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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4079

AN ORDINANCE relating to local improvement districts, amending Sections 6, 7, 13, 16, 18, 19, 20, 21 and 22 of Ordinance 153 as amended by Sections 5, 6, 10, 13, 15, 16 and 17 of Ordinance No. 2096, and Sections 15.04.050, .060, .120, .140, .150, .160, .170, .180 and .190 of the Bellevue City Code.

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

Section 1. Section 6 of Ordinance No. 153, as amended by Section 5 of Ordinance No. 2096, and Section 15.04.050 of the Bellevue City Code are each amended to read as follows:

15.04.050 Filing petitions.

The petition must be filed with the city clerk who shall give notice thereof to the Hearing Examiner.

Section 2. Section 7 of Ordinance No. 153, as amended by Section 6 of Ordinance No. 2096, and Section 15.04.060 of the Bellevue City Code are each amended to read as follows:

15.04.060 Determining sufficiency of petition -- Preliminary estimate, roll and report.

After making proper record of the filing of such petition, the clerk shall forward the same to the official designated by the city manager who shall thereupon examine the petition, determine the sufficiency thereof and ascertain if the facts therein stated are true and shall cause an estimate of the cost and expense of such proposed improvement to be made and shall certify and transmit same to the Hearing Examiner together with all papers and information in his possession touching the proposed improvement, a description of the boundaries of the district, a statement of what portion of the cost a expense of the improvement should be borne by the property within the proposed district and a statement of the aggregate actual valuation of real estate, including fifty percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purposes of general taxation, together with a statement in detail of outstanding and unpaid local improvement assessments (excluding penalties and interest), against the property included in the district. In case the said petition is sufficient, the designated official shall also submit a diagram showing thereon the lots, tracts, parcels of land

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and other property which will be specially benefited thereby and the estimated amount of the costs and expense of such improvement to be borne by each lot, tract or parcel of property.

Section 3. Section 13 of Ordinance No. 153, as amended by Section 10 of Ordinance 2096, and Bellevue City Code Section 15.04.120 are each amended to read as follows:

15.04.120 Hearing on resolution of intention.

The public hearing on the resolution of intention to order an improvement, required by Section 15.04.080 herein shall be held by the Hearing Examiner on the date fixed. Such hearing may be continued from time to time and the Hearing Examiner shall retain jurisdiction thereof until the final disposition of the subject matter. Following the hearing, the Hearing Examiner shall make a recommendation on the resolution to the city council who shall take final action thereon. The action and decision of the council as to all matters passed upon by it in relation to any petition or resolution shall be final and conclusive.

Section 4. Section 16 of Ordinance No. 153, as amended by Section 13 of Ordinance No. 2096, and Bellevue City Code Section 15.04.140 are each amended to read as follows:

15.04.140 Ordinance creating local improvement district.

Whenever the council determines that the public interest, convenience or welfare requires such improvement, it may be ordered by ordinance, and, in case of an improvement initiated by resolution of the council, such ordinance may be passed at any time after the hearing specified in the resolution, upon receipt of the affirmative votes required by RCW 35.43.070. Every ordinance ordering a local improvement to be paid in whole or in part by assessments against the property specially benefited shall describe the improvement and establish a local improvement district to be known as "Local Improvement District No.," or a utility local improvement district to be known as "Utility Local Improvement District No.," which shall embrace as nearly as is practicable all of the property specially benefited by the improvement.

Section 5. Section 18 of Ordinance No. 153 and Bellevue City Code Section 15.04.150 are each amended to read as follows:

15.04.150 Preliminary roll -- Filing.

The diagram or plat submitted by the designated official to the Hearing Examiner shall be in the nature of a preliminary

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determination of the method and relative estimated amounts of assessments to be levied upon the property specially benefited by the improvement. When the designated official is satisfied that the assessment roll is complete, such roll shall be filed with the city clerk who shall notify the Hearing Examiner of such filing. The Hearing Examiner shall thereupon fix a date for a hearing thereon and direct the clerk to give notice of hearing and of time and place thereof.

Section 6. Section 19 of Ordinance No. 153 and Bellevue City Code Section 15.04.160 are each amended to read as follows:

15.04.160 Notice of hearing on assessment roll.

- A. Contents. The notice of hearing upon the assessment roll shall specify the time and place of hearing and shall notify all persons who may desire to object thereto:
1. To make their objections in writing and to file them with the city clerk at or prior to the date fixed for the hearing;
 2. That at the time and place fixed, and at times to which the hearing may be adjourned, the Hearing Examiner will sit as a board of equalization for the purpose of considering the roll; and
 3. That at the hearing the Hearing Examiner will consider the objections made and will make a recommendation to the council that it correct, revise, raise, lower, change or modify the roll, or any part thereof, or set aside the roll and order the assessment to be made de novo, and at the conclusion thereof will submit the roll with such recommendation to the city council which may adopt or reject such recommendation and which will thereafter confirm the roll by ordinance.
- B. Mailing and Publication. At least fifteen days before the date fixed for hearing, notice thereof shall be mailed to the owner or reputed owner of the property whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list. In addition thereto the notice shall be published at least five times in a daily newspaper, or at least two times in a weekly newspaper, the last publication to be at least fifteen days before the date fixed for hearing.

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- C. Proof of Mailing. The mailing of any notice shall be conclusively proven by the written certificate of the officer directed by the provisions of this chapter to give such notice.

Section 7. Section 20 of Ordinance No. 153, as amended by Section 15 of Ordinance No. 2096, and Bellevue City Code Section 15.04.170 are each amended to read as follows:

15.04.170 Assessment roll - Hearing

At the time fixed for hearing on the assessment roll and at the times to which such hearing may be continued, the Hearing Examiner shall consider all objections filed, following which the Hearing Examiner shall make recommendations that the council correct, revise, raise, lower, change or modify the roll or any part thereof, or set aside the roll and order the assessment to be made de novo, or that the council adopt or correct the roll or take other action on the roll. The city council shall adopt or reject the recommendation of the Hearing Examiner at a public meeting; provided that any person who shall have timely filed an objection to his or her assessment may appeal the decision of the Hearing Examiner to the City Council by filing written notice of such appeal with the City Clerk within ten (10) days of the date of mailing of the Hearing Examiner's decision. The appeal shall be based upon the record made before the Hearing Examiner and shall be considered by the council at a public meeting in accordance with the city council's rules of procedure for hearings on appeal from decisions made by the Hearing Examiner under this chapter. Confirmation of the roll shall be by ordinance.

Section 8. Section 21 of Ordinance No. 153, as amended by Section 16 of Ordinance No. 2096, and Bellevue City Code Section 15.04.180 are each amended to read as follows:

15.04.180 Objections to assessment roll.

All objections to the confirmation of the assessment roll shall be in writing and shall identify the property, be signed by the owners and clearly state the grounds of the objection. Objections not made within the time and in the manner prescribed in this chapter shall be conclusively presumed to have been waived.

Section 9. Section 22 of Ordinance No. 153, as amended by Section 17 of Ordinance No. 2096, and Bellevue City Code Section 15.04.190 are each amended to read as follows:

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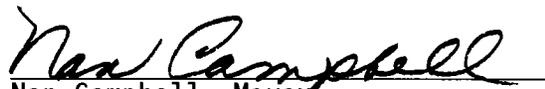
15.04.190 Assessment roll -- Amendment.

If an assessment roll is amended so as to raise any assessment appearing thereon, or to include omitted property, a new time and place for hearing shall be fixed and notice thereof given as in the case of an original hearing; provided, that as to any property originally entered upon the assessment roll upon which the assessment has not been raised, no objection to confirmation of the assessment roll shall be considered by the Hearing Examiner or council or by any court on appeal unless the objections were made in writing at or prior to the date fixed for the original hearing upon the assessment roll.

Section 10. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 13th day of November, 1989, and signed in authentication of its passage this 13th day of November, 1989.

(SEAL)


Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Scott McKee, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published November 17, 1989