

ORDINANCE NO. 153

AN ORDINANCE, relating to the local improvements and special assessments in the City of Bellevue, providing the procedure for making such improvements, collecting such assessments and the issuance of local improvement bonds.

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN  
AS FOLLOWS:

Section 1. DEFINITIONS AND TERMS. As used in this ordinance, unless the context otherwise indicates, the following words shall have the meaning herein prescribed:

- (a) "City" shall mean the City of Bellevue, Washington.
- (b) "City Council" or "Council" shall mean the legislative body of the City of Bellevue.
- (c) Whenever the term "Mayor", "Manager", "Clerk", "Treasurer", "Engineer" or other officer or agent is mentioned in this ordinance, whether alone or in conjunction with the term "City", such term shall be construed to mean the Mayor, Manager, Clerk, Treasurer, Engineer or other officer or agent of the City of Bellevue.

Section 2. PROCEDURE FOR LOCAL IMPROVEMENTS. Whenever the City Council of the City of Bellevue shall provide for making local improvements and for paying the whole or any portion of the cost and expense thereof by levying and collecting special assessments on property specially benefited, the proceedings therefor shall be in accordance with the provisions of an Act of the Legislature of the State of Washington entitled: "An Act Relating to Local Improvements in Cities and Towns and Repealing Certain Acts and Parts of Acts," approved March 17, 1911, and Acts amendatory thereof (being Chapters 35.43, 35.44, 35.45, 35.49, 35.50 and 35.53, R. C. W.) and the provisions of this ordinance and ordinances amendatory thereof.

Section 3. METHODS OF INITIATING AND ORDERING IMPROVEMENTS. Any such improvement may be initiated either upon petition properly signed by the owners of property aggregating a majority of the lineal frontage of the improvement and of the area within the proposed district, or by the resolution of the City Council, subject to the restrictions of R. C. W. 35.53.110, but such improvement may be ordered only by ordinance, as provided in Sections 16 and \_\_\_\_\_ herein.

Section 4. PETITION WHEN USED.

- (a) A petition must be used to initiate proceedings to establish a local improvement district.

(1) When payable in whole or in part by special assessments which include a charge for the cost and expense of furnishing electrical energy for street lighting--which petition must be signed by the owners of two-thirds (2/3rds) of the

lineal frontage upon the improvement to be made and of two-thirds (2/3rds) of the area within the proposed district.

(2) For the creation or improvement of park drives, parkways or boulevards, unless a request therefor has been made by any Board of City Park Commissioners having the management thereof.

(b) A petition may be used to initiate a proceeding for the creation of a local improvement district where the assessment district for the proposed improvement does not extend beyond the termini of the improvement.

Section 5. CONTENTS OF PETITION: In the event that the improvement is initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement, the mode of payment and what portion of the lineal frontage upon the improvement and upon the area within the proposed district is owned by the petitioners as shown by the records of the office of the County Auditor. If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition.

Section 6. FILING PETITION. The petition must be filed with the Clerk. The Council shall cause notice to be published in the city's official newspaper of the filing of a petition to form an improvement district, stating the time and place of a hearing to be held thereon, at which hearing any owner of property within the proposed district ~~may~~<sup>\*\*</sup> file written notice of objection with the Clerk containing the objector's name, address, written description of the property affected and the reasons for his objection to the proposed improvement. A copy of such notice shall be posted in three (3) public places within the proposed improvement district.

\*\* objecting to forming of said district must

Section 7. DETERMINING SUFFICIENCY OF PETITION. ENGINEER'S PRELIMINARY ESTIMATE, ROLL AND REPORT. After making proper record of the filing of such petition, the Clerk shall forward the same to the City Engineer 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 Council 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 and 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 twenty-five per cent (25%) 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 of all other 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 Engineer shall also submit a diagram showing thereon the lots, tracts, parcels of land 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 8. VALUATION OF TAX EXEMPT PROPERTY. For the purpose of estimating and levying local improvement assessments, the value of property of the United States, of the State of Washington, or of any county, school

district or other public corporation, whose property is not assessed for general taxes, shall be computed according to the standards afforded by a similarly situated property which is assessed for general taxes.

**Section 9. RESOLUTION METHOD.** Any local improvement to be paid for in whole or in part by the collection and levying of assessments upon the property within the proposed local improvement district may be initiated by a resolution of the City Council, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement, fixing the time for hearing thereon and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

In case of trunk or sub-sewers or trunk water mains, laterals, dykes or other structures to protect the City from overflow, or to improve water courses or other drainage channels or auxiliary water system extensions or additions for fire protection, the termini of the improvements, the routes thereof and the specifications of structures or works necessary thereto or forming a part of such auxiliary water systems, extensions or additions for the protection from fire shall be described.

**Section 10. ENGINEER'S DUTIES.** Upon adoption of a resolution declaring the intention to form a local improvement district as provided in Section 9 hereof, a copy thereof shall be forwarded to the Engineer who, in addition to making the studies, estimates of cost and expense, preliminary assessment rolls, reports and diagrams, as required in Section 7 above, shall order the publication of notice and give notice by mail to the owners, or reputed owners, of specially benefited land as provided in section 12 of this ordinance, and shall cause to be filed in the Engineer's office as a permanent record of the City the publisher's affidavit of publication of said resolution and the Engineer's certificate of mailing notices to the owners, or reputed owners, of the hearing upon the resolution.

**Section 11 ESTIMATE OF COSTS.** In making the estimate of cost and expense, the Engineer shall include therein:

- (1) The cost of the portion of the improvement within the street intersections;
- (2) The estimated cost and expense of all engineering and surfacing necessary for the improvement done by or under direction of the City Engineer.
- (3) The estimated cost and expense of ascertaining the ownership of all lots and parcels of land included in the assessment district.
- (4) The estimated cost and expense of advertising, mailing and publishing of necessary notices.
- (5) The estimated cost and expense of accounting, clerical labor, legal opinion, and all books or blanks extended or used on the part of the City Clerk or Treasurer in connection with the improvement, including the cost of printing bonds.
- (6) All costs of the acquisition of right-of-way property, easements or other facilities or rights, whether by eminent domaine, purchase, gift, or in any other manner.

**Section 12. NOTICE OF HEARING ON RESOLUTION OF INTENTION.**

- (a) The resolution declaring the Council's intention to form

a local improvement district shall be published in two (2) consecutive issues of the official newspaper of the City, the 1st publication thereof to be at least fifteen (15) days before the day fixed in the resolution, for the hearing thereon.

- (b) Notice of hearing upon the resolution declaring the intention of the City Council to order a local improvement shall also be given by mail at least fifteen (15) days before the day fixed for hearing thereon to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed improvement, if such owners or reputed owners are shown on the rolls of the County Treasurer, directed to the address thereon shown. Such notice shall set forth the nature of the proposed improvement, the estimated cost, and the estimated benefits to the particular lot, tract or parcel.

Section 13. HEARING ON RESOLUTION OF INTENTION. The public hearing on the resolution of intention to order an improvement, required by Section 12 herein shall be held by the City Council on the date fixed unless by said resolution of intention, provision is made for the hearing thereon before a Committee of the City Council. Such hearing may be continued from time to time and the Council shall retain jurisdiction thereof until the final disposition of the subject matter. Following the hearing, the Committee, if the same shall be heard before a Council Committee, shall report its recommendation on the resolution of the City Council who shall take final action thereon.

Section 14. PROTESTS. No protest filed by owners of property within the proposed improvement district shall operate to prohibit the improvement proposed by the resolution of the Council unless such protest is filed by the owners of the property within the proposed local improvement district subject to sixty per cent (60%) or more of the cost of the improvement as shown and determined by the preliminary estimate and assessment roll of the proposed improvement district and filed with the Clerk prior to the awarding of the contract for the improvement.

Section 15. ENLARGED DISTRICTS. If the local improvement is such that the special benefits resulting therefrom extend beyond the boundaries lying between the termini of the improvement abutting upon, adjacent to, vicinal or proximate to the street, avenue, lane, alley, boulevard, parkway, park drive, public place or square proposed to be improved to a distance of ninety feet (90') back from the marginal line thereof or to the center line of the blocks facing or abutting thereon, whichever is greater (in the case of unplatted property the distance back shall be the same as on the platted property immediately adjacent thereto) the petition or resolution for an enlarged district and all proceedings thereto shall conform, as nearly as is practicable, to the provisions relating to local improvement districts generally, except that the petition or resolution must describe it as an enlarged district and state what proportion of the amount to be charged to the property specially benefited shall be charged to the property lying between the termini of the proposed improvement and extending back from the marginal lines thereof to the middle of the block (or ninety feet (90') back) on each side thereof and what proportion thereof to the remainder of the enlarged district.

Section 16. 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 R.C.W. 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 establish a local improvement district to be known as "Local Improvement District No. \_\_\_\_\_" which shall embrace, as nearly as is practicable, all of the property specially benefited by the improvement. Unless otherwise provided in such ordinance, the improvement district shall include all the property between the termini of the improvement abutting upon, adjacent, vicinal or proximate to the street, avenue, lane, alley, boulevard, parkway, public place or square proposed to be improved, or to a distance of ninety feet (90') back from the marginal lines thereof, or to the center line of the blocks facing or abutting thereon, whichever is greater. (In case of unplatted property, the distance back shall be the same as on the platted property immediately adjacent thereto);

- A. **Enlarged District.** Provided that if such local improvement is such that special benefits resulting therefrom extend beyond the boundaries as above set forth, the Council may create an Enlarged District to include as nearly as practicable all of the property to be specially benefited by the improvement; the petition or resolution for such enlarged district shall comply with the requirements of R.C.W. 35.43.080, as amended.

**Section 17. SPECIAL CASES.** Any ordinance ordering the construction of trunk sewers, trunk water mains or dykes or other structures to protect the city or any part thereof from overflow, or to open, deepen, straighten or enlarge water courses, waterways or other channels and all auxiliary water systems or extensions thereof or additions thereto for the protection of the city or any part thereof from fire, shall describe the place of commencement and ending of the improvement, the route along which it is to be constructed, specified structures or works necessary thereto or forming a part thereof and maps, plans or specifications for the improvement.

**Section 18. PRELIMINARY ROLL - FILING.** The diagram or plat submitted by the Engineer to the Council, or committee thereof, shall be in the nature of a preliminary determination of the method and relative estimated amounts of assessments to be levied upon the property specially benefited by the improvement. When prepared such roll shall be filed with the City Clerk who shall notify the Council of such filing. The Council shall thereupon fix a date for a hearing thereon before the Council or committee and direct the Clerk to give notice of hearing and of the time and place thereof.

**Section 19. NOTICE OF HEARING ON PRELIMINARY ROLL.**

- A. 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 Council will sit as a board of equalization for the purpose of considering the roll; and
  - (3) That at the hearing the Council will consider the objections made and will 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 confirm the roll by ordinance.

- B. **Assessment Roll Notice. Mailing-Publication.** At least fifteen (15) 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 (5) times in a daily newspaper, or at least two (2) times in a weekly newspaper, the last publication to be at least fifteen (15) days before the date fixed for hearing.
- C. The mailing of any notice shall be conclusively proven by the written certificate of the officer directed by the provisions of this ordinance to give such notice.

Section 20. **PRELIMINARY ROLL--HEARING.** At the time fixed for hearing objections to the confirmation of the preliminary roll and at the times to which such hearing may be continued, the Council may correct, revise, raise, lower, change or modify the roll or any part thereof and at the conclusion of such hearing confirm the roll by ordinance.

Section 21. **OBJECTIONS TO ASSESSMENT ROLL.** All objections to the confirmation of the preliminary assessment roll shall be in writing identifying the property, signed by the owners and clearly state the grounds of the objections.

Section 22. **ASSESSMENT ROLL--AMENDMENT.** If a preliminary 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.

Section 23. **IMPROVEMENT BY CONTRACT, OR CITY EMPLOYEES.** All local improvements, funds for the making of which are derived in whole or in part from assessments upon property specially benefited, shall be made either by the City itself, or by contract upon competitive bids in the manner provided by law. The City Council, after receipt of competitive bids, or at the expiration of time set in invitation therefor, shall determine whether such local improvement shall be done by contract or the City itself.

Section 24. **COST ASSESSED PROPERTY BENEFITED.** The cost and expense of any such improvements shall be distributed and assessed against all the property included in such local improvement district, in accordance with the special benefits conferred thereon, and in the manner provided by law.

Section 25. **OWNER MAY PAY COST.** The City Council may provide by ordinance for the payment of the whole or any portion of the cost and expense of any local improvement by bonds of the improvement district, but no bonds shall be issued in excess of the cost and expense of the improvement, nor shall they be issued prior to twenty (20) days after the thirty (30) days allowed for the payment of assessments without penalty or interest.

Section 26. **LOCAL IMPROVEMENT BONDS.** Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the manner prescribed therein, and at not less than par and accrued interest. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement.

Section 27. LOCAL IMPROVEMENT WARRANTS. The City Council may provide by ordinance for the issuance of warrants in payment of the cost and expense of any local improvement, payable out of the local improvement district fund. The warrants shall bear interest at the rate of not to exceed eight per cent (8%) per annum and shall be redeemed either in cash or by local improvement bonds for the same improvement authorized by ordinance. All warrants against any local improvement fund sold by the City or issued to a contractor and by him sold or hypothecated for a valuable consideration shall be claims or liens against the improvement fund against which they are drawn prior and superior to any right, lien or claim of any surety upon the bond or bonds given to the City by or for the contractor to secure the performance of his contract or to secure the payment of persons who have performed work therein, furnished materials therefor, or provisions and supplies for the carrying on of the work.

Section 28. LOCAL IMPROVEMENT FUND. All assessments for local improvements shall be collected by the City Treasurer and shall be kept in a separate fund to be known as "Local Improvement Fund, District No. \_\_\_\_\_" and shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement.

Section 29. NOTICE BY TREASURER. As soon as the assessment roll has been placed in the hands of the City Treasurer for collection, he shall publish a notice in the official newspaper of the City for Ten (10) consecutive daily, or two (2) consecutive weekly issues, that the roll is in his hands for collection and that any assessment may be paid within thirty (30) days from the date of the first publication of the notice without penalty, interest or costs.

Section 30. ASSESSMENT PAYMENTS. In all cases where bonds are issued to pay the cost and expense of a local improvement, the ordinance levying the assessments shall provide that the sum charged against any lot, tract, and parcel of land or other property, or any portion thereof, may be paid during the thirty (30) day period allowed for the payment of assessments without penalty or interest, and that thereafter the sum remaining unpaid may be paid in equal annual installments. The number of installments shall be less by two (2) than the number of years which the bonds issued to pay for the improvement are to run. Interest on the whole amount unpaid at the rate fixed by the ordinance shall be due on the due date of each installment of principal. The first installment shall become due and payable during the thirty (30) day period succeeding a date one (1) year after the date of first publication of the Treasurer's notice, and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of any assessment remain unpaid after the first thirty (30) day period herein provided for, interest upon the whole unpaid sum shall be charged at the rate fixed in the ordinance providing for such improvement, and each year thereafter one of said installments, together with interest due upon the whole of the unpaid balance shall be collected. Any installment not paid prior to the expiration of the thirty (30) day period during which such installment is due and payable, shall thereupon become delinquent. All delinquent installments shall be subject to a charge for interest at the bond rate and to an additional charge of five per cent (5%) penalty levied upon both principal and interest due on such installment or installments.

Section 31. TREASURER'S REPORT. In case said improvement is made on the bond installment plan, the City Treasurer shall, at the expiration of thirty (30) days after the first publication of the notice to pay assessment, report to the City Council the amount collected by him upon the said roll and shall specify in said report the amount remaining unpaid upon said roll, and the City Council may then, or at a subsequent meeting, by ordinance, direct the Mayor and City Clerk to

issue the bonds on the local improvement district established by the ordinance ordering the improvement in an amount equal to the amount remaining unpaid on said assessment. Said ordinance shall specify the denomination of the bonds which, except for bond numbered "One", shall be in multiples of One Hundred Dollars (\$100.00) each.

Section 32. FORM OF BOND. All bonds issued in pursuance of the provisions of this ordinance, unless otherwise specially ordered by the Council, shall be in substantially the following form:

No. \_\_\_\_\_ \$ \_\_\_\_\_

UNITED STATES OF AMERICA

STATE OF WASHINGTON

LOCAL IMPROVEMENT BOND

CITY OF BELLEVUE

LOCAL IMPROVEMENT DISTRICT NO. \_\_\_\_\_

N. B. This bond is issued by virtue of the provisions of R. C. W. 35.45.010 et seq., Section 35.45.070c 209 §5, Laws of 1927, which reads as follows:

"Neither the holder nor the owner of any bond or warrant issued under the provisions of this act shall have any claim therefor against the city or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued, and except as against the local improvement guaranty fund of such city or town, and the city or town shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the city or town. The remedy of the holder or owner of a bond or warrant in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund."

The City of Bellevue, a municipal corporation of the State of Washington, hereby promises to pay to \_\_\_\_\_ or bearer \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), in lawful money of the United States, with interest thereon at the rate of \_\_\_\_\_ per cent ( %) per annum, payable annually out of the fund established by Ordinance No. \_\_\_\_\_ of said City and known as "Local Improvement Fund, District No. \_\_\_\_\_" and not otherwise, except from the guaranty fund, as herein provided. Both principal and interest on this bond are payable at the office of the City Treasurer of said City.

A coupon is hereto attached for each installment of interest to accrue hereon and said interest shall be paid only on presentation and surrender of such coupon to the City Treasurer.

This bond is payable on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and is subject to call by the City Treasurer of said City whenever there shall be sufficient money in said Local Improvement Fund to pay the same and all unpaid bonds of the series of which this bond is one, which are prior to this bond in numerical order, over and above sufficient for the payment of interest on all unpaid bonds of said series.



The call for payment of this bond, or of any bond of the series of which this is one, shall be made by the City Treasurer by publishing the same once in the official newspaper of said City, and when such call is made for the payment of this bond it will be paid on the day the next interest coupon thereon shall become due after said call and upon said day interest upon this bond shall cease and any remaining coupons shall be void.

The City Council of said City as the agent of said Local Improvement District No. \_\_\_\_\_, established by Ordinance No. \_\_\_\_\_, has caused this bond to be issued in the name of said City as the bond of said Local Improvement District, the bond or the proceeds thereof to be applied in part payment of so much of the cost and expense of the improvement of \_\_\_\_\_, under said Ordinance No. \_\_\_\_\_, as is levied and assessed against the property included in said Local Improvement District No. \_\_\_\_\_ and benefited by said improvement, and the said Local Improvement Fund has been established by ordinance for said purpose; and the holder or holders of this bond shall look only to said fund and to the Local Improvement Guaranty Fund of the City of Bellevue for the payment of either the principal of, or interest on, this bond.

This bond is one of a series of \_\_\_\_\_ bonds aggregating in all the principal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), all of which bonds are subject to the same terms and conditions as herein expressed.

IN WITNESS WHEREOF, the City of Bellevue has caused these presents to be signed by its Mayor and attested by its City Clerk and sealed with its corporate seal this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

CITY OF BELLEVUE

BY \_\_\_\_\_  
Mayor

Attest:

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

There shall be attached to each bond such a number of coupons as shall be required to represent the interest thereon payable either annually or semi-annually, as the case may be, for the term of said bonds, which coupons shall be substantially in the following form:

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the CITY OF BELLEVUE, STATE OF WASHINGTON, promises to pay to the bearer at the office of the City Treasurer \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), being ~~(six)~~ (twelve) months' interest due that day on Bond No. \_\_\_\_\_, and not otherwise, provided that this coupon is subject to all the terms and conditions contained in the bond to which it is annexed, and if said bond shall be called for payment before maturity hereof, then this coupon shall be void.

CITY OF BELLEVUE

Attest:

BY: \_\_\_\_\_  
Mayor

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

The City Treasurer shall keep in his office a register of all such bonds in which he shall enter the Local Improvement District for which the same are issued and the date, amount and number of each bond and the terms of payment.

Section 33. EFFECTIVE STATE LAWS. The Laws of the State of Washington and the provisions of this Ordinance shall be applicable to all local improvements and proceedings therein initiated by petition or resolution subsequent to the passage and legal publication of this Ordinance; and all proceedings and the manner of the collection and enforcement of all assessments in such proceedings shall be in compliance therewith.

Section 34. EFFECTIVE DATE. This Ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council on this 10 day of April, 1956, and signed in authentication thereof this 10 day of April, 1956.

[Signature]  
Mayor

[Signature]  
Councilman

[Signature]  
Councilman

Approved as to form:

[Signature]

City Attorney

(SEAL)

Attest:

Dep. [Signature]  
City Clerk

Date of Publication:

April 19, 1956

FILED  
CITY OF BELLEVUE

DATE April 11, 1956

Dep. CITY CLERK [Signature]