

CITY OF BELLEVUE, WASHINGTON
ORDINANCE NO. 359

AN ORDINANCE ordering the improvement of 106th Avenue N.E. between Main Street and N.E. 8th Street, in Bellevue, Washington, by paving and otherwise improving the same; creating a Local Improvement District therefor comprised of three (3) continuous units of the improvement; providing that payment of said improvement be made by special assessments against property benefited; 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, petitioning for the construction and installation of 106th Avenue N.E., within the three continuous units of the improvement, by paving the same with bituminous or Portland cement concrete paving, including the securing of necessary rights-of-way, and including grading, re-grading, filling, compacting, surfacing, draining, and the installation of drain inlets, storm sewers, curbs, and other appurtenances consistent with good street construction; and for the establishment of an improvement district, the assessment district for which does not extend beyond the termini of the improvement, and the improvement district for which shall be comprised of three (3) continuous units of the improvement, Main to N.E. 2nd, N.E. 2nd to N.E. 6th, and N.E. 6th to N.E. 8th; and 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 proposed improvement, including the cost and expense of each of the three continuous units of the 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, descriptions of the boundaries of the three continuous units of the improvement, a statement of the portions of the cost and expense of the improvement to be borne by the three continuous units of the improvement within the proposed district, 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 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 areas described in Section 2 hereof shall be improved by the construction and installation of 106th Avenue N.E., within the three continuous units of the improvement, by paving the same with bituminous or Portland cement concrete paving, including the securing of necessary rights-of-way, and including grading, re-grading, filling, compacting, surfacing, draining,

and the installation of drain inlets, storm sewers, curbs, and other appurtenances consistent with good street construction; the right-of-way shall be 60 feet in width, and the traveled way shall be 43 feet wide; all in accordance with plans and specifications to be prepared and submitted by the City Engineer.

Section 2. Local Improvement District No. 59-S-13 Established. A Local Improvement District to be known as "Local Improvement District No. 59-S-13" is hereby created and established, which district shall include an area comprised of the following three continuous units of the improvement, to-wit:

UNIT A (Main to 2nd)

Beginning at the Intersection of the centerline of Main Street and the Southerly projected North - South Center Line of Lot 4, Block 3 of Cheriton Fruit Gardens Plat No. 1 as recorded in Volume 7 of Plats, page 47 records of King County, Washington; thence Northerly along said North - South Center Line to the North Line of said Lot 4; thence Easterly along said North Line to the North - South Center Line of Lot 3 Block 3 of said Cheriton Fruit Gardens Plat No. 1, thence Southerly along said North - South Center Line to the Center line of Main Street, thence Easterly to the point of beginning.

UNIT B (2nd to 6th)

Beginning at the Intersection of the North Line of Lot 4 Block 3 of Cheriton Fruit Gardens Plat # 1 as recorded in Volume 7 of Plats, Page 47 Records of King County Washington and the projected Center Line between 105th Avenue N. E. and 106th Avenue N. E. as platted in Bellevue Industrial Court Addition Volume 42, Page 9 Records of King County, thence Northerly along said Center Line to the Center Line of N. E. 4th Street; thence Westerly along said Center Line to the projected North - South Center line of Lot 4, Block 2, Cheriton Fruit Gardens Plat No. 1, thence Northerly along said Center Line to the North Lot line of said Lot 4 thence Easterly along said Lot Line to the Northeast corner of Lot 4 Block 2, thence continuing Easterly along the North Line of Lot 3, Block 2 to the North - South Centerline of said Lot; thence Southerly along said centerline and continuing Southerly along the North - South Center Line of Lot 2 Block 3 of said Cheriton Fruit Gardens Plat # 1 to the North line of Lot 3, Block 3; thence Westerly along said North Line to the point of beginning.

UNIT C (6th to 8th)

Beginning at the Intersection of the North - South Center Line of Lot 1, Block 2 and the South Lot Line of Lot 1, Block 2, of Cheriton Fruit Gardens Plat No. 1 as recorded in Volume 7 of Plats, Page 47 records of King County, thence Northerly along said line to its' Intersection

with the Centerline of N. E. 8th Street, thence Easterly along the Center Line of N. E. 8th Street to the projected North - South Center Line of Lot 2, Block 2 of said Plat; Thence Southerly along said North - South Line to the South Lot line of Lot 2 Block 2 of said Plat; thence West-erly to the point of beginning.

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 districts. (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 and ordinances of the City of Bellevue. Those costs mentioned above which are incurred for the benefit of one particular unit, shall be charged to that unit only. Those costs mentioned above, which are incurred for the benefit of the entire improvement shall be pro-rated to the several continuous units according to the following formulae: The portion of the expense involved to be charged to a continuous unit shall be to the entire expense, as the total cost of the continuous unit bears to the total cost of the three continuous units. Those costs mentioned above shall be allocated to and borne by the properties within the three continuous units of the improvement in accordance with the special benefits conferred, and the cost assessed against the individual lots in accordance with the statutory zone and termini method.

Section 4. Estimated Cost. The estimated cost and expense of said street and sewers is hereby declared to be \$ 342,235.47, consisting of Unit A \$ 119,003.60, Unit B \$ 72,587.49 and Unit C \$ 150,644.38.

Section 5. Assessment Districts. There are hereby created three (3) assessment districts, comprised of the areas within the three continuous units described above, and which three continuous units comprise all of the property within Local Improvement District No. 59-S-13 specially benefited by the improvement above ordered. The property within each of the three continuous units shall be assessed to pay the cost and expense of that particular assessment district; the cost and expense of each assessment district shall be ascertained separately, as near as may be, and the assessment rates shall be computed on the basis of the cost and expense of each assessment district, and the cost and expense of each assessment district shall be assessed against the property within that assessment district 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-13 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-13 the following funds, to-wit:

- (a) "Local Improvement Fund, District No. 59-S-13" 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-13" 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 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 cost and expense of the improvement herein ordered. Such warrants shall be designated and payable out of the "Local Improvement Fund, District No. 59-S-13" 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-13 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 rate fixed by the ordinance levying the assessment, not to exceed eight (8%) 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, in addition to the interest payable as provided in the ordinance levying the assessment, shall be subject to a penalty charge of five (5%) percent levied upon both principal and interest due on 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 28th day of June, 1960, 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 on this 24th day of May, 1960, and signed in authentication of its passage this 24th day of May, 1960.

Approved as to Form:

Thomas A. Galt
Mayor

[Signature]
City Attorney

(SEAL)

FILED
CITY OF BELLEVUE
DATE May 25, 1960
Dep. CITY CLERK *Hazel G. Humphreys*

Attest:

Hazel G. Humphreys
Dep. City Clerk

Published June 2, 1960