

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 291

AN ORDINANCE ordering the improvement of Northeast 8th Street between 100th Avenue and 112th Avenue in Bellevue, Washington, by paving and otherwise improving the same; creating a Local Improvement District therefor; providing that payment of said improvement be made by special assessments of property benefited and by the proceeds of street improvement bonds heretofore authorized by the voters of Bellevue; providing for the issuance and sale of Local Improvement District warrants and bonds and calling for bids for the purchase thereof.

WHEREAS, the City Council has received a petition from owners of property aggregating a majority (1) of the lineal frontage upon the improvement and (2) of the area within the proposed district, to order such improvement district and to order such improvement, the assessment district for which does not extend beyond the termini of the improvement; and has heard objections and protests, has considered the public interest and convenience, the estimated cost and all other pertinent factors; and

WHEREAS, the City Engineer caused an estimate to be made of the cost and expense of the continuous unit of the proposed improvement and has certified it 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 of what portion of the cost and expense of the improvement should be borne by the City, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, a statement of the aggregate actual valuation of the real estate including twenty-five percent 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, the City Engineer has also determined the sufficiency of the petition and found that the facts set forth therein are true; and whereas estimates are on file in the office of the City Engineer together with a detailed copy of the preliminary assessment roll and ~~the plans and~~ assessment maps of the proposed improvement; 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, installation and widening of the existing 20 foot surface of N.E. 8th Street, between 100th Avenue and 112th Avenue, by paving the same with bituminous or Portland cement concrete paving, including the necessary

grading, re-grading, filling, compacting, surfacing, draining, and the installation of drain inlets, storm sewers, and other appurtenances consistent with good street construction; between 100th Avenue and 102nd Avenue the traveled way shall be 43 feet wide; between 102nd Avenue and 108th Avenue the traveled way shall be 64 feet wide; and between 108th Avenue and 112th Avenue the traveled way shall be 43 feet wide; all in accordance with plans and specifications <sup>to be</sup> prepared and submitted by the City Engineer.

Section 2. Local Improvement District No. 59-S-10 Established. A Local Improvement District to be known as "Local Improvement District No. 59-S-10" is hereby created and established, which district shall include an area described as follows, to-wit:

Beginning at the intersection of the centerline of N.E. 8th Street and the centerline of 100th Avenue N.E.; thence northerly along the centerline of 100th Avenue N.E. to a point which lies midway between the centerline of N.E. 8th Street and the centerline of N.E. 10th Street as dedicated in Mountain View Tracts (Unrecorded); thence easterly along a line which lies midway between the centerline of N.E. 8th Street and the centerline of N.E. 10th Street to an intersection with the centerline of 104th Avenue N.E.; thence continuing easterly along the North line of the South Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 29, Township 25 North, Range 5 East, W.M. to the East line of said Southwest Quarter of Southeast Quarter of Southwest Quarter; thence continuing Easterly along the North line of the South Half of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of said Section 29, to an intersection with the centerline of 108th Avenue N.E.; thence continuing easterly along the North line of the South Half of Southwest Quarter of Southwest Quarter of Southeast Quarter of Section 29, Township 25 North, Range 5 East, W.M. to an intersection with the West line of Block 1 of Carroll-Hedlund's 1st Addition as recorded in Volume 49 of Plats, Pages 58 and 59, Records of King County; thence Southerly along the West line of said Block 1 to the South line of Lot 6, Block 1 of said Subdivision; thence Easterly along the South line of said Block 1, more particularly described as the South lines of Lots 6, 7, 8, 9, 10, 11 and 13 of said Block 1; thence continuing Easterly on the projected South line of said Lot 13, Block 1 to an intersection with the centerline of 111th Avenue N.E.; thence Northerly along the centerline of 111th Avenue N.E. to a point which lies midway between the centerline of N.E. 8th Street and N.E. 11th Street; thence Easterly along a line which lies midway between the centerline of N.E. 8th Street and N.E. 11th Street to an intersection with the centerline of 112th Avenue N.E.; thence Southerly along said centerline to an intersection with the centerline of N.E. 8th Street; thence continuing Southerly along the East line of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 32, Township 25 North, Range 5 East, W.M., to an intersection with the South line of the North Half of said Northeast Quarter of the Northwest Quarter of the Northeast Quarter; thence westerly along said South line to the West line of said Northeast Quarter of Northwest Quarter of the Northeast Quarter; thence continuing Westerly along the South line of the North Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 32, to an intersection with the centerline of 108th Avenue N.E.; thence Northerly along the centerline of 108th Avenue N.E. to an intersection with the Easterly projection of the South line of the North Half of Lot 2, Block 2 of Cheriton Fruit Gardens Plat No. 1 as recorded in Volume 7 of Plats, Page 47, Records of King County; thence Westerly along said South line and also continuing along the South line of the North Half of Lot 1, Block 2 of said Cheriton Fruit Gardens Plat No. 1 and the Westerly projection of said South line until the same intersects the centerline of 104th Avenue N.E.; thence continuing Westerly along the Easterly extension of the south line of Lot 9 of Block 1 of Cheriton Fruit Gardens Plat No. 1, as recorded in Volume 7 of Plats, Page 47, Records of King County; thence Westerly along the south line of Lots 9 through 1 of said plat and said South line projected to an intersection with the centerline of 100th Avenue N.E.; thence Northerly along said centerline of 100th Avenue N.E. to the Point of Beginning; all situated within the corporate limits of Bellevue, Washington.

**Section 3. Assessment of Costs.** All of the cost and expense 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) Ascertaining the ownership of lots or parcels of land included within the assessment district. (e) Appraisals. (f) Advertising, mailing, posting and publishing all necessary notices. (g) 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. (h) 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 law of the State of Washington or ordinances of the City of Bellevue, shall be allocated to and borne by the property within the improvement district, in accordance with the special benefits conferred, and the cost assessed against the individual lots in accordance with the statutory zone and termini method, except the City shall pay the cost of base material and the cost of surfacing, laid in place, on that portion of the street which is: (a) More than 16 feet distant (measured at right angles) from the centerline of the street which is adjacent to private property zoned R-10 or R-8.5; and (b) More than 21½ feet distant (measured at right angles) from the centerline of the street which is adjacent to private property zoned B-1 or R-S. The City shall pay its aforementioned portion of the cost of the improvement from the proceeds of the sale of Street Improvement Bonds, sale of which was heretofore authorized by Ordinance No. 264, passed by the City Council on February 24, 1959.

**Section 4. Estimated Cost:** The estimated cost and expense of said street and sewers being a continuous unit of improvement, is hereby declared to be \$ 181,101.04, of which not to exceed \$ 148,382.70 is to be assessed, and the balance of the cost shall be paid from the proceeds of the General Obligation Street Improvement Bonds.

**Section 5. Assessment District.** There is created an assessment district consisting of all of the property within Local Improvement District No. 59-S-10 specially benefited by the improvement above ordered, which property shall be assessed to pay the cost and expense thereof in accordance with the special benefits conferred thereon in proportion to areas and distances back from the marginal line of the street improvement, all as provided in Section 3 above.

**Section 6. Manner of Assessment:** The nature of the improvements herein ordered is such that the special benefits conferred upon the property to be assessed is fairly reflected by the use of the termini and zone method provided by statute.

**Section 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. 59-S-10 in the City of Bellevue.

**Section 8. Funds Created:** There hereby are created in the office of the City Treasurer of the City of Bellevue for Local Improvement District No. 59-S-10 the following funds, to-wit:

(a) "Local Improvement Fund, District No. 59-S-10" 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, District No. 59-S-10" 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 the portion of the principal proceeds received from the sale of said General Obligation Street Improvement Bonds allocated to pay the City's share of the cost and expense of the improvement herein ordered, 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 improvements and against which fund warrants shall be issued in payment of all other items of expense in connection with said improvement.

Section 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 share of the cost and expense of the improvement herein ordered to be charged to the local improvement district. Such warrants shall be designated and payable out of the "Local Improvement Fund, District No. 59-S-10" to bear interest from date thereof at a rate to be determined, not in excess of eight (8%) percent per annum, 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 years from the date of issuance, shall be issued in exchange for and redemption of any and all warrants issued hereunder not redeemed in cash within a period of not to exceed sixty days after the first publication by the City Treasurer of notice that the assessment roll for Local Improvement District No. 59-S-10 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 equal installments, with interest at the bond rate plus one-half of 1 percent per annum, 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 the delinquent installments shall be subject to a charge for interest at the bond rate plus an additional charge of five (5%) percent penalty levied upon both principal and interest due upon such installment or installments. The exact amount form, date and denominations of said bonds shall be fixed hereafter by ordinance of the City Council.

Section 10. Call for Bids on Warrants: The City Clerk is hereby directed to cause to be published once in the Daily Journal of Commerce of Seattle, Washington, and once in the Bellevue American of Bellevue, Washington, at least ten 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 Clerk at her office in the City Hall, Bellevue, Washington, until 8:00 o'clock p.m., Pacific Standard Time, on the 23rd day of June, 1959, at which time all bids received will be publicly opened by said Clerk 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.

Section 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 26<sup>th</sup> day of May, 1959, and signed in authentication thereof this 26<sup>th</sup> day of May, 1959.

Kenneth D. Cook  
Mayor

Approved as to Form:

Joseph M. [Signature]  
City Attorney

(SEAL)

FILED  
CITY OF BELLEVUE  
DATE May 27, 1959  
CITY CLERK Jean D. Scholz

Attest:

Jean D. Scholz  
City Clerk

Published June 4, 1959