

9-13-61

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 465

AN ORDINANCE ordering the improvement of N.E. 6th Street from 104th Avenue N.E. to 112th Avenue N.E., plus 110th Avenue N.E. from N.E. 6th Street to N.E. 8th Street, in Bellevue, Washington, by paving and otherwise improving the same; creating a Local Improvement District therefor comprised of two (2) continuous units of the improvement; providing that payment for said improvement be made by special assessments against the 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 N.E. 6th Street from 104th Avenue N.E. to 108th Avenue N.E. (hereinafter called "Unit A"); and N.E. 6th Street from 108th Avenue N.E. to 112th Avenue N.E., plus 110th Avenue N.E. from N.E. 6th Street to N.E. 8th Street, (hereinafter called "Unit B"); all of the foregoing within the two continuous units of the improvement; Unit A to be improved 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 grading, re-grading, filling, compacting, ballasting, surfacing and draining, and the installation of drain inlets, storm sewers and other appurtenances consistent with good street construction; the right-of-way to be 60 feet in width, and the traveled way to be 44 feet wide; and Unit B to be improved 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 grading, re-grading, filling, compacting, ballasting, surfacing and draining, 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 24 feet wide; and for the establishment of an improvement district, the assessment districts for which do not extend beyond the termini of the improvement, and the improvement district for which shall be comprised of the two (2) continuous units 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 proposed improvement, including the cost and expense of each of the two (2) 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 two (2) continuous units of the improvement, a statement of the portions of the cost and expense of the improvement to be borne by the two (2) 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, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Improvements ordered. The area described in Section 2 hereof shall be improved by the construction and installation of N.E. 6th Street from 104th Avenue N.E. to 108th Avenue N.E. (hereinafter called "Unit A"); and N.E. 6th Street from 108th Avenue N.E. to 112th Avenue N.E., plus 110th Avenue N.E. from N.E. 6th Street to N.E. 8th Street, (hereinafter called "Unit B"); all of the foregoing within the two (2) continuous units of the improvement. Unit A shall be improved 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 grading, re-grading, filling, compacting, ballasting, surfacing and draining, and the installation of drain inlets, storm sewers and other appurtenances consistent with good street construction. The right-of-way shall be 60 feet in width, and the traveled way shall be 44 feet wide. Unit B shall be improved 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 grading, re-grading, filling, compacting, ballasting, surfacing and draining, 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 24 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-12 Established. A Local Improvement District to be known as "Local Improvement District No. 59-S-12" is hereby created and established, which district shall include an area comprised of the following two (2) continuous units of the improvement, to-wit:

UNIT "A"

Beginning at the intersection of the centerline of 104th Avenue NE and the westerly extension of the east-west centerline of Lot 1, Block 2, Cheriton Fruit Gardens Plat No. 1 as recorded in Volume 7, Page 47, of Plats records of King County. Thence easterly along the westerly extension of said centerline and along the centerline of Lots 1 and 2 of said Block 2 and along the easterly extension of said centerline to an intersection with the centerline of 108th Avenue NE; thence southerly along the centerline of 108th Avenue NE to the intersection of the easterly extension of the east-west centerline of Lot 3 of said Block 2; thence westerly along the easterly extension of said centerline and the east-west centerline of Lots 3 and 4 of said Block 2, and the westerly extension of said centerline to an intersection with the centerline of 104th Avenue NE; thence northerly along said centerline of 104th Avenue NE to the point of beginning, all in Section 32, Township 25 North, Range 5 East, W.M., City of Bellevue, King County, Washington.

UNIT "B"

Beginning at the SW corner of the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 32, Township 25, North, Range 5 East, W.M.; which point is the intersection of the centerline of 108th Avenue NE and the proposed centerline of NE 6th Street. Thence northerly along the centerline of 108th Avenue NE to the SW corner of the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 32; thence easterly along the south line of the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 32, to the intersection with the west line of the E  $\frac{1}{2}$  of the W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 32; thence northerly along said west line to the intersection with the centerline of NE 8th Street; thence easterly along said centerline to the intersection with the east line of the W  $\frac{1}{2}$  of the E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 32; thence southerly along said east line to the intersection with the south line of the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 32; thence easterly along said south line to the intersection with the SE corner of the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 32; said point being on the proposed centerline of 112th Avenue NE; thence southerly along said centerline to the SE corner of the N  $\frac{1}{2}$  of the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section; thence westerly along the south line of the N  $\frac{1}{2}$  of the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  to the SW corner of the N  $\frac{1}{2}$  of the S  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 32, said point being on the centerline of 108th Avenue NE; thence northerly along the centerline of 108th Avenue NE to the point of beginning; situated within the corporate city limits of the City of Bellevue, King County, 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 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 allocated to and borne by the properties within the improvement district, in accordance with the special benefits conferred, and the costs assessed against the individual lots in accordance with the statutory zone and termini method. 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 separate 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 two (2) continuous units. PROVIDED HOWEVER, that in the event the actual total cost and expense of said improvement under the terms hereof shall exceed by more than ten per cent (10%) the preliminary cost estimate of the City Engineer, the City shall pay that portion of said 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. Acquisition of Property. All right-of-way in each separate Unit shall either (1) be donated to the City of Bellevue for street purposes by the property owners, at no cost whatsoever to the City and L.I.D., or (2) be condemned by the City of Bellevue, with the cost thereof charged to that particular Unit of the said L.I.D.

Section 5. Estimated Cost. The estimated cost and expense of said street and sewers is hereby declared to be \$ 313,585.<sup>00</sup>, consisting of Unit A \$ 283,350.<sup>00</sup> and Unit B \$ 30,235.<sup>00</sup>.

Section 6. Assessment Districts. There are hereby created two (2) assessment districts, comprised of the areas within the two (2) continuous units described above, and which two (2) continuous units comprise all of the property within Local Improvement District No. 59-S-12 specially benefited by the improvement above ordered. The property within each of the two (2) 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 7. 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 8. 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 shall be paid in cash warrants drawn upon the "Local Improvement Fund, District No. 59-S-12" in the City of Bellevue.

**Section 9. 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. 59-S-12, a special fund to be known and designated as "Local Improvement Fund, District No. 59-S-12," 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, and (b) collections pertaining to assessments, and against which funds 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 10. 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-12," 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. 59-S-12 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 11. 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 8:30 o'clock p.m., Paripar Standard Time, on the 12<sup>th</sup> day of December, 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 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 12. 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 24<sup>th</sup> day of October, 1961, and signed in authentication of its passage this 24<sup>th</sup> day of October, 1961.

Jim L. Beck  
Mayor

Approved as to Form:

[Signature]  
City Attorney

(SEAL)

Attest:

[Signature]  
City Clerk

Published November 16, 1961

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CITY OF BELLEVUE  
DATE 10-25-61  
CITY CLERK Patricia R. Miller, Dep.