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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3849

AN ORDINANCE ordering street improvements on 164th Avenue N.E. between N.E. 8th Street and Northup Way and the intersections thereof; creating Local Improvement District No. 282 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. 4933 passed by the City Council on October 5, 1987, the City declared the intention to order the formation of Local Improvement District No. 282 to construct roadway improvements on 164th Avenue N.E. between N.E. 8th Street and Northup Way and set forth the nature and extent thereof; and fixed the 16th day of November, 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, 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 held a public hearing on Resolution No. 4933 on November 16, 1987 upon written notice to all property owners within the boundaries of proposed Local Improvement District No. 282 which said public hearing was continued to and held on December 7, 1987 and all persons appearing at said public hearing were heard and all written protests were duly considered; and

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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. 282 Established. Local Improvement District No. 282 is hereby established, which district shall include the property within the boundaries of an area within the City, described as:

That portion of the East half of Section 26, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

Commencing at the intersection of the South margin of Northup Way and the West margin of 164th Avenue N.E., said point being the TRUE POINT OF BEGINNING; thence South along the West margin of 164th Avenue N.E. to the North margin of N.E. 8th Street; thence West along said North margin to the West line of the East 525.00 feet of the Southeast quarter of said Section 26; thence North along said West line to the Northeast corner of Lot 1 of City of Bellevue Short Plat No. 82-01, recorded under Auditor's File No. 8202089001 and corrected by affidavit recorded under Auditor's File No. 8504231011, in the Records and Elections Division of King County, Washington; thence North 88°42'24" West 234.88 feet along the North line thereof; thence continuing Northwesterly along said North line on a curve to the right, having a radius of 560.00 feet, through a central angle of 14°35'00", an arc distance of 142.54 feet; thence North 74°07'24" West 53.98 feet along said North line; thence North 1°05'43" East 32.76 feet along said Northerly line; thence North 88°42'24" West 60.00 feet along said North line to the Southwest corner of Lot 2 of said City of Bellevue Short Plat No. 82-01; thence North 1°05'43" East 278.34 feet along the West line of said Lot 2 and Lot 3 of said City of Bellevue Short Plat No. 82-01 to the Southwest corner of Crossroads Village, according to the plat thereof recorded in Volume 57 of Condominiums, pages 23 to 31 and amended in Volume 63 of Condominiums, pages 12 to 20, in the Records and Elections Division of King County, Washington; thence North along the West line thereof to the Northwest corner of said Crossroads Village; thence continuing Northerly along the Northerly extension of the West line of said Crossroads Village to the South line of Crossroads Condominium Phase I, according to the plat thereof recorded in Volume 8 of Condominiums, pages 35 to 39 and amended in Volume 8 of Condominiums, pages 71 and 72, in the Records and Elections Division of King County, Washington; thence

East along said South line to the Southeast corner thereof; thence North along the East line thereof to the Northeast corner of said Crossroads Condominiums and the South line of the Northeast quarter of said Section 26; thence East along said south line to the Southeast corner of Lot C of City of Bellevue Short Plat No. 82-22, recorded under Auditor's File No. 8401309015, in the Records and Elections Division of King County, Washington; thence Northeasterly to the TRUE POINT OF BEGINNING.

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

street improvements including the construction of sidewalks, landscaping, street lighting, signal modification, channelization, storm drainage improvements, and traffic signal interconnect, undergrounding of overhead power and telephone lines.

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 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 $1,084,000 and the portion to be assessed against specially benefited properties (L.I.D. 282) is declared to be approximately $484,000 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. 282 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. 282, a special fund to be known and designated as "Local Improvement Fund, District No. 282," 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. 282," 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. 282 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

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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 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. 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 19th day of January, 1988, and signed in authentication of its passage this 19th day of January, 1988.

(SEAL)

Nan Campbell

Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney

Attest:

Marie K. O'Connell

Marie K. O'Connell, City Clerk

Published January 25, 1988