

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 477

AN ORDINANCE ordering the improvement of 112th Avenue N.E. from Main Street to 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 for said improvement be made in part by special assessments of property benefited; providing for the issuance and sale of Local Improvement District warrants and bonds and calling for bids for the purchase thereof.

WHEREAS, by Resolution No. 878, adopted on October 24, 1961, the City Council of the City of Bellevue declared its intention to order the improvement of 112th Avenue N.E., from Main Street to N.E. 8th Street, within three (3) continuous units of the improvement, 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 wide, and the traveled way to be 44 feet wide; and all Units to have other appurtenances consistent with good street construction; 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 three (3) continuous units of improvement, N.E. 8th Street to N.E. 6th Street, N.E. 6th Street to N.E. 4th Street, and N.E. 4th Street to Main Street; and did fix the 28th day of November, 1961, at 8:30 o'clock, in the City Hall, Bellevue, Washington, as a time and place for hearing all matters relating to said proposed improvement and all objections thereto; and

WHEREAS, the City Engineer has 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 (3) 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 (3) continuous units of the improvement, a statement of what portion of the cost and expense of the improvement should be borne by the City, a statement of what portion of the cost and expense of the improvement should be borne by the three (3) 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 25% of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purpose of general taxation; and

WHEREAS, said estimate is accompanied by a detailed copy of the preliminary assessment roll showing thereon the lots, tracts, parcels of land, and other property, together with the plans and assessment maps of the proposed improvement; and

WHEREAS, due notice of the hearing upon said Resolution No. 878 was given in the manner provided by law and said hearing was held by the City Council on November 28, 1961, and all written protests filed with the City Council on or before said date were duly considered and by it overruled and all persons appearing at said hearing were heard; and

WHEREAS, the City Council determined that it is in the best interests of the City and of the owners of property within the Local Improvement District that the City contribute from the proceeds of the sale of Street Improvement Bonds a portion, as hereinafter set forth, of the cost and expense of the improvement, and that said improvement, as hereinafter described, be carried out and that the Local Improvement District be created in connection therewith; now therefore

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

Section 1. Improvements ordered. The areas described in Section 2 hereof shall be improved by the construction and installation of 112th Avenue N.E., from Main Street to N.E. 8th Street, within the three (3) continuous units of the improvement, 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 wide, the traveled way shall be 44 feet wide. All of the foregoing shall be in accordance with plans and specifications to be submitted by the City Engineer.

Section 2. Local Improvement District No. 61-S-19 established. A Local Improvement District to be known as "Local Improvement District No. 61-S-19" is hereby created and established, which district shall include an area comprised of the following three (3) continuous units of the improvement, to-wit:

(112th Avenue from NE 8th to NE 6th)

UNIT "B"

Beginning from a point on the north line of Section 32, Township 25 N., R 5 E., W.M.; said point lying 330.17 feet west of the proposed centerline of 112th Avenue NE; thence easterly along said north line to the east line of the west $\frac{1}{2}$ of the west $\frac{1}{2}$ of the east $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 32; thence southerly along said east line to the north line of the south $\frac{1}{2}$ of the north $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 32; said point lying on the easterly extension of the proposed centerline of NE 6th Street; thence westerly along said north line to the west line of the east $\frac{1}{2}$ of the east $\frac{1}{2}$ of the west $\frac{1}{2}$ of said NE $\frac{1}{4}$ thence northerly along said west line to the true point of beginning.

(112th Avenue from NE 6th to NE 4th)

UNIT "C"

Beginning from a point at the center, NE $\frac{1}{4}$ of Section 32, Township 25 N., R 5 E., W.M.; said point lying on the proposed centerline of 112th Avenue NE; thence westerly along the south line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 32, to the west line of the east $\frac{1}{2}$ of the east $\frac{1}{2}$ of said NW $\frac{1}{4}$; thence northerly along said west line to the north line of the south $\frac{1}{2}$ of north $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 32, said point lying on the proposed centerline of NE 6th Street; thence easterly along said north line to the east line of the west $\frac{1}{2}$ of the west $\frac{1}{2}$ of the east $\frac{1}{2}$ of said NE $\frac{1}{4}$; thence southerly along said east line to the east-west centerline of the NE $\frac{1}{4}$ of said Section 32; thence westerly along said centerline to the point of beginning.

(112th Avenue from NE 4th to Main Street)

UNIT "D"

Beginning from a point on the east-west center section line of Section 32, Township 25 N, R 5 E., W.M.; said point lying 238.40 feet west of the centerline of proposed 112th Avenue NE; thence northerly parallel to the said centerline to the south line of Maryhill Addition as recorded in Volume 54, Page 37 of Plats, records of King County, Washington; thence easterly along said south line and extended south line to a point midway between the southerly extended centerline of 111th Avenue NE and the centerline of proposed 112th Avenue NE; thence northerly to a point on the south line of Evans Bellevue Addition as recorded in Volume 48, Page 81, of Plats, records of King County, Washington, said point being midway between the centerlines of 111th Avenue NE and proposed 112th Avenue NE; thence continuing northerly midway between said centerlines to the south line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 32; thence easterly along said south line to the east line of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 32; thence southerly along said east line to the east-west center section line of said Section 32; thence westerly along said center section line to the point of beginning.

Section 3. The right-of-way in each separate Unit shall either (1) be all 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 all condemned by the City of Bellevue, with the cost thereof charged to that particular Unit of the said L.I.D.

Section 4. 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 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 (3) continuous units. PROVIDED HOWEVER, that the City shall pay sixteen per cent (16%) of the cost of the said Local Improvement District exclusive of land acquisition; 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 5. Estimated Cost. The estimated cost and expense of said street and sewers is hereby declared to be \$ 69,226.08, consisting of Unit B \$ 10,749.41, Unit C \$ 17,397.30, and Unit D \$ 30,003.20.

Section 6. 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. 61-S-19 specially benefited by the improvement above ordered. The property within each of the three continuous units shall be assessed to pay the portion of the cost of the respective units to be borne by the property owners; the cost and expense of each assessment district to be borne by the property owners 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 to be borne by the property owners, and said cost and expense shall be assessed against the property within that 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 4 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. 61-S-19" 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. 61-S-19, a special fund to be known and designated as "Local Improvement Fund, District No. 61-S-19," 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 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. 61-S-19," 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. 61-8-19 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., on the 25th day of January, 1962, 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 28th day of November, 1961, and signed in authentication of its passage this 28th day of November, 1961.

Jim L. Buck
Mayor

Approved as to Form:

Joseph M. Miller
City Attorney

(SEAL)

Attest:

John P. Wheeler
City Clerk

Published December 7, 1961

FILED NO. 0150
CITY OF BELLEVUE

DATE 11-29-61

CITY CLERK Patricia A. Miller, Dep.