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CITY OF BELLEVUE

ORDINANCE NO. 3754

AN ORDINANCE ordering improvements to N.E. 4th Street between 100th Avenue N.E. and 112th Avenue N.E. and the intersections thereof, creating Local Improvement District No. 277 to pay certain costs thereof; providing that payment for such improvements be made against properties benefited; and providing for the issuance and sale of local improvement district warrants, bonds or installment notes.

WHEREAS, by Resolution No. 4834 passed by the City Council on January 20, 1987, the City declared the intention to order the formation of Local Improvement District No. 277 to improve N.E. 4th Street between 100th Avenue N.E. and 112th Avenue N.E. set forth the nature and extent thereof; and fixed the 17th day of February, 1987, at the hour of 8:00 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, pursuant to further analysis by City staff and City real estate advisers it was determined that certain parcels not included within the proposed boundary of Local Improvement District No. 277 will derive special benefits from said improvements and that certain properties presently included within the proposed boundary of Local Improvement District No. 277 will not derive special benefits from said improvements; and

WHEREAS, Resolution No. 4834 passed by the City Council on January 20, 1987 included said certain properties within proposed Local Improvement District No. 277 and excluded said certain other properties from proposed Local Improvement District No. 277; and

WHEREAS, the City Manager has caused an estimate to be made of the costs and expenses of the proposed improvements, and has certified said estimate to the City Council, together with all papers and information in his 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, and 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 improvements in the proposed district according to the valuation last placed upon it for the purpose of general taxation; and

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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. 4834 was given in the manner provided by law and said hearing was held by the City Council on February 17, 1987, 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 the local improvement district, as hereinafter described, that the improvement 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. Local Improvement District No. 277 Established. Local Improvement District No. 277 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 Section 32, Township 25 North, Range 5 East, W.M., King County, Washington; and that portion of Section 29, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

Beginning at the NW corner of Section 32, Township 25 North, Range 5 East, which is the intersection of NE 8th Street and 100th Avenue NE the true point of beginning; thence South along the West margin of said Section on 100th Avenue NE to the intersection of Main Street; thence continuing South along 100th Avenue SE to a point which is 200 feet South of the North line of the SW 1/4 of Section 32, TWP 25 N, Range 5E, measured at right angles to said North line; thence Easterly 215 feet parallel to the said North line; thence Southerly 90 feet parallel with the East line of said Section to a point that is on the North line Lot 82 of Bellevue Acre and Half Acre Tracts; thence Easterly along the North line of Lot 82 to the centerline of Bellevue Way SE; thence Northeasterly along the arc of the centerline to a point which is the intersection of the centerline with a Westerly projection of the

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South line of Lot 4 of Bellevue Acre and Half Acre Tracts; thence Easterly along said South line along the South lines of Lots 4 and 5 of Bellevue Acre and Half Acre Tracts to the centerline of 102nd Ave. SE; thence Southerly along said centerline to a point which is the intersection of the centerline with a Westerly projection of the South line of Lot 49 of Bellevue Acre and Half Acre Tracts; thence Easterly along the South lines of Lots 49 and 14 to the centerline of 104th Ave. SE; thence Northerly along said centerline to a point which is the intersection of the centerline with a Westerly projection of the South line of Lot 14 of Maxwellton Braes; thence Easterly along said South line to the SE corner of said Lot; thence Northerly along the East line of said Lot 14 and Lot 13 of Maxwellton Braes to the centerline of vacated SE 1st St. as in vacation Ordinance 713; thence Easterly along the centerline of said vacated street to the centerline of 105th Ave. SE; thence Southerly along said centerline to a point which is the intersection of the centerline with a Westerly projection of the South line of Lot 58 of Maxwellton Braes, thence Easterly along the South lines of Lots 58 and 101 of Maxwellton Braes to the West line of Lot 2 of Trin with Add.; thence Northerly along said West line of Lot 2 to a point on the North limits of the Southerly 2/3 of Lot 2 of Trin with Add.; thence Easterly from this point parallel with the South line of Lot 2 to the centerline of 107th Ave. SE; thence Northerly along said centerline to a point which is the intersection of the centerline with a Westerly projection of the South line of Lot 15 of Trin with Add.; thence Easterly along said South line 103.00 feet to the Southeast corner of Lot 15; thence Southerly to a point that is the Southwest corner of the East 343.09 feet of the North 227.07 feet of said 1/4 section; thence Easterly 113.09 feet parallel with the North boundary of said 1/4 section; thence Northerly parallel with the East boundary of said quarter section to a point which is the Southwest corner of the North 176.42 feet of the East 230 feet of the said quarter Section; thence Easterly 230 feet parallel to the North boundary of said quarter Section to the centerline of 108th Avenue SE; thence Northerly along said centerline to the intersection of 108th Ave. SE and Main St.; thence Easterly along the centerline of

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Main Street to the West margin of Interstate 405 (Primary State Highway No. 1, Midlakes to Kirkland); thence Northerly and Northwesterly along said West margin to the centerline of 112th Avenue NE; thence Northerly along said centerline to the centerline of NE 8th Street; thence Easterly along said centerline to the Southerly extension of the East margin of 112th Avenue NE, said East margin also being the West margin of said Interstate 405; thence Northerly along the West margin of said Interstate 405 to the South margin of NE 12th Street; thence Southwesterly along said South margin to the North line of the South half of the Southeast quarter of said Section 29; thence Westerly along said North line to the Northeast corner of the South half of the Southwest quarter of said Section 29; thence Westerly along the North line of the South half of the Southwest quarter of said Section 29 to the centerline of 100th Avenue NE; thence Southerly along said centerline to the true point of beginning.

Section 2. The area described in Section 1 above shall be improved by providing for:

The widening of N.E. 4th Street from four to five lanes between 100th and 108th Avenues N.E. and from four to six lanes between 108th and 112th Avenues N.E. In addition, 12-foot wide sidewalks with street trees and a street lighting system will be installed, signals revised and replaced at four intersections, and new signals installed at 100th Avenue N.E., Bellevue Square Entrance, and 110th Avenue N.E.

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 City of Bellevue.

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

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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, which is paid by the City shall not be allocated to and be borne by said properties. In accordance with the provisions of RCW 35.44.047, the City may use any method or combination of methods to compute assessments which may be deemed to fairly reflect the special benefits to the property being assessed. 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.

Section 4. Estimated Costs. The total estimated costs and expenses of the improvements herein ordered is declared to be approximately \$7,903,000 and the portion to be assessed to specially benefited properties is \$5,717,000 and 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. 277 especially 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. 277, a special fund to be known and designated as "Local Improvement Fund, District No. 277," 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 fund shall 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 in payment for, or from which to obtain funds with which to pay for, the costs and expenses of the improvements

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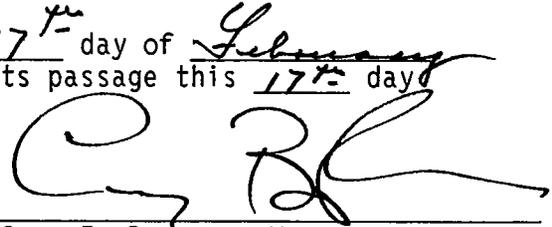
herein ordered. Such bond anticipation notes or warrants shall be designated and payable out of the "Local Improvement Fund, District No. 277," to bear interest from the date thereof at a rate to be hereafter fixed and to be redeemed in cash or by local improvement district bonds or installment notes herein authorized to be issued, said interest bearing bond anticipation notes or warrants to be hereafter referred to as Local Improvement District No. 277 Bond Anticipation Notes or Warrants.

Bonds payable on or before 22 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 20 equal annual installments, including 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 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 take effect and be in force five days after its passage and legal publication.

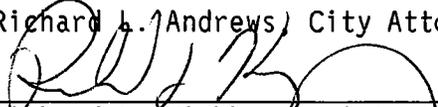
PASSED by the City Council this 17th day of February 1987, and signed in authentication of its passage this 17th day of February, 1987.

(SEAL)

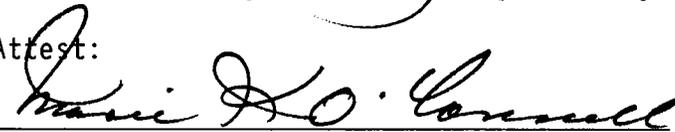

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published February 21, 1987