatments and estimated costs, and funding options; and

**WHEREAS**, the majority of residents attending the Town Hall meetings supported a City-wide local improvement district, to restore and rehabilitate all City streets; and

**WHEREAS**, the City Council, at their regular meeting of March 13, 2006, directed that actions be taken necessary to the formation of a City-wide local improvement district; and

**WHEREAS**, the City desires to proceed with carrying out the improvements described herein and to establish a local improvement district to finance such improvements:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCEAN SHORES, WASHINGTON**, as follows:

**Section 1.** It is the intention of the Ocean Shores City Council to order the improvement of the following territory within the City: all properties lying within the boundaries of Divisions 1 through 24A, and OS AC Lot 3 south of Damon Road, east of Point Brown Ave., Lot 3 south of Damon Road west of Point Brown Ave. LS Tax 6 & 7, OS AC Tax 6 out of Gov. Lot 3, OS AC Lot B Vol. 4 Short Plats page 33, OS AC Lot A of Short Plat Vol. 4 page 113, and OS AC Tax 1, of the City of Ocean Shores, Washington, all as more particularly described in Exhibit A attached hereto and by this reference made a part hereof, by the design and construction of roadway base, sub grade, and surfacing, as necessary, all as more particularly described in Exhibit B, attached hereto and by this reference made a part hereof.

All of the foregoing Improvements shall be in accordance with the plans and specifications therefore prepared by the City, together with such consultants as may be retained, and may be modified by the City as long as that modification does not affect the general purpose of the improvements. The City shall acquire by gift, franchise, lease or condemnation all property, both real and personal, or any interest therein and all rights-of-way, franchises, permits and easements which may be found necessary to acquire, construct, install and equip the improvements.

**Section 2.** The total estimated cost and expense of the improvements is declared to be \$31,784,115.22 and, notwithstanding such estimate, the entire actual cost and expense of the improvements, including costs of financing, shall be borne by and assessed against the property specially benefited by the Improvements. Actual assessments may vary from estimated assessments as long as they do not exceed a figure equal to the increased true and fair value the Improvements add to the property. The assessments shall be for the sole purpose of payment into such local improvement district bond fund as may be specified by the City Council for the payment of local improvement district bonds to be issued in part to defray the costs of such improvements.

**Section 3.** The City Clerk is authorized and directed to give notice of the adoption of this resolution and of the date, time, and place fixed for the public hearing to each owner, or reputed owner, of any lot, tract, parcel of land or other property within the proposed LID by mailing such notice at least fifteen (15) days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the rolls of the Grays Harbor County Assessor at the address shown thereon, as required by law. This resolution also shall be published in at least two (2) consecutive issues of the official newspaper of the City, the date of the first publication to be at least fifteen (15) days prior to the date fixed for the public hearing.

**Section 4.** All persons who may desire to object to the Improvements are notified to appear and present those objections at a hearing before the City Council to be held in the City of Ocean Shores Council Chambers, presently located in the Convention Center located at 120 West Chance a la Mer in Ocean Shores, Washington, at 6:00

P.M. on March 5, 2007 which time and place are fixed for hearing all matters relating to the Improvements and objections thereto and for determining the method of payment for the Improvements. Persons favoring the Improvements also will be heard.

**Section 5.** The Public Works Department of the City is directed to submit or cause to be submitted to the City Council on or prior to March 5, 2007, all data and information required by law to be submitted.

The foregoing Resolution was ADOPTED by the City Council of the City of Ocean Shores, Washington, at a regular open meeting thereof this 12th day of February 2007.

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MICHAEL E. PATRICK, Mayor

ATTEST:

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DIANE J. FOSS, CMC City Clerk

APPROVED AS TO FORM:

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K&L Preston Gates Ellis LLP  
Bond Counsel