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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4023

AN ORDINANCE approving and confirming the final assessment roll of Local Improvement District No. 277 which has been created and established for the purpose of roadway improvements to N.E. 4th Street between 100th Ave. N.E. and 112th Ave. N.E.

WHEREAS, the assessment roll levying the special assessments against the property located in Local Improvement District No. 277 in the City of Bellevue, Washington, created under Ordinance No. 3754 has been filed with the City Clerk of Bellevue as provided by law; and

WHEREAS, notice of the time and place of hearing and of making objections and protests to said roll were duly published at and for the time and in the manner provided by law, fixing the time and place of hearing thereon for the 19th day of June, 1989, at the hour of 8:00 p.m. in the City Hall, at Bellevue, Washington, and further notice thereof was duly mailed by the City Clerk to each property owner shown on said roll; and

WHEREAS, at the time and place designated in said notices, the hearing was duly held and thereafter continued until July 24, 1989 and then until September 25, 1989 for further hearing; and

WHEREAS, after notice of said continued hearing duly given and mailed, the continued hearing was duly held and the City Council took under consideration all protests made in writing and submitted to the City Council and gave due consideration to the increase in the fair market value of the properties resulting from said improvement; now, therefore

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

Section 1. The assessments and assessment roll of Local Improvement District No. 277, which has been created and established for the purpose of roadway improvements to N.E. 4th Street between 100th Ave. N.E. and 112th Ave. N.E., all as provided by and in accordance with Ordinance No. 3754, are hereby in all things and respects approved and confirmed.

Section 2. The City Council determines as follows:

1. The "trip generation method" of computing assessments in the district, as proposed by the staff and set forth in the final assessment roll, more fairly reflects the special benefits accruing to the

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properties being assessed from the improvements constructed in the district.

2. The use of the "trip generation method" as applied in the final assessment roll reasonably reflects the direct impacts of the various land uses found in the district upon the improvements constructed in the district, and thus reasonably reflects the benefits received from those improvements by the properties which are, or in the future reasonably can be expected to be, subject to those land uses.

3. The allocation of assessments based upon trips generated by existing land uses, and which will be generated by future land uses, on the various properties in the district, in the proportions set forth in the final assessment roll, is a fair and reasonable method of taking into account the benefits to properties in the district from, and the burdens created by properties in the district on, the improvements constructed in the district.

4. The "trip generation method" as applied in computing the assessments herein assesses the owners of the benefited property in the district in direct relation to the benefits that their existing and potential future land uses have received and will receive from the improvements constructed in the district, and the burdens which those uses have placed and will place on those improvements.

5. The system of classification of properties used in the district is based upon the public land use restrictions to which the property may be put at the time this roll is confirmed, existing uses on the property, the square footage of the property, permissible floor area, distance from and/or proximity of access to the improvements in the district, and existing facilities and uses on the property. The method employed is a fair and reasonable method of allocating the assessments for those improvements among the benefited properties.

6. The properties in the district, including those owned by the objecting property owners, are benefited from the improvements in the district in differing ways. Among the ways, though not all of the ways, that properties benefit differently and therefore should be assessed differently are the following:

a. Those properties contributing to and benefiting from heavier traffic should make a greater contribution toward the improvement.

b. Improved access to facilities, such as Interstate 405, is a benefit to properties which generate traffic, and such properties should be assessed for that benefit.

c. Properties which are served by existing streets which

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are congested and upon which congestion is relieved by the improvements in the district are benefited by those improvements, and therefore should be assessed for that benefit.

d. The improvements in the district would result in the ability of pedestrian traffic to access the various properties in the district, thus benefiting those properties. The properties in the district should be assessed for that benefit.

e. The properties in the district which are more directly served by the improvements in the district than by previously existing streets are benefited by the more direct access and reduction in congestion afforded by improvements constructed in the district, and the properties which were served by previously existing streets are benefited by the reduction in traffic congestion. All of those properties should be assessed for those benefits.

f. Properties which are located near the western end of the district are not only benefited by the portions of the improvement in direct proximity to them, but also by the entire system of improvements, which facilitates the movement of traffic, the travel of pedestrians, and provides the necessary amenities for an urban downtown, such as trees, street lights and signs, and traffic signals. Installation of turn lanes and signals benefits not only the properties fronting on the improved street, but also all of the properties in the district, because it allows traffic to move more freely, relieves congestion, facilitates high occupancy vehicle usage and transit, provides access to the interstate highway, and encourages access to businesses throughout the downtown area.

g. Without the improvements in the district, future development of properties in the downtown area would be severely curtailed.

Section 3. Each of the lots, tracts, parcels of land and other property shown upon said roll is hereby determined and declared to be specially benefited by said improvements in at least the amount charged against the same, and the assessment appearing against the same is in proportion to the several assessments appearing upon said roll. There is hereby levied and assessed against each lot, tract, parcel of land and other property appearing upon said roll the amount finally charged against the same thereon.

Section 4. The assessment roll as approved and confirmed shall be filed with the City Treasurer of the City of Bellevue, Washington, for collection and said Treasurer is hereby authorized and directed to publish notice as required by law stating that said roll is in his hands for collection, and payment of any assessment thereon or any portion of any assessment can be made at any time within 30 days from the date of first publication of said notice without penalty, interest or costs and

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thereafter the sum remaining unpaid may be paid in 20 equal annual installments with interest thereon at 1/4% above the bond (or installment note) rate of interest. The first installment of assessments on said assessment roll shall become due and payable within the 30-day period succeeding the date one year after the date of first publication by the City Treasurer of notice that the assessment roll is in his hands for collection and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of the assessment remains unpaid after the first 30-day period, interest upon the whole unpaid sum shall be charged at 1/4% above the bond (or installment note) rate of interest, and each year thereafter one of said installments, together with interest due on the whole of the unpaid balance shall be collected. Any installment not paid prior to the expiration of said 30-day period during which such installment is due and payable shall thereupon become delinquent. All delinquent installments shall be subject to a charge for interest at 1/4% above the bond (or installment note) rate of interest, and for an additional 5% penalty charge levied upon both principal and interest due upon such installment or installments. The collection of such delinquent installments will be enforced in the manner provided by law. Foreclosure shall be accomplished in the manner provided by law and the ordinances of the City of Bellevue.

Section 5. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 9th day of October, 1989, and signed in authentication of its passage this 9th day of October, 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews
Richard L. Andrews, City Attorney

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

Published October 6, 1989