

13.28.180 - City Creation of Assessment Reimbursement Area.

As an alternative to financing Utility or street system improvements in whole or in part by a developer, the city may create an assessment reimbursement area on its own initiative, without the participation of a developer, finance all of the costs associated with a utility or street system improvement, and become the sole beneficiary of reimbursements in accordance with RCW 35.91 and RCW 35.72 respectively. The process shall be as follows:

- A. The public works director shall formulate the boundaries of a preliminary assessment reimbursement area and determine the amount of the preliminary assessment applicable to each property located within the preliminary assessment reimbursement area in accordance with Section 13.28.050, subject to the following limitations:
 1. No city costs for any portion of the utility system improvements that only benefit property outside of the assessment reimbursement area may be reimbursed. For utility system improvements, city administrative and legal costs may not be reimbursed.
 2. The city may be reimbursed only for the costs of street system improvements that benefit that portion of the public who will use the developments within the assessment reimbursement area. No city costs for improvements that benefit the general public may be reimbursed.
 3. The public works department shall provide notice of its preliminary determination to all owners of record of property located within the preliminary assessment reimbursement area in accordance with Section 13.28.060.
 4. Owners of record of property located within the preliminary assessment reimbursement area may contest the public works department's preliminary determinations in accordance with Section 13.28.060.
- B. Based upon staff's preliminary determination, if no hearing is requested, or based upon city council's determination, if a hearing is requested, the public works department shall prepare and record a notice of assessment against each property in the county auditor's office. Upon recording of the notice, the assessment shall be binding upon the property and shall run with the land in perpetuity until paid. The term limits contained in Section 13.28.100 shall not apply to latecomer assessments established under this subsection.
- C. Assessments shall be paid to the city as follows:
 1. Assessments for street system improvements shall be paid prior to the development or redevelopment of property if at the time of development or redevelopment the owner is not required to install similar street improvements because they were already installed by the city. For example, for subdivisions, assessments shall be paid prior to the final plat approval; for building permit applications, assessments shall be paid prior to building permit issuance.
 2. Assessments for utility system improvements shall be paid prior to connection to or use of the utility system improvements.
 3. Upon receipt of payment in full, the city shall record a notice of release of assessments in the county auditor's office. Recording costs shall be paid in advance by the property owner assessed.
 4. Assessments may be determined and recorded at any time prior to or after completion of construction of the improvements.
 5. If the recorded assessment amounts were determined prior to completion of construction based upon estimated costs, the City shall subsequently prepare revised notices of assessment based upon actual costs following completion of construction; provided, that assessments shall not be increased by more than ten percent. The revised notices shall be

sent by certified mail to each owner of record of property within the assessment reimbursement area and recorded in the county auditor's office.

(Ord. No. 1572, § 1, 1-22-2019)