

ORDINANCE NO. 4003

AN ORDINANCE OF THE CITY OF BELLEVUE, WASHINGTON, PROVIDING FOR THE CONSOLIDATION OF LOCAL IMPROVEMENT DISTRICTS NOS. 281 AND 283 INTO CONSOLIDATED LOCAL IMPROVEMENT DISTRICT NO. 281/283; AUTHORIZING THE ISSUANCE AND SALE OF CONSOLIDATED LOCAL IMPROVEMENT DISTRICT NO. 281/283 BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$55,114.95; PROVIDING THE FORM, TERMS, RATES, MATURITY, CONDITIONS AND COVENANTS OF SAID BONDS; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF THEIR SALE; AND CONFIRMING THE SALE OF SUCH BONDS.

WHEREAS, City of Bellevue Local Improvement Districts Nos. 281 and 283 (the "Local Improvement Districts") were duly created by Ordinance No. 3767 passed April 6, 1987 and Ordinance No. 3855 passed November 23, 1987, respectively; and

WHEREAS, the assessment rolls for the Local Improvement Districts have been confirmed in the manner required by law by the following Ordinances and in the following amounts:

<u>LID No.</u>	<u>Ordinance Confirming Roll</u>	<u>Amount of Assessment</u>	<u>Amount Prepaid</u>	<u>Amount of Unpaid Assessments</u>
281	3971	\$53,595.17	\$18,641.72	\$34,953.45
283	3972	46,468.99	26,307.49	20,161.50

WHEREAS, for the purpose of issuing bonds, it is deemed necessary and desirable that the Local Improvement Districts be consolidated into a single local improvement district pursuant to RCW 35.45.160, and that the City issue Consolidated Local Improvement District No. 281/283 Bonds in an amount equal to \$55,114.95 to pay part of the costs of the improvements made within the Local Improvement Districts; and

WHEREAS, the City has received a written offer to purchase such Bonds from Richards, Merrill & Peterson, Inc., and has determined that it is in the best interest of the City to sell such Bonds to such firm pursuant to such offer; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON DOES ORDAIN as follows:

Section 1. Definitions. As used in this ordinance the following words shall have the following meanings:

"Assessment" means the assessments levied in Local Improvement Districts Nos. 281 and 283 of the City by Ordinances Nos. 3971 and 3972, respectively, which assessments are pledged to be paid into the Bond Fund, including installments thereof and any interest and penalties due or which may become due thereon.

"Bonds" means the City of Bellevue Consolidated Local Improvement District No. 281/283 Bonds, 1989 authorized by this ordinance to be issued.

"Bond Fund" means the Consolidated Local Improvement District Bond Redemption Fund created by Section 2 of this ordinance.

"Bond Register" means the books or records maintained by the Bond Registrar containing the name and mailing address of the owner of each Bond or nominee of such owner and the principal amount and number of Bonds owned by each owner or nominee.

"Bond Registrar" means the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York, for the purposes of registering and authenticating the Bonds,

maintaining the Bond Register, effecting the transfer of ownership of the Bonds and paying the principal of and interest on the Bonds as the same become due and payable.

"City" means the City of Bellevue, Washington, a municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of Washington.

"Districts" or "Local Improvement Districts" means Local Improvement Districts Nos. 281 and 283.

"Guaranty Fund" means the Guaranty Fund of the City authorized and maintained pursuant to RCW Ch. 35.54.

"Treasury Manager" means the Treasury Manager of the City.

Section 2. Consolidation of Districts. For the purpose of issuing bonds to repay interim financing and to finance part of the costs and expenses of improvements made in the Local Improvement Districts, the Districts are hereby consolidated into Consolidated Local Improvement District No. 281/283. A special fund of the City to be known as the Consolidated Local Improvement District No. 281/283 Bond Redemption Fund (the "Bond Fund") is hereby authorized to be created by the Treasury Manager. After payment in full of all outstanding warrants previously issued and all interfund loans previously made to provide funds for the making of improvements in the Local Improvement Districts, all money received by the City in payment of, penalties, if any, and interest on the Assessments levied in Local Improvement District Nos. 281 and 283, and all money, if any, on hand in the Local Improvement District

No. 281 Fund and the Local Improvement District No. 283 Fund of the City shall be paid into the Bond Fund and used to pay the principal of and interest on the Bonds authorized by this ordinance, and as security for such payment the Bond Fund is hereby pledged.

Section 3. Authorization of the Bonds. For the purpose of repaying interim financing and financing part of the cost and expense of the improvements ordered by Ordinances Nos. 3767 and 3855 and constructed in Local Improvement Districts Nos. 281 and 283, the City shall issue its Consolidated Local Improvement District No. 281/283 Bonds, 1989 (the "Bonds") in the aggregate principal amount of \$55,114.95. The Bonds shall be dated as of May 1, 1989, shall be numbered in such manner and with any additional designation as the Bond Registrar deems necessary for the purpose of identification and control, shall be in the denomination of \$5,000 each or any integral multiple thereof except for Bond No. 1, which shall be in the denomination of \$5,114.95, and shall bear interest from their date at the following rates:

<u>Bond Nos.</u>	<u>Amount</u>	<u>Interest Rates</u>
1-2	\$ 10,114.95	7.50%
3	5,000.00	7.50
4	5,000.00	7.50
5	5,000.00	7.75
6	5,000.00	7.75
7	5,000.00	7.75
8	5,000.00	7.75
9	5,000.00	8.00
10	5,000.00	8.00
11	5,000.00	8.00

Interest shall be payable annually beginning May 1, 1990, and annually thereafter on the first day of May of each year. The Bonds shall mature May 1, 2001.

The Bonds shall be obligations only of the Bond Fund and the Guaranty Fund of the City and shall not be general obligations of the City.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid by check or draft mailed to registered owners or assigns at the addresses appearing on the Bond Register as of the fifteenth (15th) day of the month preceding the interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds by the registered owners at the principal offices of the Bond Registrar.

Section 4. Bond Register and Exchange of Bonds. The Bond Register shall be maintained by the Bond Registrar, and shall contain the name and mailing address of the owner or owners of each Bond or nominee of such owner or owners and the principal amount and number of Bonds held by each owner or nominee.

Upon surrender thereof to the Bond Registrar, the Bonds are interchangeable for Bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Such

exchange or transfer shall be without cost to the owner or transferee.

Section 5. Redemption. The Bonds shall be redeemed at par in advance of their scheduled maturity, by application of Assessments and prepayments thereof, in whole or in part in numerical order, on any interest payment date whenever there shall be sufficient money in the Bond Fund to pay the same and all Bonds which mature at such time, over and above an amount sufficient for the payment of the interest next accruing on all unpaid Bonds. The Bond Registrar shall maintain a system of numbering which shall permit reissued and/or transferred Bonds to be called in accordance with their original number at the time of issuance.

Notice of any such intended redemption shall be given not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of any Bond to be redeemed at the address appearing on the Bond Register. The requirements of this section shall be deemed to be complied with when notice is mailed as herein provided regardless of whether or not it is actually received by the owner of any Bond.

Interest on any Bond so called for redemption shall cease to accrue on the date fixed for redemption unless such Bond or Bonds so called are not redeemed upon presentation made pursuant to such call.

Section 6. Form of Bonds The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. _____

\$ _____

STATE OF WASHINGTON

CITY OF BELLEVUE

CONSOLIDATED LOCAL IMPROVEMENT DISTRICT
NO. 281/283 BONDS, 1989

INTEREST RATE: _____%

MATURITY DATE: May 1, 2001

Registered Owner:

Principal Amount: _____ Dollars

Laws of Washington 1965, Chapter 7, § 35.45.070 provides, in part, as follows:

Neither the holder nor owner of any bond, interest coupon, or warrant issued against a local improvement fund shall have any claim therefor against the city or town by which it is issued, except for payment from the special assessments made for the improvement for which the bond or warrant was issued and except also for payment from the local improvement guaranty fund of the city or town as to bonds issued after the creation of a local improvement guaranty fund of the city or town. The city or town shall not be liable to the holder or owner of any bond, interest coupon, or warrant for any loss to the local improvement guaranty fund occurring in the lawful operation thereof.

The City of Bellevue, Washington (the "City") hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above from the Consolidated Local Improvement District No. 281/283 Bond Redemption Fund (the "Bond Fund") created by Ordinance No. _____ (the "Bond Ordinance"), the Principal Amount indicated above and to pay interest thereon from May 1, 1989, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on May 1, 1990, and annually thereafter on the first day of each May.

Both principal of and interest on this bond are payable in lawful money of the United States of America. Interest shall be paid by mailing a check or draft to the Registered Owner or assigns at the address shown on the Bond Register as of the 15th day of the month prior to the interest payment date. Principal shall be paid to the Registered Owner or assigns upon presentation and surrender of this bond at the principal office of the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York (collectively, the "Bond Register").

Reference is hereby made to additional provisions of this bond set forth on the reverse side hereof and such additional provisions shall for all purposes have the same effect as if set forth in this space.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

It is hereby certified and declared that this bond and the bonds of this issue are issued pursuant to and in compliance with the Constitution and laws of the State of Washington and ordinances of the City, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done, and performed.

IN WITNESS WHEREOF, the City of Bellevue, Washington, has caused this bond to be signed on behalf of the City with the manual or facsimile signature of its Mayor, to be attested by the manual or facsimile signature of its City Clerk, and the official seal of the City to be impressed or imprinted hereon this 1st day of May, 1989.

CITY OF BELLEVUE, WASHINGTON

SEAL

By _____
Mayor

ATTEST:

City Clerk

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Consolidated Local Improvement District No. 281/283 Bonds of the City of Bellevue.

WASHINGTON STATE FISCAL AGENCY
Bond RegistrarBy _____
Authorized Officer

ADDITIONAL BOND PROVISIONS

This bond is one of an authorized issue of bonds of like date and tenor, except as to number, interest rate, and amount in the aggregate principal amount of \$55,114.95 (the "Bonds") issued to provide a portion of the funds necessary for certain improvements within Local Improvement Districts Nos. 281 and 283 of the City. These Local Improvement Districts have been consolidated into Consolidated Local Improvement District No. 281/283 pursuant to RCW 35.45.160.

The Bonds are payable solely from the special fund of the City known as the "Consolidated Local Improvement District No. 281/283 Bond Redemption Fund" (the "Bond Fund") created pursuant to Ordinance No. _____ of the City and out of the Local Improvement District Guaranty Fund of the City. The City has irrevocably obligated and bound itself to pay into the Bond Fund all assessments levied within Local Improvement Districts Nos. 281 and 283.

The Bonds are not general obligations of the City.

The Bonds are subject to redemption at a price of par in advance of their scheduled maturity, in whole or in part, in numerical order, on any interest payment date whenever there shall be sufficient money in the Bond Fund to pay the same, over and above an amount sufficient for the payment of the interest next accruing on the unpaid Bonds of Consolidated Local Improvement District No. 281/283.

Notice of any such intended redemption shall be given not less than thirty (30) nor more than sixty (60) days prior to the redemption date by first class mail, postage prepaid, to the registered owner of any Bond to be redeemed at the address appearing on the Bond Register. The requirements of the Bond Ordinance shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of any Bond. Interest on all of such Bonds so called for redemption shall cease to accrue on the date fixed for redemption unless such Bond or Bonds so called for redemption are not redeemed upon presentation made pursuant to such call.

The Bonds are interchangeable for Bonds of any authorized denomination of equal aggregate principal amount and of the same

interest rate and maturity upon presentation and surrender to the Bond Registrar.

The City hereby covenants and agrees with the owner of this Bond that it will keep and perform all the covenants of this Bond and of the Bond Ordinance to be by it kept and performed. Reference is hereby made to the Bond Ordinance for the definitions of defined terms used herein.

Reference to the Bond Ordinance and any and all modifications and amendments thereto is made for a description of the nature and extent of the security for the Bonds, the funds or revenues pledged, and the terms and conditions upon which the Bonds are issued.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER OF TRANSFEREE

_____/

(Please print or typewrite name and address, including zip code, of Transferee)

the within bond and does hereby irrevocably constitute and appoint _____ of _____, or its successor, as Bond Registrar to transfer said bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: _____, ____.

SIGNATURE GUARANTEED:

NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons as at the actual date of execution of such Bond shall be the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

Section 8. Bond Registrar. The City hereby specifies and adopts the system of registration for the Bonds approved by the Washington State Finance Committee. The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient books or records for the registration and transfer of the Bonds which shall at all times be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds. The Bond Registrar may become the owner of Bonds with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any

of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of owners of the Bonds.

Section 9. Defeasance. In the event that money and/or "Government Obligations" (as now or hereafter defined in RCW Ch. 39.53 or its successor statute, if any) maturing at such time or times and bearing interest to be earned thereon in amounts (together with such money if necessary) sufficient to redeem and retire the Bonds or any of them in accordance with their terms are set aside in a special account to effect such redemption or retirement and such money and/or the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on the Bonds so provided for, and the owners of such Bonds shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the funds so set aside and pledged, and such Bonds shall be deemed not to be outstanding hereunder.

Section 10. Bonds to Remain Tax Exempt; Nonarbitrage. The City covenants with the owners of the Bonds that it will not use or invest the proceeds of the Bonds or any other funds of the City for any purpose or in any manner or take any other action that would cause the Bonds to be "arbitrage bonds" as defined in Section 148 of the Internal Revenue Code of 1986 and the applicable regulations promulgated thereunder, or would result in interest on

the Bonds becoming taxable income to the owners thereof under Section 103 of the Internal Revenue Code of 1986, or any other federal tax legislation that may be enacted into law.

Section 11. Lost or Destroyed Bonds. In case the Bonds or any of them shall be lost, stolen or destroyed, the Bond Registrar may execute and deliver a new Bond or Bonds of like amount, date, and tenor to the registered owner thereof upon the owner's paying the expenses and charges of the City and the Bond Registrar in connection therewith and upon his/her filing with the Treasury Manager of the City and the Bond Registrar evidence satisfactory to said Treasury Manager and Bond Registrar that such Bond or Bonds were actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City and Bond Registrar with indemnity satisfactory to such Treasury Manager and Bond Registrar.

Section 12. Payment of Assessments and Interest on Assessments. The City has heretofore levied Assessments payable into the various funds created for the Districts in the total amounts listed below, of which the following amounts were prepaid prior to the passage of this Ordinance and the remaining amounts are payable in ten (10) equal annual installments together with interest and penalties thereon in the manner and at the times specified in the ordinance confirming the assessment rolls for the Districts:

<u>LID No.</u>	<u>Ordinance Confirming Roll</u>	<u>Amount of Assessment</u>	<u>Amount Prepaid</u>	<u>Amount of Unpaid Assessments</u>
281	3971	\$53,595.17	\$18,641.72	\$34,953.45
283	3972	46,468.99	26,307.49	20,161.50

The balance of Assessments remaining unpaid at the end of the thirty-day prepayment period shall bear interest at the rate of 8.089% per annum.

Section 13. Sale of Bonds. The sale of the Bonds to Richards, Merrill & Peterson, Inc., Spokane, Washington, at the price and pursuant to the terms and conditions set forth herein and in their offer dated April 17, 1989, is hereby in all respects ratified and confirmed. Upon the sale of the Bonds, the appropriate City officials are hereby authorized to do everything necessary for the prompt printing, issuance and delivery of the Bonds and the proper application of the proceeds thereof.

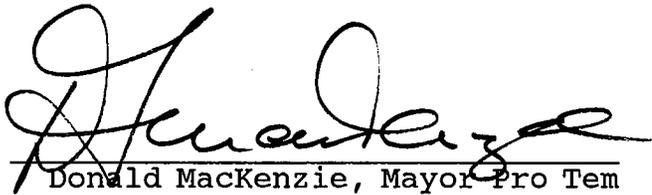
Section 14. Application of Proceeds. Accrued interest, if any, on the Bonds shall be deposited in the Bond Fund and shall be applied to the payment of interest first coming due on the Bonds. The principal proceeds of the Bonds shall be deposited as follows:

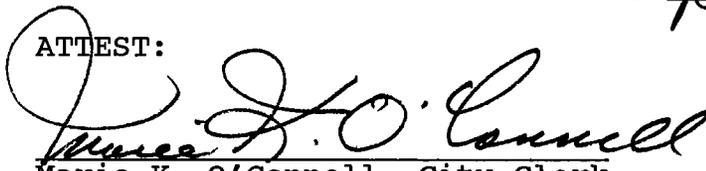
Local Improvement District No. 281 Fund	\$34,953.45
Local Improvement District No. 283 Fund	\$20,161.50

The proceeds of the Bonds, together with other money in said Funds, shall be used to pay and redeem the warrants outstanding against said Funds, to repay any outstanding interfund loans, to pay any remaining costs of improvements constructed in the respective Districts, and to pay all expenses incidental thereto and to the issuance of the Bonds.

Section 15. 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 17th day of April, 1989, and signed in authentication of its passage this 17th day of April, 1989.

By 
Donald MacKenzie, Mayor Pro Tem

ATTEST:

Marie K. O'Connell, City Clerk

APPROVED AS TO FORM:


Richard L. Andrews,
City Attorney

PUBLISHED: April 20, 1989