

0020.090.037
JEH/crd
12/12/89

ORIGINAL

LID 87-ST-50
Final Assessment
BRE Properties, Inc.

ORDINANCE NO. 1531

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, APPROVING AND CONFIRMING THE FINAL ASSESSMENT UPON PARCEL NO. 1 (BRE PROPERTIES, INC.) OF LOCAL IMPROVEMENT DISTRICT NO. 87-ST-50, WHICH HAS BEEN CREATED AND ESTABLISHED FOR THE PURPOSE OF PAYING THE COST OF THE EXTENSION OF 148TH AVENUE N.E. AND RELATED IMPROVEMENTS SPECIFICALLY DESCRIBED IN ORDINANCE 1470; AMENDING THE FINAL ASSESSMENT ROLL APPROVED BY ORDINANCE 1495 OF THE CITY TO REFLECT THE ASSESSMENT FOR PARCEL NO. 1; AND LEVYING AND ASSESSING A PORTION OF THE COST OF LID 87-ST-50 AGAINST THE SAID PARCEL NO. 1.

WHEREAS, by adopting Ordinance No. 1495 of the City of Redmond on June 20, 1989, the City Council approved and confirmed the final assessments and final assessment roll for LID 87-ST-50, and

WHEREAS, Bre Properties, Inc., the owner of the property designated Parcel No. 1 in said LID, filed an appeal of its assessment pursuant to RCW 35.44.200, and

WHEREAS, on October 2, 1989, the Honorable Judge Carol Schapira of the King County Superior Court entered a judgment overturning the assessment levied against the said Parcel No. 1 and remanding the assessment on that Parcel only to the Redmond City Council for reconsideration, and

WHEREAS, notice of the time and place for the hearing on remand was duly mailed at the time and in the manner provided by law, fixing the time and place for the hearing thereon for the 12th day of December 1989, at the hour of 5:00 p.m. in the Redmond City Hall, City Council Chambers, Redmond, Washington, and

WHEREAS, at the time and place fixed and designated in said notice, the hearing on remand was held and the testimony of representatives of Bre Properties received and duly considered, now, therefore,

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

Section 1. Assessment Approved and Confirmed. The assessment for Parcel No. 1 of Local Improvement District No. 87-ST-50, which has been created and established for the purpose of paying a portion of the cost of the extension of 148th Avenue N.E. and related improvements specifically described in Ordinance No. 1470, is hereby set at \$ 410,000, which assessment is, in all respects, hereby approved and confirmed.

Section 2. Findings of Special Benefit and Proportionality. Having considered the evidence presented at the hearings on June 20, 1989 and December 12, 1989, the City Council hereby finds and determines that Parcel No. 1 is specially benefited by the improvements to be constructed pursuant to LID 87-ST-50, in at least the amount specified in Section 1. In making this finding, the City Council has specifically disregarded the LID covenant pertaining to Parcel No. 1 and has based its determination of special benefit upon all evidence found in the record herein. The evidence presented to the Council has demonstrated a special benefit to Parcel No. 1 in at least the amount set forth in Section 1, without consideration of the LID covenant. The City Council further finds that the assessment to be levied against Parcel No. 1 is in proportion to

the several assessments appearing on the Final Assessment Roll approved by Ordinance No. 1495.

Section 3. Levy of Assessment. There is hereby levied and assessed against that certain property described as Parcel No. 1 of LID 87-ST-50, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full, the amount finally charged against said Parcel by Section 1 of this Ordinance.

Section 4. Amendment of Assessment Roll. The assessment roll approved and confirmed by Ordinance No. 1495 of the City of Redmond, is hereby amended to reflect the assessment for Parcel No. 1 of LID 87-ST-50 set forth in Section 1 of this Ordinance. Except as expressly amended by this Ordinance, the assessment roll approved by Ordinance No. 1495 shall remain in full force and effect.

Section 5. Duties of Finance Director - Payment of Installments. All provisions of Section 3 of Ordinance No. 1495 are hereby incorporated herein by this reference as if set forth in full as the same may apply to the assessment against Parcel No. 1 as approved and confirmed by this Ordinance. The duties of the Finance Director and all provisions related to installments, interest and penalty provided for in said Section 3 shall apply with respect to the assessment of Parcel No. 1 as prescribed by this Ordinance.

Section 6. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. 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 passage and publication of the ordinance or a summary thereof consisting of the title.

APPROVED:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY [Signature]

FILED WITH THE CITY CLERK:	12-12-89
PASSED BY THE CITY COUNCIL:	12-12-89
PUBLISHED:	12-17-89
EFFECTIVE DATE:	12-22-89
ORDINANCE NO.	<u>1531</u>

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF SECTION 02, TOWNSHIP 25 N, RANGE 05 E, LOT 1 .
REDMOND SHORT PLAT NUMBER SS-82-01 REVISED REC AF# 830321-
0434 SD SP BEING PORTION OF N 1/2 OF SW 1/4 OF SW 1/4 SEC
02, T 25 N, R 05 N, & NW 1/4 OF SW 1/4 SEC 02, T 25 N, R 05
E; ALSO POR OF E 1/2 OF SE 1/4 SEC 03, T 25 N, R 05 E; LESS
POR SD LOT 1 DAF BEG MOST SLY COR LOT 2 SD SP TH N 33-19-18
W ALG LN COMMON TO SD LOTS 1 & 2 DIST 273.53 FT TO ANGLE PT
IN SD LN TH CONT ALG SD LN N 88-13-27 W 12.22 FT TAP 10 FT
SWLY FR AS MEASURED AT R/A TO NELY TO NELY LN SD LOT 1 TH S
33-19-18 E PLW SD NELY LN 278.73 FT TO SWLY PROD OF SELY LN
SD LOT 2 TH N 67-01-56 E ALG SD SWLY PROD 10.17 FT TO POB
TGW POR SD LOT 2 DAF-BEG MOST SLY COR SD LOT 2 TH N 33-19-
18 W ALG LN COMMON TO SD LOTS 1 & 2 DIST 273.53 FT TO ANGLE
PT IN SD COMMON LN TH CONTG ALG SD COMMON LN N 88-13-27 W
12.22 FT TAP 10 FT SWLY FR AS MEAS AT R/A TO NELY LN SD LOT
1 & TPOB TH CONTG N 88-13-27 W ALG SD COMMON LN 279.03 FT
TH N 01-46-33 E 10 FT TH S 88-13-27 E 272 FT TAP WCH BRS N
33-19-18 W FR TPOB TH S 33-19-18 E TO TPOB AKA PAR 1
REDMOND LLA # SS-83-17 REC AF# 830912-0813