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CITY OF BELLEVUE

ORDINANCE NO. 3767

AN ORDINANCE ordering undergrounding of overhead utility wiring on S.E. 7th Street between 96th Avenue S.E. and 98th Avenue S.E. and the intersections thereof; creating Local Improvement District No. 281 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. 4847 passed by the City Council on March 2, 1987, the City declared the intention to order the formation of Local Improvement District No. 281 to underground overhead utility wiring on S.E. 7th Street between 96th Avenue S.E. and 98th Avenue S.E. and set forth the nature and extent thereof; and fixed the 6th day of April, 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, 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

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. 4847 was given in the manner provided by law and said hearing was held by the City Council on April 6, 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

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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. 281 Established. Local Improvement District No. 281 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 6, Township 24 North, Range 5 East, W.M., King County, Washington and the Southeast quarter of Section 31, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows: Beginning at the Northwest corner of Lot 2, Block 1 of Meydenbauer Heights, according to the plat thereof, recorded in Volume 69 of Plats, Pages 77 to 79, in the Records and Elections Division of King County, Washington; thence Easterly along the North line of said Lot 2 to the Northeast corner of said Lot 2; thence Southerly along the East line of said Lot 2 to the North line of Lot 3, Block 1 of said Meydenbauer Heights; thence Easterly along said North line to the Northeast corner of said Lot 3; thence Southerly along the East line of said Lot 3 to the Northwest corner of Lot 16, Block 1 of said Meydenbauer Heights; thence Easterly along the North line of said Lot 16 to the Northeast corner of said Lot 16; thence Southerly along the East line of said Lot 16 to the Southwest corner of Lot 1, Block 2 of said Meydenbauer Heights; thence Easterly along the South line of said Lot 1 to the West line of Lot 9, Block 2 of said Meydenbauer Heights; thence Southerly along said West line to the Southwest corner of said Lot 9; thence Easterly along the South line of said Lot 9 to the Southeast corner of said Lot 9; thence Northerly along the East line of said Lot 9 and the Northerly extension of said East line to the center line of 98th Avenue S.E.; thence Northwesterly along said center line to the intersection of the Northeasterly extension of the North line of Lot 13 of Meydenbauer Park Addition II, according to the plat thereof recorded in Volume 107 of Plats, Pages 3 and 4, in the Records and Elections Division of King County, Washington; thence Southwesterly along said line to the Northwest corner of said Lot 13; thence continuing Southwesterly along the Southwesterly extension of the North line of said Lot 13 to the center line of 97th Place S.E.; thence Northwesterly along said center line to the intersection of the Easterly extension of the North line of Lot 4 of said Meydenbauer Park Addition II; thence Westerly along said line to the Northwest corner of said Lot 4; thence continuing Westerly along the Westerly extension of the North

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line of said Lot 4 to the East line of Block 8 of Meydenbauer Park, according to the plat thereof recorded in Volume 20 of Plats, Page 79, in the Records and Elections Division of King County, Washington; thence Northerly along the East line of said Block 8 to a line which bears South 89°11'52" East 197.61 feet from a point on the West line of said Block 8 a distance of 531.27 feet Northerly of the Southwest corner of said Block 8; thence North 89°11'52" West 197.61 feet along said line to the West line of said Block 8; thence Southerly 357.34 feet along said West line; thence South 56°05'04" East 166.34 feet; thence South 89°13'22" East 77.03 feet to the East line of said Block 8; thence Southerly along said East line to the Southeast corner of said Block 8; thence Easterly along the Easterly extension of the South line of said Block 8 to the West line of Lot 1, Block 1 of said Meydenbauer Heights; thence Southerly along said West line to the Northwest corner of Lot 2, Block 1 of said Meydenbauer Heights and the point of beginning.

Section 2. The area described in Section 1 above shall be improved by providing for the undergrounding of existing overhead utility wiring including all trenching, installations and restorations necessary to facilitate such underground conversion.

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, 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

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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 \$40,884.60 and the portion to be assessed to specially benefited properties is \$40,884.60 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. 281 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. 281, a special fund to be known and designated as "Local Improvement Fund, District No. 281," 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 herein ordered. Such bond anticipation notes or warrants shall be designated and payable out of the "Local Improvement Fund, District No. 281," 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. 281 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

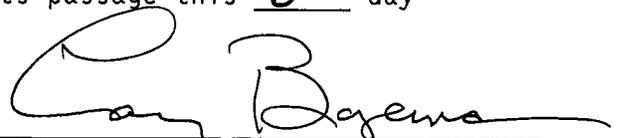
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the property within said district, payable in 10 equal annual installments, including interest at a rate to be hereafter fixed by ordinance levying the assessment. In case of default in the payment of any assessment when the same shall become due, 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.

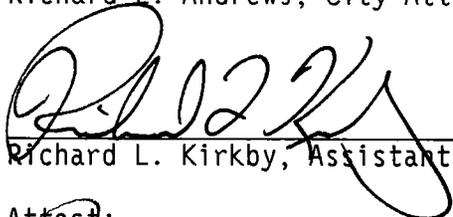
PASSED by the City Council this 6th day of April, 1987, and signed in authentication of its passage this 6th day of April, 1987.

(SEAL)

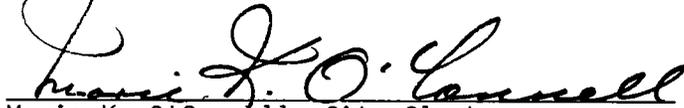

Cary E. Bozeman, Mayor

Approved as to form.

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published April 11, 1987