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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3371

AN ORDINANCE ordering street improvements along Northup Way, from approximately 140th Avenue N.E. to 148th Avenue N.E., creating Local Improvement District No. 264 to pay certain costs thereof; providing that payment for such improvements be made by special assessments against property benefited; and providing for the issuance and sale of local improvement district bond anticipation notes or warrants and bonds or installment notes.

WHEREAS, by Resolution No. 4329, the City Council of the City of Bellevue, declared its intention to order the formation of a Local Improvement District for the construction of improvements within the herein described area and fixed the 7th day of May, 1984, at the hour of 7:00 p.m., at the Municipal Building of the City of Bellevue, Washington, before the City Council as the time and place for a public hearing on all legal matters relating to such proposed improvements and all objections thereto; and

WHEREAS, the City Manager has caused an estimate to be made of the costs and expenses of the proposed improvements, and has certified it to the City Council, together with all papers and information in her possession touching the proposed improvements, a description of the boundaries of the district, a statement of the costs and expenses of the improvements to be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, a statement of the aggregate actual valuation of the real estate including twenty-five percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purpose of general taxation; and

WHEREAS, said estimate is accompanied by a detailed copy of the preliminary assessment roll showing thereon the lots, tracts, parcels of land, and other property, together with plans and assessment maps of the proposed improvements; and

WHEREAS, due notice of hearing upon said Resolution No. 4329 was given in the manner provided by law and said hearing was held by the City Council on May 7, 1984, and all persons appearing at such hearing were heard, and all written protests were duly considered; and

WHEREAS, the City Council has determined that it is in the best interests of the City and of the owners of property within the area of

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the Local Improvement District, as hereinafter described, that the improvements hereinafter described be carried out and that a Local Improvement District be created in connection therewith; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Improvements ordered. The area described in Section 2 hereof shall be improved by:

Widening and improving the existing three (3) lane section of roadway, including the installation of curbs, gutters and sidewalks (6' north side, 10' south side) where required, resurfacing, illumination, channelization, storm drainage, utility adjustments, retaining walls, and any other appurtenances necessary thereto.

Said improvements constitute a continuous unit of improvement. The above described improvements shall be made in accordance with plans and specifications prepared and/or approved by the Public Works and Utilities Department.

Section 2. Local Improvement District No. 264 Established. Local Improvement District No. 264 is hereby established, which district shall include the property and boundaries of an area within the City, comprised of the following described continuous unit of improvement:

That portion of the Northeast quarter of Section 27, Township 25 North, Range 5 East, W.M., in King County, Washington, lying Southerly of SR 520 (Northup Interchange to Junction SR 202) and Northerly of Bellevue-Redmond Road, more particularly described as follows:

Commencing at the Northeast corner of the Northeast quarter of Section 27, Township 25 North, Range 5 East, W.M., in King County, Washington; thence South $01^{\circ}19'21''$ West along the East line thereof 661.07 feet to the Northeast corner of the Southeast quarter of Northeast quarter of the Northeast quarter of said Section 27 and the True Point of Beginning; thence continuing South $01^{\circ}19'21''$ West along said East line 801.08 feet to a point 330.00 feet Northerly of the center line of Bellevue-Redmond Road as measured at right angles; thence South $73^{\circ}07'46''$ West, parallel with the center line of Bellevue-Redmond Road 876.79 feet; thence South $74^{\circ}40'16''$ West, parallel with the center line of Bellevue-Redmond Road 818.00 feet to the North line of the South half of the Southwest quarter of the Northeast quarter of said Section 27; thence North $88^{\circ}13'12''$ West along said North line 692.00 feet to the East line of the West 305.00 feet of the Northeast quarter of said section 27; thence North $00^{\circ}37'10''$ East along

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said East line 374.31 feet to the center line of Vacated N.E. 20th Place; thence North $45^{\circ}34'50''$ West along the center line of Vacated N.E. 20th Place 100.25 feet; thence North $00^{\circ}37'10''$ East 260.29 feet to a point on the North margin of N.E. 20th St., 232.69 feet East of the West line of the Northeast quarter of said Section 27 as measured along said North margin; thence continuing North $00^{\circ}37'10''$ East 219.61 feet to the center line of N.E. 21st Street, thence North $88^{\circ}29'14''$ West along the center line of N.E. 21st St. 7.65 feet; thence North $00^{\circ}37'10''$ East 30.00 feet to the Southeast corner of Parcel 2, Bellevue Short Plat 78-05 per Recording Number 7802210996 in the Records and Elections Division of King County, Washington; thence continuing North $00^{\circ}37'10''$ East along the East line of said Parcel 2, 156.74 feet to the Southerly margin of SR 520; thence South $83^{\circ}14'16''$ East along the South margin of SR 520, 97.48 feet; thence North $78^{\circ}40'20''$ East along said South margin 108.96 feet; thence North $73^{\circ}05'03''$ East along said South margin 327.47 feet; thence North $57^{\circ}56'19''$ East along said South margin 110.11 feet; thence North $63^{\circ}51'27''$ East along the said South margin of SR 520, 64.02 feet to the North line of the South half of the North half of the Northeast quarter of said Section 27; thence South $88^{\circ}15'08''$ East along said North line 1,739.18 feet to the True Point of Beginning.

Section 3. Assessment of Costs. All of the costs and expenses in connection with the installation and construction of said improvements, including the estimated costs and expenses of: (a) the improvement within street intersections; (b) all engineering and surveying necessary for the improvement, whether done under the supervision of the City Engineer or otherwise; (c) all legal work and opinions incidental thereto; (d) ascertaining the ownership of lots or parcels of land included within the assessment district; (e) appraisals; (f) advertising, mailing, posting and publishing all necessary notices; (g) accounting, clerical labor and of books and blanks, extended or used on the part of the City Clerk or Treasurer in connection with the improvement; (h) acquisition of rights-of-way, property, easements and other facilities or rights-of-way, and all other expenses incidental thereto as required or provided by law of the State of Washington and ordinance of the City of Bellevue shall be allocated to and be borne by the properties within the improvement district, in accordance with the special benefits conferred, and the costs assessed against the individual properties in accordance with an assessment method which will fairly reflect the special benefits conferred, provided, however, that such portion of said costs and expenses, if any, which is paid by the City shall not be allocated to and be borne by said properties. The improvements shall be paid for by means of assessments against the various properties as aforesaid, and through the use of bonds (or in lieu thereof, installment notes), all as provided by statute and ordinance for local improvement districts.

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Section 4. Estimated Costs. The total estimated costs and expenses of the improvements herein ordered is hereby declared to be \$918,000, of which fifty percent (50%) shall be allocated to and be borne by the properties within the local improvement district in accordance with the special benefits conferred. The work hereby ordered constitutes one continuous unit of improvement.

Section 5. Assessment District. There is hereby created an assessment district, consisting of all of the property within Local Improvement District No. 264 specially benefited by the improvements above ordered, which property shall be assessed for the costs and expenses of the improvements in accordance with the special benefits conferred thereon as provided in Section 3 above.

Section 6. Fund Created. There is hereby created and established, for Local Improvement District No. 264, a special fund to be known and designated as "Local Improvement Fund, District No. 264", into which shall be deposited (a) the proceeds from the sale of bond anticipation notes or warrants drawn against said fund, which may be issued and sold by the City, (b) collections pertaining to assessments and against which funds may be issued bond anticipation notes or cash warrants to pay contractor or contractors in payment for the work to be done by them in connection with said improvements, and against which fund bond anticipation notes or cash warrants shall be issued in payment of all other items of expense in connection with said improvements.

Section 7. Issuance and Sale of Local Improvement District Bond Anticipation Notes or Warrants and Bonds or Installment Notes. The Finance Director is hereby authorized to issue Local Improvement District bond anticipation notes or warrants from time to time in such amounts as he/she may determine for payment of, or from which to obtain funds for payment of, the costs and expenses of the improvements herein ordered. Such bond anticipation notes or warrants shall be designated and payable out of the "Local Improvement Fund, District No. 264", to bear interest from the date thereof at a rate to be hereafter fixed and to be redeemed in cash or by Local Improvement District bonds or installment notes herein authorized to be issued, said interest bearing bond anticipation notes or warrants to be hereafter referred to as Local Improvement No. 264 Bond Anticipation Notes or Warrants.

Bonds payable on or before 12 years from the date of issuance may be issued in exchange for the redemption of any and all bond anticipation notes or warrants issued hereunder not redeemed and cashed. In lieu of such bonds, installment note(s) may be issued as provided by statute. Said bonds or installment notes shall be redeemed by the collection of special assessments to be levied and assessed upon the property within said district, payable in 10 equal installments, with interest at a rate to be hereafter fixed by ordinance levying the assessment. In case of default in the payment of any assessment when the same shall become due, the delinquent installments, in addition to the interest payable as

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provided in this ordinance, shall be subject to a penalty charge of 5% levied upon both principal and interest due on such installment or installments; foreclosure shall be accomplished in the manner provided by law and the ordinances of the City of Bellevue. The exact amount, form, date and denomination of said bonds shall be fixed hereafter by ordinance of the City of Bellevue.

Section 8. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

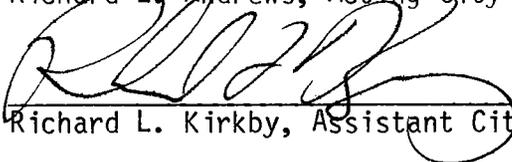
PASSED by the City Council this 7th day of July, 1984, and signed in authentication of its passage this 7th day of July, 1984.

(SEAL)

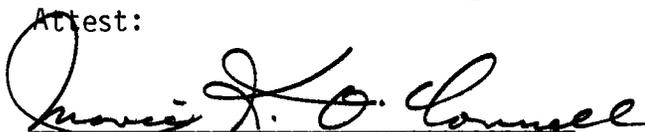

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, Acting City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published July 12, 1984