

ORDINANCE NO. 2148

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING SECTIONS 12.10.040 THROUGH 12.10.055 OF THE REDMOND MUNICIPAL CODE IN ORDER TO PROVIDE FOR THE HEARING EXAMINER TO CONDUCT HEARINGS AND MAKE RECOMMENDATIONS ON STREET ASSESSMENT REIMBURSEMENT AGREEMENTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 12.10 of the Redmond Municipal Code currently provides for the City Council to hold hearings on street assessment reimbursement agreements, and

WHEREAS, the City Council has determined that it would be more efficient to have the Redmond Hearing Examiner hold such hearings and to make recommendations for action by the City Council, now, therefore,

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

Section 1. Hearings on Street Assessment Reimbursement Agreements.

Sections 12.10.040, 12.10.050 and 12.10.055 of the Redmond Municipal Code are hereby amended to read as follows:

12.10.040 Notice to property owners. Prior to the execution of any contract with the City establishing an assessment reimbursement area, the Public Works Director or his designee shall mail, via registered mail, a notice to all record property owners within the assessment reimbursement area as determined by the City on the basis of information and materials supplied by the applicant, stating the preliminary boundaries of such area and assessments along with substantially the following statement:

As a property owner within the Assessment Reimbursement Area whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns will be obligated to pay under certain circumstances, a pro rata share of construction and contract administration costs of a certain street project that has been preliminarily determined to benefit your property.

The proposed amount of such pro rata share or assessment is also enclosed with this notice. You, or your heirs and assigns, will have to pay such share, if any development permits are issued for development on your property within _____ (____) years of the date that the contract establishing such area is recorded with the King County Department of Records and Elections, provided such development would have required similar street improvements for approval. You have a right to request a hearing before the Redmond Hearing Examiner by filing such a request within twenty (20) days of the date of this notice. All such requests must be made in writing and filed with the City Clerk. If a hearing is requested, the Hearing Examiner will take testimony and forward a recommendation to the City Council, who will make the final decision. After the street reimbursement contract is recorded it shall be binding on all owners of record within the Assessment Reimbursement Area who are not parties to the contract.

12.10.050 Hearing – Action.

(A) If the owner of any property within the proposed assessment reimbursement area requests a hearing within the required time period, the Redmond Hearing Examiner shall conduct the hearing.

(B) Notice of the hearing shall be given by mail to all affected property owners in addition to any other hearing notice requirements specified by this code. The cost of giving such notice shall be borne by the applicant.

(C) At the hearing, the Hearing Examiner shall take testimony and evidence from the affected property owners, the

applicant, and the City staff concerning the area boundaries, the amount of the assessments, and the length of time for which reimbursement shall be required. Upon completion of the hearing, the Hearing Examiner shall forward a recommendation, together with findings and conclusions in support thereof, to the City Council. The City Council shall consider the recommendation in a closed record proceeding at a regular or special meeting without further testimony or evidence and with argument based on the record only. The City Council's decision on the street reimbursement contract is determinative and final.

(D) If no hearing is requested within the required time period, the City Council may consider and take final action on the street assessment reimbursement contract at any public meeting held more than twenty days after notice was mailed to the affected property owners.

12.10.055 Preliminary assessment reimbursement area – Amendments. If the preliminary determination of area boundaries and assessments is amended so as to raise any assessment appearing thereon, or to include omitted property, a new notice of area boundaries and assessment shall be given as in the case of an original notice, provided, that as to any property originally included in the preliminary assessment area which has not had its assessment raised, no objections shall be considered by the Hearing Examiner or City Council unless the objections were made in writing at or prior to the date fixed for the original hearing. Requests for a hearing on any amendments to the assessment area boundaries or any increased assessment shall be processed in the same manner as in the case of an original hearing.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an administrative action, is not subject to referendum, and shall take effect and be in full force five (5) days after passage and publication of a summary consisting of the title.

APPROVED:

/s/ MAYOR ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:

/s/ DEPUTY CITY CLERK SANDRA L. MARION
for CITY CLERK BONNIE MATTSON

APPROVED AS TO FORM:

/s/ CITY ATTORNEY JAMES E. HANEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
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November 28, 2002
January 7, 2003
January 11, 2003
January 16, 2003