

ORIGINAL

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3372

AN ORDINANCE relating to service charges for the Storm and Surface Water Utility of the City, authorizing service charge increases for certain real property within the Meydenbauer Drainage Basin; and authorizing general facilities charges for properties not subject to storm water detention requirements.

WHEREAS, on September 12, 1983, the City Council adopted Resolution No. 4239, adding the Meydenbauer Drainage Trunkline Project to the City's 1983-87 Capital Improvement Program (C.I.P.); and

WHEREAS, the City has allocated \$400,000 from the Drainage Utility Fund to pay for its share of the cost of said project; and

WHEREAS, on September 12, 1983 the City Council created the Meydenbauer Drainage Trunkline Finance Committee to study and make recommendations regarding methods of financing the unfunded portion of the cost of constructing the project; and

WHEREAS, on October 17, 1983 the City Council adopted Ordinance No. 3304, ordering construction of a portion of said project, and creating L.I.D. 265 to pay for a portion of the cost thereof; and

WHEREAS, the Meydenbauer Drainage Trunkline Finance Committee met for a period of six weeks during the months of September, October and November, 1983, and, after having considered various alternatives, presented to the City Council its recommended financing plan for the unfunded portion of the cost of the project, including proposed policies for construction of lateral connections to said trunkline; and

WHEREAS, the City Council has considered the recommendations of the Finance Committee, as well as other possible methods of financing the project, and determined that the Committee's recommendations should be adopted; and

WHEREAS, on December 12, 1983 the City Council adopted Resolution No. 4286 adopting a plan for financing the unfunded construction costs of the Meydenbauer Drainage Trunkline; and

WHEREAS, by Section 6 of Resolution No. 4286 adopted on December 12, 1983, the City Council provided that it shall by Ordinance establish the rates and charges to be imposed upon property within that portion of the Meydenbauer Drainage Basin lying within the City as necessary to

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provide the monies set forth in Section 1, subsections A. and B., and Section 2 of Resolution No. 4286; and

WHEREAS, the payment by the City of \$400,000 from the Drainage Utility Fund to pay for its share of the project shall be in lieu of any service charge increase to City right-of-way or easements within the project area; and

WHEREAS, by creating the "No Detention Zone" within the Meydenbauer Drainage Basin the City has relieved property owners from the requirement of providing storm drainage detention facilities, thereby benefitting such properties and correspondingly increasing the City's expense in providing storm drainage service to such properties; and

WHEREAS, the Meydenbauer Drainage Trunkline Project will provide direct drainage service to those properties within the "Local Service Zone" and will provide a storm drainage system with an upgraded design for a 100 year flood thus reducing potential flooding damage to such properties; and

WHEREAS, a public hearing was held on December 12, 1983 concerning the financing of the Meydenbauer Drainage Trunkline Project and public comment and recommendation was solicited; now, therefore,

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

Section 1. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429, as amended, there is levied upon all real property within the Central Business District (CBD), as defined by BCC 20.50.010, lying west of 108th Avenue N.E. and draining to the Meydenbauer Drainage Basin, a service charge of .0737 ¢ per square foot per month. The area defined in this section shall hereinafter be termed the "No Detention Zone."

Section 2. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429, as amended, and in addition to any charge levied pursuant to Section 1 of this Ordinance there is hereby levied on all real property within the Central Business District (CBD) as defined by BCC 20.50.010, lying west of 108th Avenue N.E. and draining to the Meydenbauer Drainage Basin and exclusive of that area within the CBD lying south of N.E. 8th Street and west of Bellevue Way and exclusive of that area within the CBD lying south of N.E. 2nd and east of Bellevue Way, a service charge of .1360 ¢ per square foot per month. The area defined in this section shall hereinafter be termed the "Local Service Zone."

Section 3. In determining the square footage of any property subject to service charges levied by Sections 1 and 2 of this Ordinance

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there shall be deducted any square footage subject to a recorded City drainage easement and/or right-of-way granted to and accepted by the City or its predecessor.

Section 4. In addition to any general facilities charge imposed pursuant to Section 4 of Ordinance No. 2492, as amended, a general facilities charge shall be imposed at the time of development or redevelopment upon all those properties within the Meydenbauer Drainage Basin excluding those properties within Local Improvement District No. 265 (Gateway Properties) and those properties within the "No Detention Zone." Such charge shall be at a rate of 6.404 ¢ per square foot indexed to the time of development or redevelopment using the Engineering News Record Cost of Construction Index for Seattle.

Section 5. A general facilities charge of \$ 79.69 per linear foot of replacement line shall be imposed at the time of development or redevelopment upon all those properties within the Central Business District (CBD), lying between N.E. 2nd Street and N.E. 12th Street, through which the replacement drainage line is located. Such charge shall be indexed at the time of development or redevelopment using the Engineering News Record Cost of Construction Index for Seattle. Such linear footage charge shall be based on the straightline distance between the points where the replacement line intersects the respective property lines.

Section 6. Any property owner who pays directly for the cost of completion of any portion of the Meydenbauer Drainage Trunkline shall, upon acceptance thereof by the City, be entitled to a credit for the amount paid to construct such portion of the Trunkline against the present value of any general facilities charge or service charge imposed upon such property owner's property by this Ordinance, computed as of the time of such payment; provided, however, that such credit shall not exceed the total of the then present value of all general facilities charges and/or service charges imposed upon such property by this Ordinance.

Section 7. The service charges set forth in Sections 1 and 2 of this Ordinance and the general facilities charges set forth in Sections 4 and 5 of this Ordinance shall take effect on June 1, 1984.

Section 8. This Ordinance shall be published in the three official posting places of the City, and shall take effect and be in force five days after the day of posting.

PASSED by the City Council this 7<sup>th</sup> day of May, 1984, and signed

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in authentication of its passage this 7<sup>th</sup> day of May, 1984.

(SEAL)

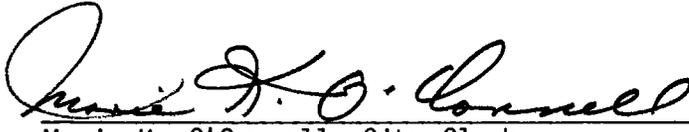
  
Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, Acting City Attorney

  
Richard L. Kirkby, Assistant City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published May 12, 1984