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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4285

AN ORDINANCE relating to service charges for the Storm and Surface Water Utility of the City of Bellevue; authorizing service charge increases for certain property within the Lakemont subdivisions in order to finance the filtration detention drainage facility within that development and providing for the collection of said charges.

WHEREAS, pursuant to Resolution No. 5160 adopted on July 24, 1989, the City Council approved a pre-annexation agreement with the Newcastle Development Co. pertaining to certain unincorporated property for which King County had previously provided preliminary plat approval; and

WHEREAS, said pre-annexation agreement provided the City with storm drainage alternatives beyond the lake/detention drainage system required by King County as a condition of preliminary plat approval; and

WHEREAS, pursuant to Resolution No. 5347 adopted on January 28, 1991, the City Council approved an amendment to the pre-annexation agreement pursuant to which the City agreed to finance that portion of an alternative drainage facility's capital costs in excess of \$1 million, which was the estimated cost of the County required lake/detention drainage facility; and

WHEREAS, in order to limit the City's financial commitment pursuant to the amended pre-annexation agreement, the Storm and Surface Water Utility negotiated an implementation agreement with East West Partners dated July 2, 1991, which provides for the City to finance approximately \$2.3 million of the capital costs of the alternative drainage facility through a bond issuance; and

WHEREAS, pursuant to said amended pre-annexation agreement, revenue to pay the principal and interest on such bonds is to be provided by the imposition of an additional service charge on all property in the Lakemont subdivisions to be served by the alternative drainage facility; and

WHEREAS, pursuant to Ordinance No. 4284, adopted by the City Council on September 23, 1991, the City Council approved the issuance of Waterworks Utility bonds for the purpose of providing financing for the alternative drainage facility; and

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WHEREAS, pursuant to the amended pre-annexation agreement, East West Partners made an additional financial contribution toward construction of the alternative drainage facility; which contribution shall be considered to be on behalf of the public property within the Lakemont subdivisions; and

WHEREAS, pursuant to the amended pre-annexation agreement it is necessary to provide for the imposition of an additional service charge on property in the Lakemont subdivisions in order to provide revenue to pay the principal and interest and all other costs associated with the bond issuance authorized pursuant to Ordinance No. 4284; and

WHEREAS, in order to allocate costs equitably, such additional service charge should be based on the runoff contribution of each land use category within the Lakemont subdivisions served by the alternative drainage facility; and

WHEREAS, it is proposed that the additional annual service charge be billed semi-annually and, beginning in 1993, be collected by King County, pursuant to a service agreement with the County; now therefore,

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

Section 1. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon all property lying within that certain Legal Description A, as set forth in Clerk's Receiving No. 16966, an annual service charge, which service charge shall be charged on a square footage basis in the amount set forth in the following table for the applicable year:

1991	\$0.00726487 per sq. ft.
1992	\$0.09628183 per sq. ft.
1993	\$0.09224568 per sq. ft.
1994	\$0.08618877 per sq. ft.
1995	\$0.08175602 per sq. ft.
1996	\$0.07732091 per sq. ft.
1997 through and including 2010	\$0.06213576 per sq. ft.

Section 2. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon that property lying within that certain Legal Description B, as set forth in Clerk's Receiving No. 16967, an annual service charge in a total dollar amount as set forth in the following table for the applicable year:

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1991	\$ 2,879
1992	\$38,151
1993	\$36,552
1994	\$34,152
1995	\$32,395
1996	\$30,638
1997 through and including 2010	\$24,621

Provided that upon the filing of the final plat for record with King County, said charge shall be administratively converted to a per lot charge such that each lot within Legal Description B shall pay an equal pro rata share of the total annual charge set forth in this section. Said per lot charge shall be calculated by dividing the applicable annual service charge by the total number of lots in the recorded final plat for the property described in Legal Description B.

Section 3. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon that property lying within that certain Legal Description C, as set forth in Clerk's Receiving No. 16968, an annual service charge in a total dollar amount as set forth in the following table for the applicable year:

1991	\$ 4,106
1992	\$54,421
1993	\$52,140
1994	\$48,716
1995	\$46,211
1996	\$43,704
1997 through and including 2010	\$35,121

Provided that upon the filing of the final plat for record with King County, said charge shall be administratively converted to a per lot charge such that each lot within Legal Description C shall pay an equal pro rata share of the total annual charge set forth in this section. Said per lot charge shall be calculated by dividing the applicable annual service charge by the total number of lots in the recorded final plat for the property described in Legal Description C.

Section 4. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon that property lying within that certain Legal Description D, as set forth in Clerk's Receiving No. 16969, an annual service charge in a total dollar amount as set forth in the following table for the applicable year:

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1991	\$ 3,768
1992	\$49,933
1993	\$47,839
1994	\$44,698
1995	\$42,399
1996	\$40,099
1997 through and including 2010	\$32,224

Provided that upon the filing of the final plat for record with King County, said charge shall be administratively converted to a per lot charge such that each lot within Legal Description D shall pay an equal pro rata share of the total annual charge set forth in this section. Said per lot charge shall be calculated by dividing the applicable annual service charge by the total number of lots in the recorded final plat for the property described in Legal Description D.

Section 5. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon that property lying within that certain Legal Description E, as set forth in Clerk's Receiving No. 16970, an annual service charge in a total dollar amount as set forth in the following table for the applicable year:

1991	\$ 2,373
1992	\$31,444
1993	\$30,126
1994	\$28,148
1995	\$26,700
1996	\$25,252
1997 through and including 2010	\$20,292

Section 6. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon that property lying within that certain Legal Description F, as set forth in Clerk's Receiving No. 16971, an annual service charge in a total dollar amount as set forth in the following table for the applicable year:

1991	\$ 1,270
1992	\$16,831
1993	\$16,126
1994	\$15,067
1995	\$14,292
1996	\$13,517
1997 through and including 2010	\$10,862

Provided that upon the filing of the final plat for record with King County, said charge shall be administratively converted to a per lot charge such that each lot within Legal Description F shall pay an equal pro rata share of the total annual charge set forth in this section. Said

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per lot charge shall be calculated by dividing the applicable annual service charge by the total number of lots in the recorded final plat for the property described in Legal Description F.

Section 7. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon that property lying within that certain Legal Description G, as set forth in Clerk's Receiving No. 16972, an annual service charge in a total dollar amount as set forth in the following table for the applicable year:

1991	\$ 3,048
1992	\$40,395
1993	\$38,702
1994	\$36,160
1995	\$34,301
1996	\$32,440
1997 through and including 2010	\$26,069

Provided that upon the filing of the final plat for record with King County, said charge shall be administratively converted to a per lot charge such that each lot within Legal Description G shall pay an equal pro rata share of the total annual charge set forth in this section. Said per lot charge shall be calculated by dividing the applicable annual service charge by the total number of lots in the recorded final plat for the property described in Legal Description G.

Section 8. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon that property lying within that certain Legal Description H, as set forth in Clerk's Receiving No. 16973, an annual service charge in a total dollar amount as set forth in the following table for the applicable year:

1991	\$ 2,159
1992	\$28,613
1993	\$27,414
1994	\$25,614
1995	\$24,296
1996	\$22,978
1997 through and including 2010	\$18,466

Provided that upon the filing of the final plat for record with King County, said charge shall be administratively converted to a per lot charge such that each lot within Legal Description H shall pay an equal pro rata share of the total annual charge set forth in this section. Said per lot charge shall be calculated by dividing the applicable annual service charge by the total number of lots in the recorded final plat for the property described in Legal Description H.

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Section 9. In addition to any service charge or customer charge levied pursuant to Section 4 of Ordinance No. 2429 as most recently amended by Section 1 of Ordinance No. 4198, there is levied upon that property lying within that certain Legal Description I, as set forth in Clerk's Receiving No. 16974, an annual service charge in a total dollar amount as set forth in the following table for the applicable year:

1991	\$ 2,794
1992	\$37,029
1993	\$35,476
1994	\$33,147
1995	\$31,442
1996	\$29,737
1997 through and including 2010	\$23,897

Provided that upon the filing of the final plat for record with King County, said charge shall be administratively converted to a per lot charge such that each lot within Legal Description I shall pay an equal pro rata share of the total annual charge set forth in this section. Said per lot charge shall be calculated by dividing the applicable annual service charge by the total number of lots in the recorded final plat for the property described in Legal Description I.

Section 10. The additional service charges imposed pursuant to Sections 1 through 9 of this Ordinance shall be due and payable as follows:

1991 service charge:	total due and payable October 1, 1991
1992 service charge:	one-half due and payable March 31, 1992 remainder due and payable September 30, 1992
1993 service charge-	one-half due and payable April 30 of year
2010 service charge:	remainder due and payable October 31 of year

Section 11. The additional service charges imposed pursuant to Sections 1 through 9 of this Ordinance shall take effect and be in force on October 1, 1991.

Section 12. The City Council may amend the service rates set forth in this Ordinance from time to time if, in the Council's judgment, rate adjustments are needed in order to accomplish the purpose of paying off the bonded indebtedness and other costs incurred as the result of the issuance of bonds authorized pursuant to Ordinance No. 4284 or to pay off extraordinary maintenance and operation costs associated with the facility.

Section 13. The City Manager or his designee is authorized and directed to negotiate and enter into a service agreement with King County to provide for the collection by King County on behalf of the City, of the service charges imposed pursuant to Sections 1 through 9 of this Ordinance.

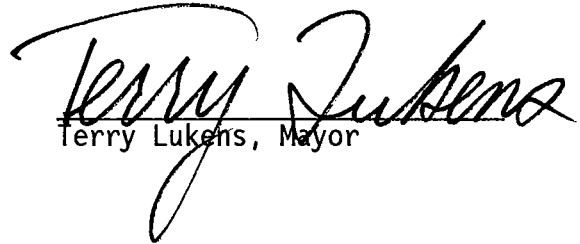
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Section 14. This Ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 23rd day of September 1991, and signed in authentication of its passage this 23rd day of September 1991.

(SEAL)

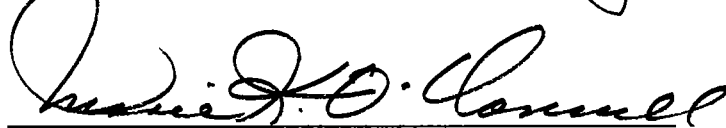

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published September 27, 1991