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PMA:jt  
04/14/86

Procedures/Regulations &  
Subsequent Street Improve-  
ment Reimbursement Agree.

ORDINANCE NO. 1474

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADDING A NEW CHAPTER 12.10 TO THE REDMOND MUNICIPAL CODE TO BE ENTITLED "STREET ASSESSMENT REIMBURSEMENT AGREEMENTS" ESTABLISHING THE PROCEDURE ENABLING PROPERTY OWNERS WHO CONSTRUCT PUBLIC STREET IMPROVEMENTS TO RECEIVE REIMBURSEMENT FROM OTHER PROPERTY OWNERS BENEFITED BY THE IMPROVEMENT OR TO ALLOW THE CITY TO JOIN IN THE FINANCING OF IMPROVEMENT PROJECTS AND BE REIMBURSED PURSUANT TO CONDITIONS SPECIFIED BY ORDINANCE FOR EACH PROJECT AND ESTABLISHING A FEE FOR STREET ASSESSMENT REIMBURSEMENT AGREEMENT APPLICATIONS.

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WHEREAS, the legislature of the State of Washington enacted Chapter 126, Laws of 1983 codified as RCW Chapter 35.72, authorizing cities to enter into contracts with the owners of real estate for the construction or improvement of street facilities which the owners elect to install as a result of City ordinances that require such facilities as a prerequisite to further property development, and

WHEREAS, said state law further provides that such contracts may require that the owners of property that is determined to be benefited by the street improvement can be obligated to pay their pro rata share of construction and contract administration costs for such projects in the event such owner develops such property within a period not to exceed fifteen (15) years from the date such contract is recorded with the King County Department of Records, and

WHEREAS, the City Council finds it appropriate to establish a procedure for implementing and thereby making available to the public the provisions of said statute and to set a fee to cover the costs of administering the reimbursement process, now, therefore,

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

Section 1. There is hereby added a new Chapter 12.10 to Title 12, "Streets" of the Redmond Municipal Code to be

entitled "Street Assessment Reimbursement Agreements" to read as follows:

12.10.010 Purpose.

This chapter is intended to implement and thereby make available to the public the provisions of RCW Chapter 35.72, Contracts For Street Projects, as the same now exists or may hereafter be amended.

12.10.020 Authorization.

The Public Works Director is hereby authorized to accept applications for the establishment by contract of an assessment reimbursement area as provided by state law, provided such application substantially conforms to the requirements of this chapter.

12.10.030 Application - Contents.

Before any application for the establishment of an assessment reimbursement area may be accepted by the Public Works Director, it shall be accompanied by the application fee specified in Section 12.10.070 of this code. The application shall include the following items:

1. Detailed construction plans and drawings of the entire street project, the costs of which are to be borne by the assessment reimbursement area, prepared and stamped by a licensed engineer.
2. Itemization of all costs of the street project including, but not limited to, design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, streetlights, engineering, construction, property acquisition and contract administration.
3. A map and legal description identifying the proposed boundaries of the assessment reimbursement area and each separately owned parcel within such area. Such map shall identify the location of the street project in relation to the parcels of property in such area.
4. A proposed assessment reimbursement roll stating the proposed assessment for each separate parcel of property within the proposed assessment reimbursement area as determined by apportioning the total project cost on the basis of the benefit of the project to each parcel of property within said area.
5. A complete list of record owners of property within the proposed assessment reimbursement area certified as complete and accurate by the applicant which states names and mailing addresses for each such owner.
6. Envelopes addressed to each of the record owners of property within the assessment reimbursement area who has not contributed his pro rata share of such costs. Proper postage for registered mail shall be affixed or provided.
7. Copies of executed deeds and/or easements in which the applicant is the grantee for all property necessary for the installation of such street project.

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 this 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 of the contract establishing such area is recorded with the King County Department of Records, provided such development would have required similar street improvements for approval. You have a right to request a hearing before the Redmond City Council within twenty (20) days of the date of this notice. All such requests must be made in writing and filed with the City Clerk. After such contract is recorded it shall be binding on all owners of record within the assessment area who are not a party to the contract.

DATED: \_\_\_\_\_

12.10.050 City Council Action. If the owner of any property within the proposed assessment reimbursement area requests a hearing, notice of such shall be given to all affected property owners in addition to the regular notice requirements specified by this code, the cost of which shall be borne by the applicant. At any such hearing the City Council shall take testimony from the affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be required and shall authorize the execution of appropriate documents. The City Council's ruling on these matters is determinative and final. If no hearing is requested, the council may consider and take final action on these matters 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 assessments 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 assessment has not been raised, no objections shall be considered by the council unless the objections were made in writing at or prior to the date fixed for the

original hearing. The City Council's ruling shall be determinative and final.

12.10.060 Contract Execution and Recording.

1. Within thirty (30) days of final City Council approval of an assessment reimbursement agreement, the applicant shall execute and present such agreement for the signature of the appropriate City officials.
2. To be binding the agreement must be recorded with the King County Department of Records within thirty (30) days of the final execution of the agreement.
3. If the contract is so filed and recorded, it shall be binding on owners of record within the assessment area who are not party to the agreement.

12.10.070 Application Fees. The applicant for Street Reimbursement Agreements as provided for in Chapter 12.10 of this code shall reimburse the City for the full administrative and professional costs of reviewing and processing such application and of preparing the agreement. At the time of application a minimum fee of \$250 plus .25 percent of the value of the assessment contract, to a maximum of \$2,500 shall be deposited with the City and credited against the actual costs incurred. The applicant shall reimburse the City for such costs before the agreement is recorded.

12.10.080 City Financing of Improvement Projects.

As an alternative to financing projects under Chapter 12.10 solely by owners of real estate, the City may join in the financing of an improvement project and may be reimbursed in the same manner as the owners of real estate who participate in the project, upon the passage of an ordinance specifying the conditions of the City's participation in such project. The City shall be reimbursed only for the costs of improvements that benefit that portion of the public who will use the developments within the established assessment reimbursement area. No City costs for improvements that benefit the general public shall be reimbursed.

Section 2. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in

full force five (5) days after the date of publication of the attached approved summary.

CITY OF REDMOND:

*Nancy L. McCormick*  
MAYOR, / ~~DORREEN MARCHIONE~~  
Mayor Pro Tempore, NANCY MCCORMICK,  
Council President

ATTEST/AUTHENTICATED:

*Doris A. Schaible*  
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY *James P. Renteria*

FILED WITH THE CITY CLERK:	2/16/89
PASSED BY THE CITY COUNCIL:	2/21/89
SIGNED BY THE MAYOR:	2/24/89
PUBLISHED:	2/26/89
EFFECTIVE DATE:	3/03/89
ORDINANCE NO. <u>1474</u>	