

1033-ORD  
07/17/08

ORIGINAL

ORDINANCE NO. 5828

AN ORDINANCE providing for the submission to the qualified electors of the City of Bellevue at an election to be held on November 4, 2008, of a proposition authorizing the City to increase its regular property tax levy above the limit established in RCW 84.55.010 to fund the acquisition, improvement, and development of open space and park facilities and to pay costs of maintenance and operations.

PASSED: July 21, 2008

PREPARED BY:

K&L PRESTON GATES ELLIS LLP  
Seattle, Washington

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE providing for the submission to the qualified electors of the City of Bellevue at an election to be held on November 4, 2008, of a proposition authorizing the City to increase its regular property tax levy above the limit established in RCW 84.55.010 to fund the acquisition, improvement, and development of open space and park facilities and to pay costs of maintenance and operations.

WHEREAS, the City Council of the City of Bellevue, Washington (the "City") has previously approved a Parks & Open Space System Plan (the "Plan"), which calls for the acquisition of open space and parks that add to the City's existing holdings, preserve natural areas, provide trail corridors and open space buffers, and additional community and neighborhood parks, and which calls for the acquisition, improvement and development of various City parks and recreation facilities; and

WHEREAS, the Plan identifies the City's natural system of forests and wetland resources, wildlife habitat, and shoreline resources, which help define the City and make it unique; and

WHEREAS, major stream systems, including Coal Creek, Kelsey Creek, Vasa Creek, and Lewis Creek, carry surface water to either Lake Washington or Lake Sammamish; and the benefits of preserving and protecting these environmentally sensitive areas include: stream corridor, wetland, and forested slope preservation; stormwater biofiltration for improved water quality; natural flood control and improved air quality; and natural beauty preservation; and

WHEREAS, in 1988 the voters of the City authorized the issuance of unlimited tax general obligation bonds for park purposes, paid from an excess property tax (the "1988 Levy"); and

WHEREAS, these bonds have been retired, and the 1988 Levy has expired; and

WHEREAS, in order to implement the parks and open space capital goals under the Plan for at least 20 years, and to maintain and operate parks to Bellevue standards, the City is need of additional funding to supplement City funds to be applied to these purposes and to replace the expired 1988 Levy; and

WHEREAS, the City's current regular property tax levy is below the rate per \$1,000 of assessed value permitted by statute; and

WHEREAS, RCW 84.55.050 authorizes the voters of a City to permit the levy of taxes in excess of the levy limitations established in RCW 84.55.010 pursuant to a "levy lid lift"; and

WHEREAS, the City Council has determined to fund the Plan with the proceeds of levy lid lifts to be placed before the voters of the City pursuant to this ordinance; and

WHEREAS, to fund a portion of the cost of the acquisition, improvement, development, construction and equipping of open space, park and recreation facilities contained in the Plan and identified in Section 1 hereof (the "Park Improvements"), the City Council proposes to present a ballot proposition to the City's voters to increase the City's regular property tax levy by up to 10 cents per \$1,000 of assessed valuation for collection in 2009 and increase the levy as allowed by chapter 84.55 RCW for each of the 19 succeeding years for this purpose; and

WHEREAS, to fund a portion of the cost of maintaining and operating parks to Bellevue standards, the City Council proposes to include in the ballot proposition to the City's voters the question whether to increase the City's regular property tax levy by up to an additional 2 cents per \$1,000 of assessed valuation for collection in 2009 and

increase the levy as allowed by chapter 84.55 RCW until this purpose is accomplished;  
and

WHEREAS, the City desires to continue to “bank capacity” under RCW 84.55.092, and therefore the proposition, if approved, would authorize the City to increase its regular property tax levy to an aggregate rate of \$1.33 per thousand of assessed valuation, permitting the City to thereafter reduce its tax levy below this authorized level and bank the amount of the reduction; and

WHEREAS, the conditions here and above set forth require the holding of a special election in the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLEVUE,  
DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds that the best interests of the inhabitants of the City require the City to acquire, improve, develop, construct and equip Park Improvements contained in the Plan and identified below, at the time and in the order and in the manner deemed most necessary and advisable by the Council, and to pay costs of maintenance and operation of City open space, park and recreation facilities.

1. Open Space and Park Acquisitions (\$10,000,000 of estimated cost to be paid from levy). Purchase parcels that add to the City’s existing holdings, preserve natural areas, provide trail corridors and open space buffers, and additional community and neighborhood parks.
2. Community Park Development (\$6,000,000 of estimated capital cost to be paid from levy). Develop a community park in the Eastgate subarea or elsewhere within the City limits.
3. Neighborhood and Mini-Park Development (\$5,000,000 of estimated capital cost to be paid from levy). Develop neighborhood and mini parks. These parks may be located in the Lake Sammamish and Bridle Trails subareas.

4. Downtown Park Development (\$5,000,000 of estimated capital cost to be paid from levy). Develop an additional phase of the Downtown Park Masterplan.
5. Surrey Downs (\$3,500,000 of estimated capital cost to be paid from levy). Develop a community park in the West Bellevue subarea or elsewhere within City limits.
6. Sportsfields Development (\$3,000,000 of estimated capital cost to be paid from levy). Construct sports field improvements at selected City parks, including Wilburton and Newport Hills.
7. Bellevue Botanical Garden (\$2,000,000 of estimated capital cost to be paid from levy). Develop an additional phase of the Botanical Garden Masterplan.
8. Crossroads Community Center Expansion (\$2,000,000 of estimated capital cost to be paid from levy). Construct improvements at Crossroads Community Center or elsewhere to support City performing arts programs.
9. Lewis Creek (\$2,000,000 of estimated capital cost to be paid from levy). Develop an additional phase of the Lewis Creek plan.
10. Trail and Natural Area Improvements (\$2,000,000 of estimated capital cost to be paid from levy). Improve forest conditions and stabilize slopes to reduce erosion in the Coal Creek Natural Area, and create hiking and walking trails that connect City parks and neighborhoods, including Coal Creek and Lake to Lake trails.

The cost of all necessary appraisals, negotiation, closing, architectural, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses and other costs incurred in connection with the foregoing Park Improvements shall be deemed a part of the costs of such Park Improvements.

The City Council shall determine the exact specifications for the Park Improvements as well as the timing, order and manner of completing the Park Improvements. By ordinance of the City, the Council may alter, make substitutions to and amend the description of any Park Improvement as it determines is in the best interests of the City and consistent with the general descriptions provided herein. By ordinance, the City Council shall determine the application of moneys available for the

Park Improvements set forth above so as to accomplish, as nearly as may be, all of the Park Improvements described.

If the City Council, by ordinance, shall determine that it has become impractical to acquire, construct or equip all or any portion of the Park Improvements by reason of changed conditions, incompatible development, costs substantially in excess of the amount of tax levies and other City funds estimated to be available, or acquisition by a superior governmental authority, the City shall not be required to acquire, construct or equip such portions. If all of the Park Improvements have been constructed or acquired or duly provided for, or found to be impractical, the City may apply the levy proceeds (including earnings thereon) or any portion thereof to other open space, park and recreation purposes as the Council, by ordinance and in its discretion, shall determine.

Section 2. It is hereby found that the best interests of the inhabitants of the City require the submission to the qualified electors of the City of a proposition whether the City shall levy regular property taxes above the limitations established in RCW 84.55.010 for approval or rejection at an election to be held on November 4, 2008, a proposition to increase the City's regular property tax levy by up to ten cents per \$1,000 of assessed valuation (to a total rate not to exceed \$1.31 per \$1,000 of assessed valuation) for collection in 2009 and increase the levy as allowed by chapter 84.55 RCW for each of the 19 succeeding years for capital purposes described herein, and to increase the City's regular property tax levy by up to an additional 2 cents per \$1,000 of assessed valuation (to an aggregate total rate not to exceed \$1.33 per \$1,000 of assessed valuation) for collection in 2009 and increase the levy as allowed by chapter 84.55 RCW for park maintenance and operations as described herein. The

Director of Records, Elections and Licensing Services Division, as *ex officio* supervisor of elections in King County, Washington, is hereby requested to assume jurisdiction of and to call and conduct said general election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, not less than 84 days prior to such election date, to certify the proposition to the King County Records, Elections and Licensing Services Division in the following form:

CITY OF BELLEVUE  
PROPOSITION NO. \_\_\_\_\_

LEVY FOR CITY PARKS AND NATURAL AREAS

The City Council of the City of Bellevue adopted Ordinance No. \_\_\_\_\_ concerning a proposition to replace the expiring 1988 park levy. To protect water quality in Bellevue's lakes and streams, preserve natural areas, enhance existing parks, and develop trails, this proposition would (1) increase the City's regular property tax levy by \$0.10 to a total authorized rate of \$1.31 per \$1,000 of assessed value for collection in 2009 and for 19 years thereafter, and (2) increase the levy by \$0.02 to \$1.33 per \$1,000 of assessed valuation in 2009 and thereafter to maintain and operate parks to Bellevue standards. Should this proposition be:

APPROVED?.....

REJECTED?.....

Certification of such proposition by the City Clerk to the Director of Records, Elections and Licensing Services Division, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this ordinance, are hereby ratified.

# ORIGINAL

Section 3. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall become effective five days after its passage and legal publication.

PASSED THIS 21st DAY OF JULY, 2008, by the City Council of the City of Bellevue, and signed in approval therewith this 21st day of July, 2008.

CITY OF BELLEVUE

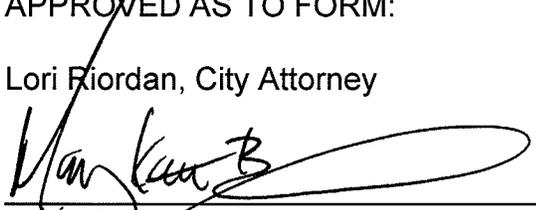
  

---

Grant Degginger, Mayor

APPROVED AS TO FORM:

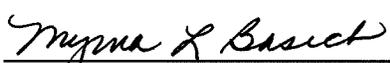
Lori Riordan, City Attorney

---

Mary Kate Berens, Deputy City Attorney

ATTEST:

---

Myrna L. Basich, City Clerk

PUBLISHED: 7-24-08

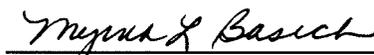
## CERTIFICATE

I, the undersigned, City Clerk of the City of Bellevue, Washington (the "City"), and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 5828 of the Council (the "Ordinance"), duly passed at a regular meeting thereof held on the 21st day of July, 2008.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption of said Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

Dated this 21st day of July, 2008.

  
\_\_\_\_\_  
City Clerk

CITY OF BELLEVUE  
OFFICIAL BALLOT

LEVY FOR CITY PARKS AND NATURAL AREAS

November 4, 2008

---

---

INSTRUCTION TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the word "APPROVED?"; to vote against the following proposition, place a cross (X) in the square opposite the word "REJECTED?."

---

---

CITY OF BELLEVUE

PROPOSITION NO. \_\_\_\_\_  
CITY OF BELLEVUE

LEVY FOR CITY PARKS AND NATURAL AREAS

The City Council of the City of Bellevue adopted Ordinance No. \_\_\_\_\_ concerning a proposition to replace the expiring 1988 park levy. To protect water quality in Bellevue's lakes and streams, preserve natural areas, enhance existing parks, and develop trails, this proposition would (1) increase the City's regular property tax levy by \$0.10 to a total authorized rate of \$1.31 per \$1,000 of assessed value for collection in 2009 and for 19 years thereafter, and (2) increase the levy by \$0.02 to \$1.33 per \$1,000 of assessed valuation in 2009 and thereafter to maintain and operate parks to Bellevue standards. Should this proposition be:

APPROVED?.....

REJECTED?.....

NOTICE OF SPECIAL ELECTION

CITY OF BELLEVUE  
LEVY FOR CITY PARKS AND NATURAL AREAS

November 4, 2008

NOTICE IS HEREBY GIVEN that on Tuesday, November 4, 2008, a special election will be held in the above-named city for the submission to the qualified electors of said city of the following proposition:

CITY OF BELLEVUE  
PROPOSITION NO. \_\_\_\_\_

LEVY FOR CITY PARKS AND NATURAL AREAS

The City Council of the City of Bellevue adopted Ordinance No. \_\_\_\_\_ concerning a proposition to replace the expiring 1988 park levy. To protect water quality in Bellevue's lakes and streams, preserve natural areas, enhance existing parks, and develop trails, this proposition would (1) increase the City's regular property tax levy by \$0.10 to a total authorized rate of \$1.31 per \$1,000 of assessed value for collection in 2009 and for 19 years thereafter, and (2) increase the levy by \$0.02 to \$1.33 per \$1,000 of assessed valuation in 2009 and thereafter to maintain and operate parks to Bellevue standards. Should this proposition be:

APPROVED?.....

REJECTED?.....

The polling places for all precincts wholly or partially within the district shall be as follows:

Precincts	Polling Places
-----------	----------------

Said polling places shall be open from 7:00 a.m. to 8:00 p.m.

\_\_\_\_\_  
Director  
King County Records, Elections and Licensing  
Services Division