

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3896

AN ORDINANCE of the City of Bellevue, Washington relating to park and recreation facilities; providing for the submission to the qualified electors of the City at a special election to be held therein on May 17, 1988 of two propositions (i) authorizing the City to issue its unlimited tax levy general obligation bonds in the aggregate principal amount of \$16,500,000 for the purpose of acquiring, improving and developing park and recreation facilities within the City and (ii) authorizing the City to levy regular property taxes in excess of the 106% limitation for the purpose of paying maintenance and operating expenses for park and recreation facilities of the City.

WHEREAS, the City Council of the City of Bellevue (the "City") has approved a Parks, Open Space and Recreation Plan on November 1, 1987 (the "Plan"), calling for the acquisition, improvement and development of various park and recreation facilities throughout the City; and

WHEREAS, to provide financing for a portion of the park and recreation facilities contained in the Plan, it is deemed necessary and advisable that the City issue and sell its unlimited tax levy general obligation bonds in the principal amount of \$16,500,000; and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether or not unlimited tax general obligation bonds may be issued and sold for capital purposes must be submitted to the qualified electors of the City for their ratification or rejection; and

WHEREAS, the existing and future park and recreation facilities of the City require on-going maintenance and operation; and

WHEREAS, RCW 84.55.050 permits the question of whether or not the City may levy regular property taxes in excess of the 106% levy limitation for the purpose of paying maintenance and operation expenses of park and recreation facilities to be submitted to the qualified electors of the City for their ratification or rejection.

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

Section 1. Capital Improvements. The City hereby orders the following capital improvements, all as contained in the Plan, to be acquired, planned, designed, constructed, developed and improved, subject to voter approval as specified herein:

1. Open Space Acquisitions. At an estimated cost of \$6,000,000, the City will purchase large parcels that add to existing holdings, protect major sensitive areas, and provide trail corridors and buffers. These open spaces will include Mercer Slough, Kelsey Creek and Lake Hills Greenbelt additions, Surrey Downs Fields and the Bridle Trails View Point.

2. Waterfront Acquisition. At an estimated cost of \$1,000,000, the City will acquire waterfront parcels to provide public access to water.

3. Community Park Acquisition. At an estimated cost of \$1,000,000, the City will acquire approximately 25 acres of property south of I-90 in the Newcastle-Somerset area for a community park site.

4. Central Park Development. At an estimated cost of \$3,000,000, the City will develop the remaining portion of the promenade, canal, waterfall and belvedere of the Central Park.

5. Enatai Beach Development. At an estimated cost of \$500,000, the City will develop City park land and land leased from the Department of Transportation at Enatai Beach.

6. Wilburton Hill Community Park Development. At an estimated cost of \$500,000, the City will develop additional elements of Wilburton Hill Park including trails, botanical-arboretum gardens, picnic, playground, and other support areas.

7. Sports Field Development. At an estimated cost of \$1,500,000, and in cooperation with the Bellevue School District, the City will redevelop school sport fields at selected school sites and develop additional sports fields at City park sites.

8. Trail Development. At an estimated cost of \$1,000,000, the City will construct approximately 2.5 miles of trails, connecting City parks including Mercer Slough, Kelsey Creek, Lake Hills Greenbelt and Wilburton Hill Community Park for walking, jogging and nature walks.

9. Crossroads Center Addition. At an estimated cost of \$500,000, the City will construct and equip additional class-

rooms, offices, kitchen facilities and a multipurpose room at the Crossroads Center.

10. Warm Water Pool Development. At an estimated cost of \$1,000,000, and in cooperation with the YMCA, the City will construct a warm water pool for children and disabled, arthritic and elderly persons.

11. Union South High School Relocation. At an estimated cost of \$500,000, the City will remove the Union South High School building from the Central Park Site.

The cost of all necessary appraisals, negotiation, closing, architectural, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses and other costs incurred in connection with the making of the foregoing capital improvements shall be deemed a part of the capital costs of such improvements. Such improvements shall be complete with all necessary furniture, equipment and appurtenances.

By ordinance of the City, the Council may alter, make substitutions to and amend such project descriptions as it determines is in the best interests of the City and consistent with the general descriptions provided herein.

By ordinance of the City, the Council shall determine the application of moneys available for the various projects set forth above so as to accomplish, as nearly as may be, all improvements described as part of such projects. The City shall determine the exact extent and specifications for, and order of acquisition and construction of, property, structures or other improvements. If the City Council by ordinance shall determine that it has become impractical to accomplish any of such improvements or portions thereof by reason of changed conditions, incompatible development, costs substantially in excess of the amount of bond proceeds estimated to be applied thereto, or acquisition by a superior governmental authority, the City shall not be required to accomplish such improvement. In the event funds are insufficient to make all of the capital improvements herein authorized, the City shall use the available funds for paying costs of those improvements for which bonds were approved which are deemed most necessary and in the best interests of the City by the Council. If any or all of the improvements have either been completed, or their completion duly provided for, or their completion found to be impractical, the City may apply the bond proceeds or any portion thereof to other park and recreation capital purposes of the City as may be permitted by law or to redemption of the bonds as the Council, by ordinance and in its discretion, shall determine.

Section 2. Authorization of Bonds. For the purpose of providing funds necessary to pay a portion of the capital costs of the improvements authorized in Section 1 of this ordinance, the City hereby authorizes the issue of its unlimited tax levy general obligation bonds in the aggregate principal amount of not to exceed \$16,500,000. The bonds shall be paid by annual property tax levies in excess of regular property tax levies without limitation as to rate or amount sufficient in amount to pay the principal of and interest on the bonds when due. The bonds shall be issued in such amounts at such time or times as found necessary and advisable by the legislative authority of the City; may be issued in one or more series; may be combined with other authorized general obligation bonds of the City and issued and sold as single issues of City bonds; and shall bear interest payable at a rate or rates not to exceed a maximum rate authorized by the City Council of the City. The bonds shall mature in such amounts and at such times within a maximum term of 20 years from date of issue, but may mature at an earlier date or dates as authorized by the City Council of the City and as provided by law. The exact date, form, terms, options of redemption, maturities and conditions of sale of the bonds shall be as hereafter fixed by ordinance or ordinances of the City Council of the City passed for such purpose. Pending the issuance of the bonds and receipt of the proceeds thereof, the City Council of the City may authorize interim interest-bearing warrants or other short term obligations to pay for carrying out the purposes of the bonds and the purposes of the bonds and the costs of such warrants or short-term obligations shall be included in the costs of those purposes.

Section 3. Maintenance and Operation Levy. For the purpose of providing funds for the maintenance and operation of park and recreation facilities of the City, the City shall submit to the qualified electors of the City a proposition as authorized by RCW 84.55.050, as amended by Chapter 169, Laws of Washington, 1986, to exceed the 106% levy limitation on regular property taxes contained in RCW 84.55.010 as follows: the City shall be authorized to levy an amount of regular property taxes in 1988 to be collected in 1989 in the amount of \$746,000 and thereafter to use the amount levied to compute limitations on subsequent tax levies. The City shall be authorized to collect such amount in 1989 by increasing the levy rate of regular property taxes by an estimated rate of \$0.14 per thousand dollars of assessed value in 1988, causing the aggregate levy rate of property taxes in 1988 for collection in 1989 to be approximately \$2.33 per thousand dollars of assessed value.

Section 4. Bond and Levy Election. It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the City of a proposition of whether or not the City shall issue bonds for the purposes specified in this ordinance and a proposition authorizing regular property tax

levies in excess of the 106% levy limitation for the purposes specified in this ordinance at a special election to be held therein on the 17th day of May, 1988. The Director of Records and Elections of King County is hereby requested also to find the existence of such emergency and to assume jurisdiction of and to call and conduct said special election to be held within the City and to submit to the qualified electors of the City the propositions hereinafter set forth.

The City Clerk is hereby authorized and directed not less than 45 days prior to May 17, 1988 to certify the following propositions to the Director of Records and Elections of King County in the following forms:

CITY OF BELLEVUE

PROPOSITION NO. 1

PARK BONDS

To acquire, construct, develop and improve park and recreation facilities within the City, shall the City of Bellevue issue \$16,500,000 of general obligation bonds maturing within a maximum term of 20 years from the date of issue, payable from annual tax levies in excess of regular property tax levies, as more fully provided in Ordinance No. 3896?

BONDS, YES []

BONDS, NO []

CITY OF BELLEVUE

PROPOSITION NO. 2

PARK MAINTENANCE AND OPERATION LEVY

To pay maintenance and operation costs of City park facilities, shall the City of Bellevue increase its regular property tax levy in 1988 by up to \$746,000 (and thereafter use such levy to compute limitations for subsequent levies) by levying an additional rate of approximately \$0.14 per thousand of assessed valuation in 1988 for collection in 1989 (to total approximately \$2.33 per thousand of assessed valuation in 1988), as more fully provided in Ordinance No. 3896?

LEVY, YES []

LEVY, NO []

The polls for such special election shall be open from 7:00 a.m. to 8:00 p.m.

Certification of such propositions by the Clerk of the City Council to the Director of Records and Elections of King County, in accordance with law, prior to the date of such election on May 17, 1988, and any other act consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 5. Severability. In the event any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the bonds, but this ordinance and the bonds shall be construed and enforced as if such invalid provision had not been contained therein; provided, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 6. Effective Date. This ordinance shall become effective five days after its passage and legal publication.

PASSED by the City Council of the City of Bellevue at a regular meeting thereof, this 28th day of March, 1988 and signed in authentication of its passage this 28th day of March, 1988.

CITY OF BELLEVUE, WASHINGTON

Nan Campbell
Nan Campbell, Mayor

(SEAL)

Approved as to Form:

Richard Gidley
Richard Gidley,
Deputy City Attorney

ATTEST:

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

Published: March 30, 1988