

JEH/crd
12/12/91

Disestablish BIA

ORDINANCE NO. 1661

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, DISESTABLISHING THE DOWNTOWN BUSINESS IMPROVEMENT AREA CREATED BY ORDINANCE NO. 1422 AND PROVIDING FOR THE DISTRIBUTION OF THE ASSETS AND LIABILITIES OF THE BIA.

WHEREAS, Ordinance 1422 of the City of Redmond formed a Downtown Business Improvement Area pursuant to RCW 35.87A, and

WHEREAS, by motions passed on July 18, 1989 and November 4, 1991, the City Council established conditions under which it would consider disestablishment of the BIA, and

WHEREAS, a petition meeting the conditions set by the Council's motions was submitted to the City Clerk on November 8, 1991, and

WHEREAS, pursuant to Resolution 880, passed by the City Council on November 19, 1991, and RCW 35.87A.180 and .190, the City Council held a public hearing to consider disestablishment of the BIA on December 10, 1991 at which every person desiring to be heard in favor of and in opposition to disestablishment was given an opportunity to speak, and

WHEREAS, at the conclusion of the public hearing, the City Council determined that the BIA should be disestablished and directed the preparation of an ordinance accomplishing the same and providing for the distribution of assets and liabilities of the BIA as required by law, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. BIA Disestablished. The Downtown Business Improvement Area established by Ordinance 1422 of the City of Redmond, passed by the City Council on May 3, 1988, is hereby disestablished effective at 12:00 midnight, December 31, 1991.

Section 2. Distribution of Assets and Liabilities.

A. All proceeds of the special assessments levied by the Downtown Business Improvement Area, all assets acquired with such proceeds, and all other assets of the Downtown Business Improvement Area, including, but not limited to, accounts receivable and outstanding assessments, shall be and become assets of the City of Redmond upon the effective date of disestablishment. All accounts receivable and all outstanding assessments, including any delinquent assessments, interest thereon, and penalties, are hereby transferred and assigned to the City of Redmond for collection.

B. All assets referred to in subparagraph A above, including all amounts collected from the accounts receivable and outstanding assessments after disestablishment of the Downtown Business Improvement Area, shall be used and disbursed by the City of Redmond in the following manner and according to the following order of priority:

1. All such assets and amounts collected shall first be applied to outstanding liabilities, obligations and indebtedness of the Downtown Business Improvement Area; and
2. In the event any assets or funds remain after satisfaction of the liabilities, obligations and debts, the said remaining funds shall next be applied to the costs of collection and accounting, including, but not limited to, court costs, attorneys

fees, and the time expended by the City of Redmond staff in accounting for, pursuing and administering the assets and funds; and

3. If any assets or funds remain after satisfaction of the requirements of subparagraphs 1 and 2 above, the assets and funds shall next be utilized to provide a pro rata refund of assessments to those who paid a full year's assessment for 1991 although the BIA was disestablished before the full year had expired; and
4. If any assets or funds remain after satisfaction of the requirements of subparagraphs 1, 2 and 3 above, the remaining assets or funds shall be disposed of as the City Council shall further determine.

C. Pursuant to RCW 35.87A.190, any liabilities, obligations or debts of the Downtown Business Improvement Area shall not be an obligation of the general fund or any special fund of the City of Redmond, but such liabilities shall be provided for entirely from available revenue generated from the projects or facilities authorized by RCW 35.87A.010 and Ordinance 1422, from special assessments on the properties specially benefitted within the area, and from the assets of the BIA.

Section 3. Collection of Outstanding Assessments. The provisions of Ordinance 1500 of the City of Redmond, passed by the City Council on July 18, 1989, shall continue to apply to the collection of outstanding BIA assessments. If the City of Redmond institutes a civil action or proceeding against a business to collect any business improvement area special assessment and subsequently obtains a judgment for such assessment, the City shall

be entitled to reasonable attorneys fees and costs incurred in such action or proceeding. This provision, and the provisions of Ordinance 1500 shall apply to all pending and future actions in which a judgment is entered by the court on or after the effective date of this Ordinance. Nothing in this Ordinance shall obligate the City to collect any individual outstanding assessment and the City Council retains sole discretion to institute collection proceedings and to settle the same.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after this ordinance or a summary thereof consisting of the title is published.

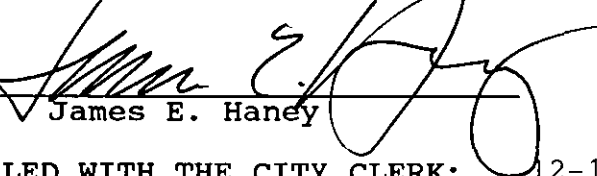
APPROVED:


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
James E. Haney

FILED WITH THE CITY CLERK: 12-12-91
PASSED BY THE CITY COUNCIL: 12-17-91
PUBLISHED: 12-22-91
EFFECTIVE DATE: 12-27-91
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