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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3989

AN ORDINANCE ordering roadway and frontage improvements to N.E. 8th Street - 121st Avenue N.E. to 156th Avenue N.E.; creating Local Improvement District No. 290 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. 5094 passed by the City Council on January 23, 1989, the City declared the intention to order the formation of Local Improvement District No. 290 for roadway and frontage improvements to N.E. 8th Street - 121st Avenue N.E. to 156th Avenue N.E. and fixed the 21st day of February, 1989, 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 upon said Resolution No. 5094 on February 21, 1989 upon written notice to all property owners within the boundaries of proposed Local Improvement District No. 290 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. 290 Established. Local Improvement District No. 290 is hereby established, which district shall include the property and boundaries of an area within the City, described as:

That portion of the Southwest quarter of Section 26, the South half of Section 27, the South half of Section 28, the North half of Section 33, the North half of Section 34 and the Northwest quarter of Section 35, all in Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 35 and the True Point of Beginning; thence South along the East line thereof to the center line of N.E. 6th Street; thence West along said center line to the East line of the Northeast quarter of said Section 34; thence North along said East line to intersection of the Easterly extension of the South line of Lot 9 of Upper and Renick's Kirkland Garden Addition, according to the plat thereof recorded in Volume 8 of Plats, page 10, in the Records and Elections Division of King County, Washington; thence West along said extension and the South line of Lots 9, 10, 11 and 12 of said Upper and Renick's Kirkland Gardens Addition to the East line of Lot 24 of Stoneridge, according to the plat thereof recorded in Volume 92 of Plats, page 53, in the Records and Elections Division of King County, Washington; thence South along said East line to the Southeast corner thereof and the South line of the North half of the North half of the Northeast quarter of said Section 34; thence West along said South line to the Southeast corner of the North half of the North half of the Northwest quarter of said Section 34; thence West along the South line thereof to the East line of the Northeast quarter of said Section 33 and the East line of Lot 7 of Fairway's of Bellevue, according to the plat thereof recorded in Volume 58 of Plats, page 60, in the Records and Elections Division of King County, Washington; thence North along said East line to the North line of said Lot 7; thence West along said North line and the Westerly extension of said North line to the center line of 131st

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Avenue N.E.; thence South along said center line to the center line of N.E. 6th Street; thence West along said center line and the Westerly extension of said center line to the Northeast corner of Lot 1 of Brookside East, according to the plat thereof recorded in Volume 80 of Plats, page 94, in the Records and Elections Division of King County, Washington; thence North $00^{\circ}57'07''$ West 45.78 feet parallel with and 25.00 feet West of the center line of 130th Avenue N.E. to the Northerly most point of vacated N.E. 6th Street by Ordinance No. 1191 of the City of Bellevue; thence Southwesterly along the North line of vacated N.E. 6th Street on a curve to the right having a radius of 20.00 feet through a central angle of $92^{\circ}08'15''$ an arc distance of 32.16 feet; thence North $88^{\circ}48'52''$ West 111.08 feet along said North line to the East line of Lot 8, Block 1 of Brookwood Manor, according to the plat thereof recorded in Volume 73 of Plats, pages 22 and 23, in the Records and Elections Division of King County, Washington, thence South along said East line to the South line of said Lot 8; thence West along said South line and the Westerly extension of said South line to the center line of 129th Place N.E.; thence North along said center line to the intersection of the Easterly extension of the North line of Lot 8, Block 2 of said Brookwood Manor; thence West along said extension and the North line of said Lot 8 to the West line of said Lot 8; thence South along said West line to the South line of the North 660.00 feet of the Northeast quarter of said Section 33; thence West along said South line to the center line of 128th Avenue N.E.; thence South along said center line to the South line of the North half of the Northwest quarter of the Northeast quarter of said Section 33; thence West along said South line to the Southeast corner of the North half of the Northeast quarter of the Northwest quarter of said Section 33; thence West along the South line thereof to the center line of 120th Avenue N.E.; thence North along said center line to the South line of the Southwest quarter of said Section 28; thence West along said South line to the intersection of the Southerly extension of the West line of Lot 83 of Brierwood Park Addition, according to the plat thereof recorded in Volume 17 of Plats, page 18, in the Records and Elections Division of King County, Washington; thence North along said extension and the West line of said Lot 83 to the center line of N.E. Bellevue-Redmond Road; thence Northeasterly along said center line to the center line of N.E. 10th Place (Otto Phetteplace Road); thence East along said center line to the West line of the Southeast quarter of said Section 28; thence North along said West line to the center line of N.E. Bellevue-Redmond Road; thence Northeasterly along said center line to the East line of the West 220.00 feet of the Southeast quarter of said

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Section 28; thence South along said East line 31.35 feet to the South margin of N.E. Bellevue-Redmond Road; thence continuing South along said East line 140.10 feet to a property line established by instrument recorded under King County Auditor's File Nos. 6485079 and 6485515; thence East along said line to the West line of Parcel 2 of City of Bellevue Short Plat 77-51, recorded under Auditor's File No. 7707130879, in the Records and Elections Division of King County, Washington; thence South along said West line to the South line of said Parcel 2; thence Northeasterly along said South line and the South line of Parcel 1 of said City of Bellevue Short Plat 77-51 to the West line of Lot 5 of Kietz' Home Acres, according to the plat thereof recorded in Volume 47 of Plats, page 83, in the Records and Elections Division of King County, Washington; thence North along said West line to a point 247.69 feet Southerly of the Northwest corner of said Lot 5; thence North $81^{\circ}37'16''$ West 723.85 feet to an angle point on the East line of said Lot 5 which bears South $18^{\circ}03'50''$ East 303.87 feet from the Northeast corner of said Lot 5; thence North $71^{\circ}56'10''$ East 76.90 feet along said Easterly line; thence South $16^{\circ}03'50''$ East 146.60 feet along said East line to the Northwest corner of Lot 23 of Tall Fir Estates No. 2, according to the plat thereof recorded in Volume 66 of Plats, page 79, in the Records and Elections Division of King County, Washington; thence Northeasterly along the North line thereof and the North line of Lot 24 and Parcel A of said Tall Firs Estates No. 2 to the Northwest corner of Lot 10 of Tall Firs Estates No. 1, according to the plat thereof recorded in Volume 63 of Plats, page 2, in the Records and Elections Division of King County, Washington; thence Northeasterly along the North line thereof to the East line of said Lot 10; thence North along the Northerly extension of said East line 113.71 feet to the center line of a creek; thence along said center line North $81^{\circ}35'12''$ East 35.00 feet; thence South $58^{\circ}24'48''$ East 20.89 feet; thence North $85^{\circ}35'12''$ East 18.50 feet; thence South $19^{\circ}54'48''$ East 76.00 feet; thence South $39^{\circ}24'48''$ East 33.00 feet; thence South $57^{\circ}54'48''$ East 41.00 feet; thence South $87^{\circ}24'48''$ East 41.13 feet to a line 194.80 feet East and parallel to the East line of said Lot 10 of Tall Firs Estates No. 1; thence South along said East line to the North line of Lot 9 of said Tall Firs Estates No. 1; thence East along the North line thereof to the Northwest corner of Lot 5 of Shady Brook Addition, according to the plat thereof recorded in Volume 66 of Plats, page 23, in the Records and Elections Division of King County, Washington; thence East along the North line thereof and the North line of Lots 4 and 3 of said Shady Brook Addition to the West line of Lot 2 of said Shady Brook Addition; thence North along the West line thereof to the

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North line of said Lot 2; thence East along the North line of said Lot 2 and Lot 1 of said Shady Brook Addition to the Northeast corner of said Lot 1; thence continuing East along the Easterly extension of said North line to the West line of the Southwest quarter of said Section 27; thence South along said West line to the intersection of the Westerly extension of the North line of the South 145.00 feet of Lot 8 of Bellevue Gardens, according to the plat thereof recorded in Volume 19 of Plats, page 51, in the Records and Elections Division of King County, Washington; thence East along said extension and the North line of the South 145.00 feet of said Lot 8 to the West line of East half of said Lot 8; thence South along said West line to the North line of the South 125.00 feet of said Lot 8; thence East along said North line to the West margin of 134th Avenue N.E.; thence East to the Northwest corner of the South half of Lot 13 of said Bellevue Gardens; thence East along the North line thereof and the Easterly extension of said North line to East margin of 136th Avenue N.E.; thence North along said East margin to a point 421.43 feet South of the North line of the Southeast quarter of the Southwest quarter of said Section 27; thence East 990.00 feet parallel with the South line of the Southeast quarter of the Southwest quarter of said Section 27; thence North 70.00 feet parallel with the East line of said subdivision; thence East parallel with the South line of said subdivision to the West line of the Southeast quarter of said Section 27; thence South along said West line of the North line of the South half of the South half of the Southeast quarter of said Section 27; thence East along said North line to the West line of the Southwest quarter of said Section 26; thence North along said West line to the North line of the South 725.00 feet of the Southwest quarter of said Section 26; thence East along said North line to the Northwest corner of Lot 21 of Fox Glen, according to the plat thereof recorded in Volume 86 of Plats, page 25, in the Records and Elections Division of King County, Washington and an angle point in the South line of Lot 9 of said Fox Glen; thence East along the South line of said Lot 9 and Lots 10 through 15 of said Fox Glen to the West line of Lot 17 of said Fox Glen; thence North along said West line to the North line of said Lot 17; thence East along said North line and the Easterly extension of said North line to the center line of 151st Place N.E.; thence South along said center line to the intersection of the Westerly extension of the North line of Lot 32 of said Fox Glen; thence East along said extension and the North line of said Lot 32 to the West line of the Southeast quarter of the Southwest quarter of said Section 26; thence South along said West line to the North line of the South 660.00 feet of the Southeast quarter of the Southwest quarter of said

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Section 26; thence East along said North line to the East line of the Southwest quarter of said Section 26; thence South along said East line to the Northeast corner of the Northwest quarter of said Section 35 and the True Point of Beginning.

Section 2. Improvements Ordered. The area described in Section 1 hereof shall be improved by widening N.E. 8th Street between 121st Avenue N.E. and 156th Avenue N.E. to five lanes. The fifth lane will provide a separate left-turn lane at major intersections and a two-way left turn lane in areas with many driveways. In areas where few driveways are located, a landscaped median will be constructed. A new street lighting system, sidewalks on both sides, and irrigated landscaped planters will be included, where possible. Bicycles will be accommodated by making curb lanes wider or widening the sidewalks. Sidewalks adjacent to the curb will have a minimum width of eight feet while those separated from the curb will have a minimum width of six feet. To minimize impacts to adjacent properties, bicyclists will be accommodated by providing 13 foot wide curb lanes except in an uphill direction, where the curb lane will be 15 feet wide.

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 borne by said properties. In accordance with the provisions of RCW 35.44.047, the City may use any method or

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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 \$8,965,000 and the portion to be assessed against specially benefited properties (L.I.D. 290) is declared to be approximately \$555,000 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. 290 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. 290, a special fund to be known and designated as "Local Improvement Fund, District No. 290," 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, and (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 shall be issued bond anticipation notes or cash warrants 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. 290," 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. 290 Bond Anticipation Notes or Warrants.

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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 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 21st day of February 1989, and signed in authentication of its passage this 21st day of February, 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Scott C. McKee

Scott C. McKee, Assistant City Attorney

Attest:

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

Published February 25, 1989