

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3392

AN ORDINANCE relating to Local Improvement District No. 264; authorizing the issuance and sale of local improvement district bond anticipation notes in Local Improvement District No. 264 pending the receipt of the proceeds of the local improvement bonds authorized to be issued by Ordinance No. 3371; and providing for the sale of such bond anticipation notes to Seattle-First National Bank, Seattle, Washington.

WHEREAS, by Ordinance No. 3371 passed by the City Council and approved by the Mayor on June 7, 1984, the City ordered the construction and installation of certain street improvements and appurtenances necessary thereto on Northrup Way from 140th Avenue N.E. to 148th Avenue N.E. (CIP Project PW-R-8), established Local Improvement District No. 264, provided that payment for the improvement be made by special assessments upon the property in the district payable by the mode of "payment by bonds" and provided for the issuance and sale of local improvement district warrants or bond anticipation notes redeemable by cash and/or by local improvement district bonds or bond anticipation notes; and

WHEREAS, the City Council deems it to be in the best interest of the City that the City borrow money and issue its short-term obligation or obligations in the form of local improvement district bond anticipation notes for the purpose of providing part of the funds with which to pay the cost of carrying out the improvements ordered in Local Improvement District No. 264; NOW, THEREFORE,

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

Section 1. Local improvement district bond anticipation notes of the District (the "Notes") shall be issued in the total principal amount of \$459,000. The Notes may be issued as a single Note numbered R-1, in the denomination of \$459,000, or as two Notes numbered R-1, in the denomination of \$100,000, and R-2, in the denomination of \$359,000. The Notes shall be in fully registered form; shall be dated the date of their issuance; shall mature on December 1, 1985; and shall bear interest at the rate of 9.81% per annum, calculated on an actual 365-day year basis, payable at maturity. Both principal of and interest

on the Notes shall be payable solely out of the "Local Improvement Fund, District 264," created by Ordinance No. 3371, from the proceeds of local improvement district bonds authorized to be issued by such ordinance to be deposited in such fund, or other short-term obligations and/or prepaid special benefit assessments deposited in such fund, and from the Local Improvement Guaranty Fund of the City, and shall be payable in lawful money of the United States of America at the office of the City Treasury Manager (the "Bond Registrar") in Bellevue, Washington. The City Council declares and finds that the fixing of the above interest rate is in the best interest of the City.

Section 2. The City may prepay and redeem the Notes at par plus accrued interest on or after June 1, 1985, by giving written notice of such redemption to Seattle-First National Bank in Seattle, Washington, at least thirty days prior to the proposed call date. Interest on the Notes shall cease on the date fixed for such redemption upon the deposit in the "Local Improvement Fund, District No. 264," of sufficient money to redeem the Notes, both principal and interest.

Section 3. The Notes shall be registered as to both principal and interest on the books or records maintained by the Bond Registrar (the "Bond Register"). The Notes shall be issued only in registered form and shall be registered in the name of Seattle-First National Bank or its registered assignee to whom the Notes have been transferred in accordance with their terms (the "Registered Owner").

The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Notes transferred or exchanged in accordance with the provisions of the Notes and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Notes may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. The transfer of the Notes shall be by the Bond Registrar's receiving the Notes to be transferred, cancelling them and issuing new certificates in the form of the Notes to the transferee after registering the name and address of the transferee on the Bond Register. Such exchange or transfer shall be without cost to the owner or transferee.

The Notes shall be typewritten in a form consistent with the terms of this ordinance, shall be signed by the Treasury Manager and sealed with the seal of the City. Only such Notes as shall bear thereon a Certificate of Authentication manually executed by the Bond Registrar shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that

the Notes so authenticated have been duly executed, authenticated and delivered and are entitled to the benefits of this ordinance.

The Notes shall be a negotiable instruments to the extent provided by RCW 62A.8-102 and 62A.8-105.

When the Notes have been paid in full, both principal and interest, the Notes shall be surrendered by the Registered Owner to the Bond Registrar, who shall destroy the same one month after the date of receipt of such Notes. Upon destruction, the Bond Registrar shall furnish to the City a certificate of destruction and no further notes shall be executed or authenticated or issued in exchange or substitution therefor.

Section 4. The City covenants that it will spend the principal proceeds of the Notes with due diligence to completion of the purposes specified in this ordinance and will make no use of the proceeds of the Notes or of its other money at any time during the term of the Notes which will cause the Notes to be arbitrage obligations within the meaning of Section 103(c) of the United States Internal Revenue Code of 1954, as amended, and applicable regulations promulgated thereunder.

Section 5. Seattle-First National Bank, Seattle, Washington, has submitted an offer to purchase the Notes at a price of par, plus accrued interest from the date of the Notes to the date of their delivery to the purchaser, the City to furnish the printed or typewritten Notes and the approving legal opinion of Roberts & Shefelman, municipal bond counsel of Seattle, Washington, at the City's expense. Bond counsel shall not be required to review or express any opinion concerning the completeness or accuracy of any official statement, offering circular or other sales material issued or used in connection with the Notes, and bond counsel's opinion shall so state. The City Council, deeming that it is in the best interest of the City that such offer be accepted, accepts the same. The Notes, therefore, shall be delivered to Seattle-First National Bank, Seattle, Washington, immediately upon their execution and authentication upon payment therefor in accordance with such offer.

The principal proceeds received from the sale of the Notes shall be paid into the "Local Improvement Fund, District No. 264," and used to pay the costs of the improvements ordered to be carried out by Ordinance No. 3371.

Section 6. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 16th day of July, 1984, and signed in authentication of its passage this 16th day of July, 1984.

(SEAL)



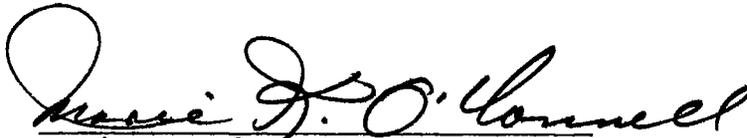
CARY E. BOZEMAN, Mayor

Approved as to form:



Richard L. Andrews
Acting City Attorney

Attest:



Marie K. O'Connell
City Clerk

Published July 21, 1984