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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3832

AN ORDINANCE ordering roadway improvements on Northup Way between 124th Avenue N.E. and 130th Avenue N.E. and the intersections thereof; creating Local Improvement District No. 266 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. 4882 passed by the City Council on May 18, 1987, the City declared the intention to order the formation of Local Improvement District No. 266 to construct roadway improvements on Northup Way between 124th Avenue N.E. and 130th Avenue N.E. and set forth the nature and extent thereof; and fixed the 15th day of June, 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, due notice of hearing upon said Resolution No. 4882 was given in the manner provided by law and said hearing was continued to and held by the City Council on June 22, 1987, and all persons appearing at such hearing were heard, and all written protests were duly considered; and

WHEREAS, following said public hearing on June 22, 1987, the City Council tabled the decision whether to create Local Improvement District No. 266 for ninety days to allow City staff to analyze ways to reduce the proposed costs of the L.I.D.; and

WHEREAS, the proposed costs of Local Improvement District No. 266 have been reduced and the installment payment period has been extended from ten years to twenty years, thus reducing preliminary assessment estimates; and

WHEREAS, the City Council held a public hearing on October 5, 1987 upon written notice to all property owners within the boundaries of proposed Local Improvement District No. 266 and all persons appearing at said public hearing were heard and all written protests were duly considered; and

WHEREAS, the City Manager has caused a new 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

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proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, and 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, the City Council has determined that it is in the best interest of the City and of the owners of property within the area of 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. Local Improvement District No. 266 Established. Local Improvement District No. 266 is hereby established, which district shall include the property within the boundaries of an area within the City, described as:

That portion of the Northeast quarter of Section 28, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

Beginning at the Northwest corner of Parcel 2 of City of Bellevue Short Plat No. 77-81R, recorded under Auditor's File No. 7912319005, in the Records and Elections Division of King County, Washington; thence Northerly along the East margin of 124th Avenue N.E. and the Easterly margin of said 124th Avenue N.E., established by SR-520 Right of Way Plans (Northup Interchange to Junction SR-202, Sheet 5 of 36), to the Northerly most corner of Lot A of City of Bellevue Short Plat No. 77-77, recorded under Auditor's File No. 7711210588, in the Records and Elections Division of King County, Washington; thence Northerly to the intersection of the Northerly margin of Northup Way (C.B. Howard Road No. 833) and the Easterly margin of said 124th Avenue, established by said SR-520 Right of Way Plans; thence Northerly along said Easterly margin to the intersection of the Easterly margin of said 124th Avenue N.E. and the Southerly margin of SR-520, established by said SR-520 Right of Way Plans; thence Easterly along said Southerly margin to a point 415.88 feet East of the West line of the Northeast quarter of the Northeast quarter of said Section 28, as measured on the South line of the North 670.00 feet of the Northeast quarter of the Northeast quarter of said Section 28; thence South 00°01'24" East

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to the North line of the Southeast quarter of the Northeast quarter of said Section 28; thence Westerly along said North line to the East line of the West half of the Northwest quarter of the Southeast quarter of the Northeast quarter of said Section 28; thence Southerly along said East line to the South line of the Northwest quarter of the Southeast quarter of the Northeast quarter of said Section 28; thence Westerly along said South line to the East line of the West half of the Northeast quarter of said Section 28; thence Southerly along said East line to the South line of the Northeast quarter of said Section 28; thence Westerly along said South line to the West line of the East 330.00 feet of the Southwest quarter of the Northeast quarter of said Section 28; thence Northerly along said West line to the Southeast corner of Parcel 1 of said City of Bellevue Short Plat No. 77-81R; thence Westerly along the South line of said Parcel 1; thence Northwesterly along the Southwest line of said Parcel 1; thence Westerly along the South line of said Parcel 1 to the East margin of said 124th Avenue N.E.; thence Northerly along said East margin to the point of beginning.

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

widening the existing two- and three-lane road to five lanes and by adding sidewalks, street lights, storm drains, landscaping and other appurtenances as necessary.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the City and its agents, and may be modified by the City Council as long as such modification does not affect the purpose of the improvement. Said improvements constitute a continuous unit of improvement.

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 and 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

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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 project costs and expenses of the improvements herein ordered is declared to be approximately \$1,787,000 and the portion to be assessed against specially benefited properties (L.I.D. 266) is declared to be approximately \$742,000 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. 266 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. 266, a special fund to be known and designated as "Local Improvement Fund, District No. 266," 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 said 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. 266," 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

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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. 266 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. Effective Date. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 5<sup>th</sup> day of October, 1987, and signed in authentication of its passage this 5<sup>th</sup> day of October, 1987.

(SEAL)

Nan P. Campbell  
Nan P. Campbell, Mayor Pro tem

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby  
Richard L. Kirkby, Assistant City Attorney

Attest:

Marie K. O'Connell  
Marie K. O'Connell, City Clerk

Published October 10, 1987