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04/10/95

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4758

AN ORDINANCE of the City of Bellevue, Washington approving and confirming the final assessments and assessment roll of Local Improvement District No. 290, which has been created and established for the purpose of widening and improving N.E. 8th Street between 121st Avenue N.E. and 156th Avenue N.E. by adding a left turn lane at major intersections, adding a two way left turn lane in areas with many driveways, adding a landscaped median in areas where there are few driveways, widening curb lanes to accommodate bicycle traffic, constructing sidewalks, landscaping, street lighting, signal modification, replacement and underground conduit for future signal interconnection, and related improvements specifically described in Ordinance No. 3989 and levying and assessing a portion of the costs 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 property located in Local Improvement District No. 290 in the City of Bellevue, Washington created under Ordinance No. 3989, 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 10th day of January, 1995, 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, 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

WHEREAS, the Hearing Examiner rendered a decision and recommendation on March 20, 1995 and transmitted his Findings, Conclusions and the record to the City Council; and

WHEREAS, no appeals have been filed from the Hearing Examiner's recommendation to the City Council and the Council has determined to adopt the

ORIGINAL

recommendation of the Hearing Examiner and confirm the final assessment roll; 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. 290, which has been created and established for the purpose of widening and improving N.E. 8th Street between 121st Avenue N.E. and 156th Avenue N.E. by adding a left turn lane at major intersections, adding a two way left turn lane in areas with many driveways, adding a landscaped median in areas where there are few driveways, widening curb lanes to accommodate bicycle traffic, constructing sidewalks, landscaping, street lighting, signal modification, replacement and underground conduit for future signal interconnection, and related improvements specifically described in Ordinance No. 3989, 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 benefitted by said improvement by 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 is required by law stating that the roll is in his hand for collection and that payment of any assessment thereon or 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 hands for collection without penalty, interest or costs, and thereafter the sum remaining unpaid, if any, may be paid in ten (10) 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 (1/2) of one percent (1%) in excess of the net effective interest rate fixed on the local improvement bonds hereafter issued for Local Improvement District No. 290. 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 (5%) 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 March 20, 1995.

GINAL

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 24th day of April, 1995, and signed in authentication of its passage this 24th day of April, 1995.

(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 April 28, 1995