CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5993-B

AN ORDINANCE of the City Council of the City of Bellevue, Washington, ordering the construction of an extension to NE 4th Street between 116th and 120th Avenues NE and the construction of improvements to 120th Avenue NE between the NE 4th Street Extension and NE 8th Street, within the City, all in accordance with Resolution of Intent No. 8141; establishing the Wilburton Connections Local Improvement District (LID No. 300) and ordering the carrying out of the proposed improvements; describing the method of assessment; providing for payment of part of the costs of the improvements be made by special assessment upon the property in the district; and providing for the issuance and sale of local improvement district warrants or other short-term obligations redeemable in cash and local improvement district bonds; providing for severability; and establishing an effective date.

WHEREAS, by Resolution of Intent No. 8141, adopted on September 20, 2010, the City Council of the City of Bellevue, Washington, declared its intention to consider the formation of a local improvement district, to be known as the Wilburton Connections Local Improvement District (LID), for the purpose of constructing an extension to NE 4th Street between 116th and 120th Avenues NE and the construction of improvements to 120th Avenue NE between the NE 4th Street Extension and NE 8th Street, within the City; and fixed as the time and place for hearing all matters relating to the proposed improvements, method of assessment, and all objections thereto, and for determining the method of payment for the improvements before the city of Bellevue hearing examiner, previously designated by the City Council, in the City Council Chambers located at City Hall, 450 110th Avenue NE, Bellevue, Washington, on the 21st day of October, 2010 at 7:00 p.m.; and

WHEREAS, the Director of the Transportation Department of the City of Bellevue caused an estimate to be made of the cost and expense of the proposed improvements and certified that estimate to the hearing examiner, together with all papers and information in his possession relating to the proposed improvements, a description of the boundaries of the proposed Local Improvement District (the "District"), and a statement of what portion of the cost and expense of the improvements should be borne by the property within the District; and

WHEREAS, that estimate is accompanied by a diagram of the proposed improvements and a diagram showing thereon the lots, tracts, parcels of land, and other property that will be specially benefited by the proposed improvements and the

estimated cost and expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the hearing examiner on the date and at the time above mentioned, and objections to the proposed improvements were heard; and

WHEREAS, all objections to the proposed improvements have been duly considered by the City Council, and all persons appearing at such hearing and wishing to be heard were heard; and

WHEREAS, the underlying philosophy supporting the Mobility & Infrastructure Initiative (MII) Finance Plan is: Those who benefit from the improvements should help pay for them; and

WHEREAS, local improvement district funding is identified in the MII Finance Plan as a means to represent specific benefits; and

WHEREAS, other funding sources identified in the MII Finance Plan represent local and general benefits; and

WHEREAS, the City Council has determined it to be the in the best interests of the City that the improvements as hereinafter described be carried out and the District be created in connection therewith;

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

Section 1. The City Council of the City of Bellevue, Washington, orders the construction of an extension to NE 4th Street between 116th and 120th Avenues NE and the construction of improvements to 120th Avenue NE between the NE 4th Street Extension and NE 8th Street as described in Exhibit A attached hereto and by this reference incorporated herein. All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the Director of the Transportation Department, and may be modified by the City Council as long as such modification does not affect the purpose of the improvements.

Section 2. There is created and established a local improvement district, to be called Local Improvement District No. 300, of the City of Bellevue, Washington (the "District"), the boundaries of the District being more particularly described in Exhibit B attached hereto and by this reference incorporated herein.

Section 3. The total estimated cost and expense of the improvements, including all necessary and incidental expenses of engineering, surveying, clerical, attorneys' fees, and other items as authorized by law, to be funded by the District and from other funds legally available to the City for such improvements, is declared

to be $45,400,000. A portion of the costs and expense shall be borne by and assessed against the property specially benefited by the improvements included in the District, which embraces as nearly as practicable all property specially benefited by such improvements. Such assessments shall not exceed a special benefit ratio of fifty percent (50%).

Section 4. The City may use any method or combination of methods to compute assessments, which may be deemed to more fairly reflect the special benefits to the properties being assessed. In accordance with the provisions of RCW 35.44.047, the City intends to use the special benefit analysis method of computing assessments.

Section 5.

A. Local improvement district warrants may be issued by the Finance Director in payment of the cost and expense of the improvements herein ordered to be assessed, such warrants to be paid out of the Local Improvement Fund, District No. 300, hereinafter created and referred to as the Local Improvement Fund and, until the bonds referred to in this section are issued and delivered to the purchaser thereof, to bear interest from the date thereof at a rate to hereafter fixed, as issuing officer, and to be redeemed in cash and/or by local improvement district bonds herein authorized to be issued, such interest-bearing warrants to be hereinafter referred to as "revenue warrants." In anticipation of the issuance of bonds to finance the cost and expense of the improvements herein ordered to be assessed, the City may provide by ordinance for the issuance of short-term obligations pursuant to Chapter 39.50 RCW or may (without the need for additional Council action) utilize one or more interfund loans. If the City authorizes expenditures to be made for these improvements (other than for any cost or expense expected to be borne by the City, including costs and expenses to be reimbursed with additional tax-exempt bonds expected to be issued in the principal amount of approximately $7,000,000) prior to the date that any short-term obligations or local improvement district bonds are issued to finance the improvements, from proceeds of interfund loans or other funds that are not reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside to pay the cost of the improvements herein ordered to be assessed against the property specially benefited thereby, the City declares its official intent that those expenditures, to the extent not reimbursed with prepaid special benefit assessments, are to be reimbursed from proceeds of tax-exempt short-term obligations or local improvement district bonds that are expected to be issued for the improvements in a principal amount of approximately $10,000,000.

B. The City is authorized to issue local improvement district bonds to provide for long-term financing for the improvements authorized by this ordinance that shall bear interest at a rate, and be payable on or before a date, to be hereafter fixed by ordinance. The bonds shall be issued in exchange for and/or in redemption of any and all revenue warrants issued hereunder or other short-term obligations hereafter authorized. The bonds shall be redeemed by the collection of special assessments to be levied and assessed against the property within the District, payable in annual installments, with interest at a rate to be hereafter fixed by ordinance as provided by

law and the ordinance of the City. The exact form, amount, date, interest rates and denominations of such bonds shall be hereafter fixed by ordinance of the City Council. Such bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. In all cases where the work necessary to be done in connection with the making of said improvements is carried out pursuant to contract upon competitive bids (and the City shall have and reserves the right to reject any and all bids), the call for bids shall include a statement that payment for such work will be made in cash warrants drawn upon the Local Improvement Fund and from other funds legally available to the City for such improvements.

Section 7. The Local Improvement Fund for the District is hereby created and established for Local Improvement District No. 300. The proceeds from the sale of revenue warrants or other short-term obligations drawn against the fund that may be issued and sold by the City, and the collections of special assessments, interest and penalties hereon, shall be deposited in the Local Improvement Fund. Cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvements and against cash warrants in payment for all other items of expense in connection with the improvements shall be issued against the Local Improvement Fund.

Section 8. Within 15 days of the passage of this ordinance there shall be filed with the Finance Director or her designee the title of the improvements and District number, a copy of the diagram or print showing the boundaries of the District and the preliminary assessment roll or abstract of such roll showing thereon the lots, tracts and parcels of land that will be specifically benefited thereby and the estimated cost and expense of such improvements to be borne by each lot, tract or parcel of land. The Finance Director or her designee shall immediately post the proposed assessment roll upon his or her index of local improvement assessments against the properties affected by the local improvements. Actual assessments may vary from assessment estimates so long as they don't exceed a figure equal to fifty percent (50%) of the increased true and fair value the improvement adds to the property.

Section 9. All appeals arising from this Ordinance shall be within the jurisdiction of the King County Superior Court.

Section 10. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 11. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force and effect five (5) days after passage and publication as provided by law.

Passed by the City Council this 7th day of March, 2011, and signed in authentication of its passage this 9th day of March, 2011.

(SEAL)

Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Monica Buck, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published March 10, 2011

EXHIBIT A
PROJECT DESCRIPTION
NE 4TH STREET EXTENSION AND 120TH AVENUE NE IMPROVEMENTS
(SEGMENT 1) OF THE
WILBURTON CONNECTIONS MOBILITY IMPROVEMENTS

The NE 4th Street Extension project will extend the roadway from 116th Avenue NE to 120th Avenue NE and includes an at-grade crossing of the Burlington Northern-Santa Fe railroad corridor. The new five-lane arterial road consists of two travel lanes in each direction and a center turn lane where needed. The project will include bike lanes, curb, gutter and sidewalk on both sides, illumination, landscaping and irrigation, storm drainage and detention. The project will accommodate other utility infrastructure as needed. The project will include a new signalized intersection at NE 4th Street and 120th Avenue NE and will modify the existing signalized intersection at NE 4th Street and 116th Avenue NE.

The 120th Avenue NE (Segment 1) improvement project consists of widening the roadway to five lanes, including two travel lanes in each direction with a center turn lane, turn pockets, and medians from south of NE 4th Street to south of NE 8th Street. The project will improve, or install where missing, bike lanes, curb, gutter and sidewalk on both sides, a traffic signal at the NE 6th Street intersection, illumination, landscaping and irrigation, and storm drainage systems. The project will be designed and constructed to accommodate intersections with the NE 4th Street Extension, the planned extension of NE 6th Street, and other utility infrastructure.
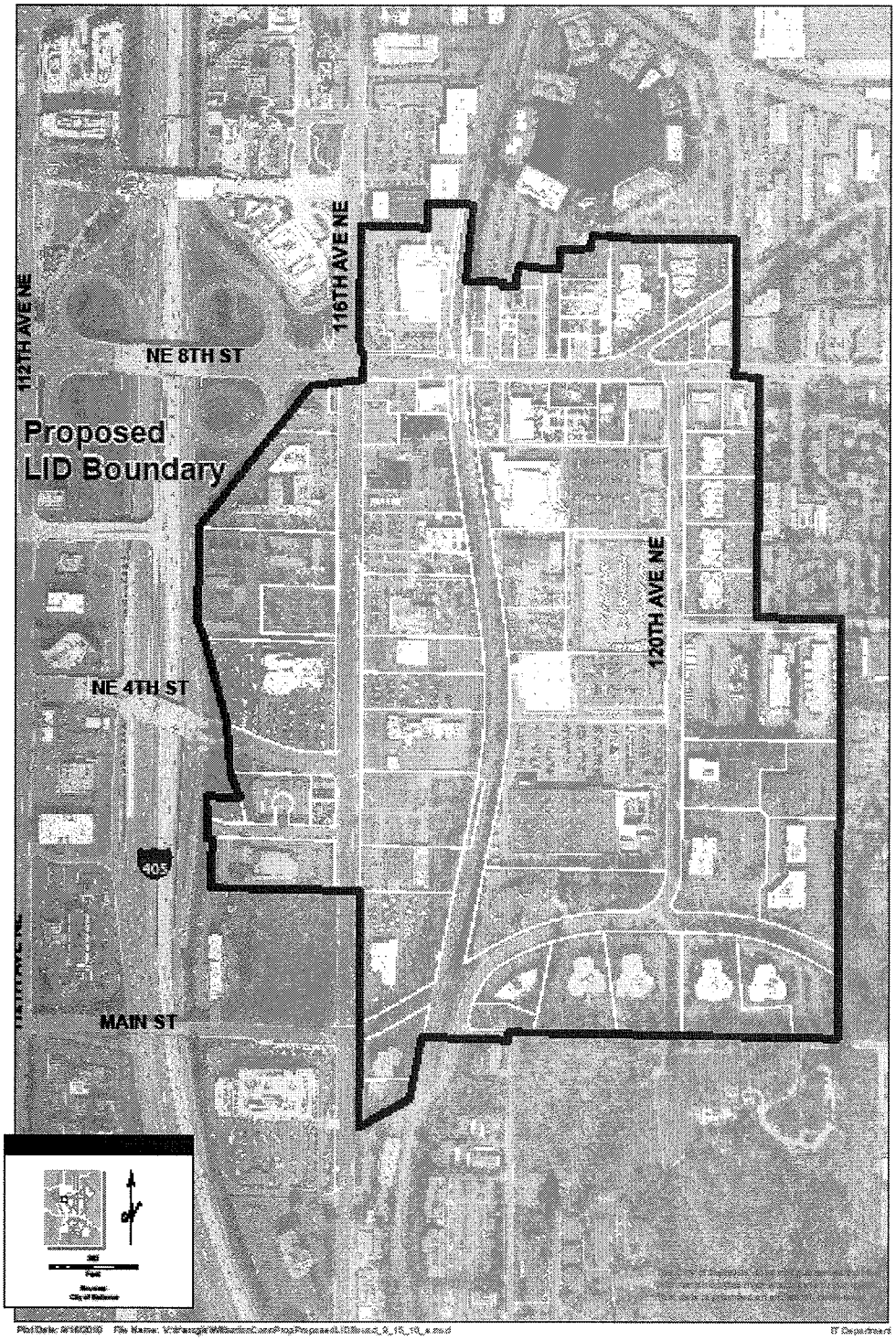
EXHIBIT B
LID BOUNDARY MAP
WILBURTON CONNECTIONS LOCAL IMPROVEMENT DISTRICT