

ORDINANCE NO. 202

AN ORDINANCE ordering the improvement of an area in Failor's Enatai Gardens, Failor's Enatai Gardens No. 2, Failor's Enatai Gardens No. 3, Bel-Forest Addition Division No. 1, Bellevue Realty Addition No. 2, Brennan's Enatai Gardens, Beaumont Park Addition, Holly Hill Plat, and adjacent property, all in the City of Bellevue, by construction of storm drainage sewers, laterals, catch basins, and related improvements as described in Resolution No. 668; establishing Local Improvement District No. 56-D-04; providing for the method of assessment in said district; providing for the issuance and sale of Local Improvement District Warrants, redeemable in cash, and Local Improvement District Bonds and calling for bids for the purchase thereof.

WHEREAS, petitions have been filed with the City Council signed by the owners of property aggregating a majority of the lineal frontage upon the improvement and of the area within the proposed district, setting forth the nature and territorial extent of the proposed improvement, the mode of payment and what proportion of the lineal frontage upon the improvement and of the area within the proposed enlarged district is owned by the petitioners as shown by the records in the office of the County Auditor, petitioning for the improvement of an area below described by constructing storm drainage facilities; and

WHEREAS, the City Engineer has determined that said petitions are legally sufficient and that the facts therein set forth are true; and

WHEREAS, the City Council has passed Resolution No. 668 declaring its intention to form such Improvement District and to order such improvement and caused notice to be given of a hearing on said resolution and petitions by mail, posting and publication, all as prescribed by statute and ordinance; and

WHEREAS, the City Engineer has caused an estimate to be made of the cost and expense of the proposed improvement and has certified said estimates to the City 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, a statement in detail of the local improvement assessments outstanding or unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate, including 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; and

WHEREAS, public hearings were duly held upon the proposed improvement, objections and protests were considered, together with the public interest or convenience, the estimated costs and all other pertinent factors; now, therefore,

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

Section 1. Improvements Ordered. The area described in Section 2 hereof, shall be improved by the construction and installation of a continuous system of drains, sewers and sewer appurtenances as follows:

- (a) A main trunk beginning at a point thirty-five feet (35') south and twelve feet (12') east of the intersection of 109th Avenue, S. E., and S. E. 25th Street; thence South $04^{\circ}43'$ east, 290.00 feet; thence south $16^{\circ}41'$ west, 178.00 feet; thence south $31^{\circ}49'$ east, 394.00 feet; thence easterly twelve feet (12') south of and parallel to the north margin of S. E. 28th Place, 161.00 feet; thence southerly four feet (4') west of and parallel to the centerline of 110th Avenue, S. E. 2,093.40 feet; thence westerly twenty feet (20') north of and parallel to the centerline of S. E. 34th Street to a point twenty feet (20') east of 108th Avenue S. E. In addition, a lateral located on S. E. 30th Street in Failor's Enatai Gardens No. 3 twelve feet (12') north of and parallel to the centerline of said street and beginning at a point 195.00 feet east of the aforementioned main trunk; Also a lateral located on S. E. 31st Street in Holly Hill twenty feet (20') north of and parallel to the centerline of said street and beginning at a point 295.00 feet east of the aforementioned main trunk.
- (b) Together with catch basins, traps, manholes and sewer appurtenances, structures and works necessary thereto and forming a part thereof, including such changes or additions as shall be necessary or beneficial, all in accordance with the maps, plans and specifications of the City Engineer filed with the City Clerk on the 21st day of June, 1957, under Receiving Nos. 134, 135, & 136 which are hereby adopted and by this reference made a part hereof; provided, however, that the said plans, maps and specifications may be altered or amended by the filing of altered or amended plans or specifications with the City Clerk upon the ratification and adoption thereof by ordinance of this Council.

Sec. 2. L.I.D. No. 56D04 Established: There hereby is created and established a local improvement district No. 56D04, which district shall be described as follows:

Beginning at the north quarter corner of Section 8, Township 24, Range 5, E.W.M., King County, Washington, thence east along the north section line of said 1 section to its intersection with the west boundary of Lot 15, Block 1, of Bel-Forest Addition Division No. 1, which is the true point of beginning, thence east along said north section line to its intersection with the east boundary of Lot 16, Block 1, of Bel-Forest Addition Div. No. 1, thence south along said east boundary to its intersection with the center line of S. E. 24th Place, a duly laid out and dedicated street, thence east along said center line of S. E. 24th Place to its intersection with the extended eastern boundary of Lot 7, Block 4 of Bel-Forest Addition No. 1, thence south along said east boundary to the intersection with the north boundary of Lot 5, Block 4 of Bel-Forest Addition Division No. 1, thence east along the north boundary to its intersection with the east boundary of Bel-Forest Addition division No. 1, thence south along said east boundary to its intersection with the south boundary of Bel-Forest Addition No. 1, thence easterly to its intersection with the west boundary of Lot 1 of Bellevue Realty Addition No. 2, thence south along said west boundary to its intersection with the center line of S. E. 27th Place, thence east along said center line to its intersection with the extension of the west boundary of Lot 12, Bellevue Realty Addition No. 2, thence south along said boundary to its intersection with the north boundary of Brennan's Enatai Gardens No. 2, thence east along said boundary to its intersection with the west boundary of Lot 5 of Brennan's Enatai Gardens No. 2, thence south along said west boundary and the extension of said boundary to its intersection with the south boundary of Brennan's Enatai Gardens No. 2, thence east along said south boundary to its intersection with the extension of the east boundary of Lot 6, Beaumont Park Addition thence south along said extension of the east boundary of Lot 6 Beaumont Park to its intersection with the center line of S. E. 30th Place, thence west along said center line to a point of intersection of the extension of the east boundary of Lot 16 Beaumont Park Addition, thence south along said east boundary line to its intersection with the south boundary of Beaumont Park Addition, thence west along said southern boundary to its intersection with the east boundary of Lot 6, Failor's Enatai Gardens No. 3, thence south along said east boundary and (its extension) to its intersection with the north boundary of Holly Hill, thence east along said north boundary to its intersection with east boundary of Lot 5, Block A, Holly Hill, thence south along said east boundary and (its extension) to its intersection with the north boundary of Lot 6, Block B, Holly Hill, thence west along said north boundary to its intersection with the east boundary of Lot 5, Block B, Holly Hill, thence south along said east boundary and (its extension) to its intersection with the center line of S. E. 34th, thence north westerly on said center line to its intersection with the extension of the west boundary of Lot 17, Block 1 Failor's Enatai Gardens, thence north along said west boundary (and its extension) to its intersection with the center line of S. E. 31st Street, thence west along said center line to its intersection with the center line of 108th N. E. thence

north along said center line to its intersection with the north boundary of Lot 1, Block 1, Bel-Forest Addition Division No. 1, thence east along said north boundary to its intersection with the west boundary of Lot 15 Bel-Forest Addition Division No. 1, thence north along said west boundary to the true point of beginning.

Sec. 3. Assessment of Costs: All of the cost and expenses in connection with the installation and construction of said improvement, including the estimated cost and expense of :

- (a) The improvement within street intersections,
- (b) All engineering and surveying necessary for the improvement, whether done under the supervision of the City Engineer or otherwise,
- (c) All legal work and opinions incidental thereto,
- (d) Of ascertaining the ownership of lots or parcels of land included within the assessment district,
- (e) Of advertising, mailing, posting and publishing all necessary notices,
- (f) Of accounting, clerical labor and of books and blanks, extended or used on the part of the City Clerk or Treasurer in connection with the improvement,
- (g) Of acquisition of rights-of-way, property, easement and other facilities or rights-of-way and all other expenses incidental thereto as required or provided by laws of the State of Washington or the ordinances of the City of Bellevue

shall be levied and assessed against all of the property legally and properly assessable.

The City of Bellevue shall not be liable in any manner for any portion of the cost and expense of said improvement.

Sec. 4. Estimated Costs: The estimated cost and expense of said trunk and sub-sewers being a continuous unit of improvement, is hereby declared to be \$ 27,000.00.

Sec. 5. Assessment District: There hereby is created an assessment district consisting of all of the property within Local Improvement District No. 56-0-04, specially benefited by the improvement which shall be assessed to pay the cost and expense thereof in accordance with the special benefits conferred thereon. Such district shall be divided into two separate zones, designated Zone 1 and Zone 2.

Sec. 6. Manner of Assessment: The nature of the improvements herein ordered is such that the special benefits conferred upon the property are not fairly reflected by the use of the termini and zone method of assessment provided by statute, and, therefore, the assessment shall be made against the property in said

Local Improvement District No. 56DO4 in accordance with the special benefits that it will derive from the improvement, without regard to the termini and zone method provided for by law. Zone No. 1 of said Local Improvement Assessment District shall include all property lying between the termini of the trunk sewer and back to the middle of a block along the marginal lines of the area improved against which property shall be levied such portion of the assessment as shall represent the reasonable cost of the local sewer and its appurtenances suited to the requirements of the property. The remainder of the cost and expense of the improvement shall be distributed over and assessed against all of the property within the boundaries of the district, including Zones 1 and 2, which includes as nearly as possible all of the territory which can be drained by the trunk sewer and sub-sewers connected thereto. The portion of the local Improvement Assessment District lying outside of Zone 1 shall be designated Zone 2.

Sec. 7. Bids and Contract: All of the work necessary to be done in connection with the making of said improvement shall be done by and made by contract upon competitive bids and the City of Bellevue shall have and reserve the right to reject any and all bids. The call for bids for work authorized pursuant to this ordinance shall include a statement that payment for said work will be paid in ^{cash} warrants drawn upon the "Construction Fund" of Local Improvement District No. ~~56-0-04~~ in the City of Bellevue.

Sec. 8. Funds Created: There hereby are created in the office of the City Treasurer of the City of Bellevue for Local Improvement District No. ^{56DO4} the following funds, to-wit:

- (a) "Local Improvement Fund, District No. 56DO4," into which fund shall be deposited all payments made by assessments in said district for the redemption of all warrants and bonds herein authorized; and
- (b) "Construction Fund", into which fund shall be deposited the principal amount plus accrued interest received from the sale of Local Improvement District warrants of said district herein authorized, and against which fund warrants shall be issued to the contractor or contractors in payment of the work to be done by them in connection with said improvement and against which fund warrants shall be issued in payment of all other items of expense in connection with said improvement.

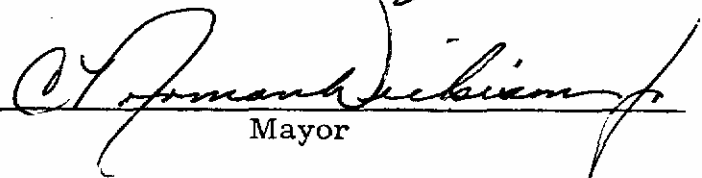
Sec. 9. Issuance and Sale of Local Improvement District Warrants: and Bonds: Local Improvement District Warrants shall be issued from time to time in such amounts as the city may determine in payment of or from which to obtain funds with which to pay the cost and expense of the improvement herein ordered. Such warrants shall be designated and payable out of the "Local Improvement Fund, District No. ~~56-0-04~~" to bear interest from date thereof at a rate to be determined, not in excess of 8% per annum, or warrants to bear the same rate of interest and to be redeemed in cash or by Local Improvement District Bonds herein authorized to be issued. Bonds bearing the same rate of interest, payable on or before twelve (12) years from the date of issuance, shall be issued in exchange for and in redemption of any and all warrants issued hereunder not redeemed in cash within a period of not to exceed sixty (60) days after the first publication by the City Treasurer of notice that the assessment roll for Local Improvement District No. 56DO4 is in her hands for collection. Said bonds shall be redeemed by the collection of special assessments to be levied and

assessed upon the property within said district, payable in ten (10) equal installments, with interest at the rate of 6% per annum, and not less than the bonds shall bear, under the mode of "Payment by Bonds" as defined by law and the ordinances of the City of Bellevue. In case of default in the payment of any assessment when the same shall become due, there shall be added interest at the rate of 8% and a penalty of 5% which shall be collected. The exact amount form, date and denominations of said bonds shall be fixed hereafter by ordinance of the City Council.


Sec. 10. Call for Bids on Warrants: The City Treasurer is hereby directed to cause to be published one in the Daily Journal of Commerce of Seattle, Washington, and once in the Bellevue American of Bellevue, Washington, at least ten (10) days prior to the bid opening date, a notice of warrant sale calling for sealed bids for the purchase of said Local Improvement District Warrants, redeemable in cash, and Bonds as herein provided, to be received by the City Treasurer at her office in the City Hall, Bellevue, Washington, until 8:00 o'clock P. M., Pacific Standard Time, on the 27th day of August, 1957, at which time all bids received will be publicly opened by said Treasurer and the City Council. The bids submitted shall specify either (a) the lowest rate of interest and premium, if any, above par, at which said bidder will purchase said warrants, or (b) the lowest rate of interest at which the bidder will purchase said warrants at par. The city reserves the right to reject any and all bids submitted. The city shall furnish the warrants and bonds issued in redemption thereof, together with the approving legal opinion of Weter, Roberts & Shefelman, bond counsel of Seattle, Washington, without cost to the purchaser.

Sec. 11. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 25th day of June, 1957, and signed in authentication thereof this 25th day of June, 1957.

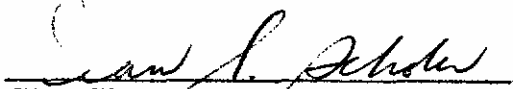

Mayor

Approved as to Form:


City Attorney

(SEAL)

Attest:


City Clerk

Date of Publication: July 4, 1957.

FILED
CITY OF BELLEVUE
DATE June 22, 1957
CITY CLERK.....