

August 14, 1961

CITY OF BELLEVUE, WASHINGTON

ORIGINAL

ORDINANCE NO. 461

AN ORDINANCE ordering the improvement of N.E. 26th Place from easterly margin of 120th Avenue N.E. to 122nd Avenue N.E.; 122nd Avenue N.E. from N.E. 26th Place to N.E. 39th Street; N.E. 32nd Street and N.E. 36th Street from the westerly right-of-way of the City of Seattle Diablo Transmission line to 122nd Avenue N.E.; N.E. 37th Street and N.E. 39th Street from the easterly boundary of Pikes Peak 2nd Addition to 122nd Avenue N.E., in Bellevue, Washington, by paving and otherwise improving the same; creating a Local Improvement District therefor; providing that payment for said improvement be made in part by special assessments on 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 restoration, ballasting, paving and widening of N.E. 26th Place from easterly margin of 120th Avenue N.E. to 122nd Avenue N.E.; 122nd Avenue N.E. from N.E. 26th Place to N.E. 39th Street; N.E. 32nd Street and N.E. 36th Street from the westerly right-of-way of the City of Seattle Diablo Transmission line to 122nd Avenue N.E.; N.E. 37th Street and N.E. 39th Street from the easterly boundary of Pikes Peak 2nd Addition to 122nd Avenue N.E., by paving the same with asphalt cement concrete (commonly referred to as "plant mix"); including the securing of necessary easements and rights-of-way, and including the necessary preparation and scarifying of the roadbed for base; clearing, cleaning and grubbing of ditches for drainage; ballasting; and the installation of culverts and other appurtenances consistent with good street construction; the right-of-way to be 60 feet in width, and the traveled way to be 20 feet wide; and for the establishment of an improvement district, the assessment district for which does not extend beyond the termini of the improvement; 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 continuous unit of the proposed improvement and has certified said estimate 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 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

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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, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Improvements Ordered. The area described in Section 2 hereof shall be improved by the restoration, ballasting, paving and widening of N.E. 26th Place from easterly margin of 120th Avenue N.E. to 122nd Avenue N.E.; 122nd Avenue N.E. from N.E. 26th Place to N.E. 39th Street; N.E. 32nd Street and N.E. 36th Street from the westerly right-of-way of the City of Seattle Diablo Transmission line to 122nd Avenue N.E.; N.E. 37th Street and N.E. 39th Street from the easterly boundary of Pikes Peak 2nd Addition to 122nd Avenue N.E.; by paving the same with asphalt cement concrete (commonly referred to as "plant mix") including the securing of necessary easements and rights-of-way, and including the necessary preparation and scarifying of the roadbed for base; clearing, cleaning and grubbing of ditches for drainage; ballasting; and the installation of culverts and other appurtenances consistent with good street construction; the right-of-way shall be 60 feet in width, and the traveled way shall be 20 feet wide; all in accordance with plans and specifications to be prepared and submitted by the City Engineer.

Section 2. Local Improvement District No. 61-S-18 Established. A Local Improvement District to be known as "Local Improvement District No. 61-S-18" is hereby created and established, which district shall include an area described as follows, to-wit:

Beginning from the south  $\frac{1}{4}$  corner of Section 21, Township 25 North, Range 5 E, W.M.; thence northerly along the north-south centerline of said Section 21 to the northerly margin of N.E. 24th Street, the true point of beginning; thence northerly along said north-south centerline to the north  $\frac{1}{4}$  corner of said Section 21; thence westerly along the north line of said Section 21 to the west line of the east  $\frac{1}{2}$  of the west  $\frac{1}{2}$  of said Section 21; thence southerly along said west line to the northerly boundary of Engel's Acres as recorded in Volume 66 Page 51 records of Plats, King County, Washington; thence westerly along the north line of said Engel's Acres to the west line of said Plat; thence southerly along said west line to the south line of said plat; thence easterly along said south line to the west line of the east  $\frac{1}{2}$  of the west  $\frac{1}{2}$  of said Section 21; thence southerly along said west line which is S  $0^{\circ}37'50''$  W a distance of 825.42 feet; thence S  $89^{\circ}47'53''$  W a distance of 369.36 feet; thence S  $0^{\circ}47'20''$  E to northerly margin of vacated Maple Avenue; thence S  $89^{\circ}47'53''$  E along said northerly margin to a point 336 feet east of the west line of the east  $\frac{1}{2}$  of the west  $\frac{1}{2}$  of said Section 21; thence southerly parallel to said west line to a point 355 feet south of the northerly margin of said Maple Avenue; thence N  $89^{\circ}47'53''$  E to the easterly margin of 120th Avenue NE; thence southerly along said easterly margin to northerly margin of NE 24th Street; thence easterly along said northerly margin to the point of beginning.

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**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, shall be borne by and assessed against the property within the improvement district, in accordance with the special benefits conferred, and the cost assessed against the individual lots on an area basis, each square foot bearing an equal share of the cost of the improvement; PROVIDED HOWEVER, that the City shall pay the cost of the necessary preparation and scarifying of the roadbed for base, and the clearing, cleaning and grubbing of ditches for drainage; and PROVIDED FURTHER, that in the event the portion of the actual total cost and expense of said improvement to be charged to the property within the improvement district under the terms hereof shall exceed by more than ten per cent (10%) the portion of the preliminary cost estimate of the City Engineer which can be legally charged to the property within the improvement district, the City shall pay that portion of said share of the actual total cost and expense which exceeds said ten per cent (10%). 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. 431 passed by the City Council on February 14, 1961.

**Section 4. Estimated Cost.** The estimated cost and expense of said street, being a continuous unit of the improvement, is hereby declared to be \$23,611.50.

**Section 5. Assessment Districts.** There is hereby created an assessment district consisting of all of the property within Local Improvement District No. 61-S-18 specially benefited by the improvement above ordered, which property shall be assessed to pay the cost and expense in accordance with the special benefits conferred thereon, and the cost assessed against the individual lots on an area basis, each square foot bearing an equal share of the cost of the improvement, all as provided in Section 3 above.

**Section 6. Manner of Assessment.** The nature of the improvement herein ordered is such that the special benefits conferred on the property are not fairly reflected by the use of the termini and zone method of assessment, and assessment shall therefore be made against the property of the district in accordance with the special benefits it will derive from the improvement without regard to the zone and termini method, to-wit on an area basis, with each square foot of property bearing an equal share of the cost of the improvement.

**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 "Local Improvement Fund, District No. 61-S-18" in the City of Bellevue.

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Section 8. Fund created. There is hereby created and established in the office of the City Treasurer of the City of Bellevue, for Local Improvement District No. 61-S-18, a special fund to be known and designated as "Local Improvement Fund, District No. 61-S-18," into which fund shall be deposited (a) the proceeds from the sale of revenue warrants drawn against said fund which may be issued and sold by the City, (b) collections pertaining to assessments, and (c) funds contributed by City participation, and against which fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with said improvement, and against which fund cash 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. 61-S-18," to bear interest from the date thereof at a rate to be hereafter fixed by ordinance, not in excess of eight per cent (8%) per annum, and to be redeemed in cash or by Local Improvement District bonds herein authorized to be issued, said interest-bearing warrants to be hereafter referred to as "revenue warrants." Bonds bearing the same rate of interest, payable on or before twelve (12) years from date of issuance, the life of the improvement ordered being not less than twelve (12) years, shall be issued in exchange for and redemption of any and all revenue 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. 61-S-18 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 to be hereafter fixed by the ordinance levying the assessment, not to exceed eight per cent (8%) 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 per cent (5%) levied upon both principal and interest due on such installment or installments. The exact amount form, date and denomination 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 (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 revenue 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., Daylight Saving Time, on the 12<sup>th</sup> day of September, 1961, 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

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interest and premium, if any, above par at which said bidder will purchase said revenue warrants, or (b) the lowest rate of interest at which the bidder will purchase said revenue warrants at par. The City reserves the right to reject any and all bids submitted. The City shall furnish the revenue 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 22<sup>nd</sup> day of August, 1961, and signed in authentication of its passage this 22<sup>nd</sup> day of August, 1961.

*Jim L. Buck*  
Mayor

Approved as to Form:

*Joseph M. ...*  
City Attorney

(SEAL)

Attest:

*Jean ...*  
City Clerk

Published August 24, 1961

FILED NO. 0130  
CITY OF BELLEVUE  
DATE 8-23-61  
CITY CLERK Patricia L. Weber, Secy.