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07/13/94

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4672

AN ORDINANCE OF THE CITY OF BELLEVUE, WASHINGTON, approving and confirming the final assessments and assessment roll of Local Improvement District No. 280, which has been created and established for the purpose of widening and reconstructing N.E. 10th Street from 100th Avenue N.E. to 106th Avenue N.E., constructing the extension of N.E. 10th Street on new alignment between 106th Avenue N.E. and 112th Avenue N.E., constructing left-turn pockets at major intersections on N.E. 10th Street between 100th Avenue N.E. and 112th Avenue N.E., widening 112th Avenue N.E. from four lanes to five lanes between N.E. 9th Street and N.E. 11th Street, constructing sidewalks, landscaping, street lighting, signal modification and underground conduit for future signal interconnect, underground power, water, sewer and storm drain facilities as necessary along said streets to be constructed, reconstructed, extended or widened, and related improvements specifically described in Ordinance No. 3961 and levying and assessing a portion of the cost thereof against the several lots, tracts and parcels of land shown on said roll; and adopting Findings of Fact and Conclusions.

WHEREAS, the assessment roll levying the special assessments against the properties located in Local Improvement District No. 280 in the City of Bellevue, Washington created under Ordinance No. 3691, was filed with the City Clerk of the City of Bellevue as provided by law; and

WHEREAS, notice of the time and place of a public hearing upon said roll and of making objections and protests to said roll was duly mailed and published at the times and in the manner provided by law, fixing the time and place of hearing thereon for the 2nd day of February, 1994, before the Hearing Examiner in the Bellevue City Hall, City Council Chambers, Bellevue, Washington; and

WHEREAS, at the time and place fixed and designated in said notice, and as continued, the hearing on said assessment roll was held by the Hearing Examiner and written and oral protests received were duly considered and all persons appearing at said hearing were heard; and

ORIGINAL

WHEREAS, the Hearing Examiner rendered a decision and recommendation on June 7, 1994 and transmitted his Findings, Conclusions and the record to the City Council; and

WHEREAS, certain property owners have filed an appeal of the Hearing Examiner's recommendations to the City Council and the Council has considered these appeals and has determined to reject these appeals; 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. 280, which has been created and established for the purpose of widening and reconstructing N.E. 10th Street from 100th Avenue N.E. to 106th Avenue N.E., constructing the extension of N.E. 10th Street on new alignment between 106th Avenue N.E. and 112th Avenue N.E., constructing left-turn pockets at major intersections on N.E. 10th Street between 100th Avenue N.E. and 112th Avenue N.E., widening 112th Avenue N.E. from four lanes to five lanes between N.E. 9th Street and N.E. 11th Street, constructing sidewalks, landscaping, street lighting, signal modification and underground conduit for future signal interconnect, underground power, water, sewer and storm drain facilities as necessary along said streets to be constructed, reconstructed, extended or widened, and related improvements specifically described in Ordinance No. 3961, are hereby in all respects approved and confirmed as issued by the City and as recommended by the Hearing Examiner.

Section 2. Each of the lots, tracts, parcels of land, and other property shown on said roll is hereby determined and declared to be specially benefited by said improvement in at least the amount charged against the same. The assessment appearing on the roll is found to be in proportion to the several assessments appearing on the 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 3. The assessment roll as approved and confirmed shall be filed with the Finance Director of the City of Bellevue, Washington, for collection and said Finance Director is hereby authorized and directed to publish notice as required by law stating that the said roll is in [his/her] hands for collection and that payment of any assessment thereon of any portion thereof may be paid at any time within thirty (30) days from the date of the first publication of the notice that the assessment roll has been placed in [his/her] hands for collection without penalty, interest or costs, and thereafter the sum remaining unpaid, if any, may be paid in twenty (20) equal annual installments with interest on the whole unpaid sum at a rate to be established by ordinance which shall not be greater than one half of one percent in excess of the net effective interest rate fixed on the local improvement bonds hereafter issued for Local

ORIGINAL

Improvement District No. 3691. Any installment not paid prior to the annual anniversary of said thirty (30) day period shall be deemed delinquent. All delinquent installments shall be subject to a charge for interest at the above established rate per annum and an additional charge of five percent penalty levied upon the principal due upon such installments will be enforced in the manner provided by law.

Section 4. The City Council hereby adopts the Findings, Conclusions and Recommendations adopted by the Hearing Examiner and dated June 7, 1994.

Section 5. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 18th day of July, 1994, and signed in authentication of its passage this 18th day of July, 1994.

(SEAL)


DONALD S. DAVIDSON, DDS, Mayor

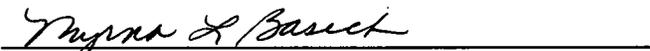
Approved as to form:

Richard L. Andrews, City Attorney



David E. Kahn, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published July 25, 1994