

ORDINANCE NO. 315

AN ORDINANCE ordering the improvement of N.E. 104th Street, extending from 166th Avenue N.E. to 172nd Avenue N.E., in Redmond, Washington, by grading, surfacing, and otherwise improving the same; creating a Local Improvement District therefor; providing that payment for said improvement be made by special assessments of property benefited; providing for the issuance and sale of Local Improvement District warrants and bonds.

WHEREAS, by Resolution No. 121, adopted February 12, 1963, the City Council of the City of Redmond, declared its intention to order the improvement of N.E. 104th Street, extending from 166th Avenue N.E. to 172nd Avenue N.E., by grading, cuts and fills, surfacing, curbs, gutters, storm drainage and sidewalks; and for the establishment of an improvement district, the assessment district for which does not extend beyond the termini of the improvement; and did fix the 12th day of March, at 8:00 P.M., in the City Hall, Redmond, Washington, as the time and place for hearing all matters relating to said proposed improvement and all objections thereof; and

WHEREAS, the City Engineer has caused an estimate to be made of the cost and expense of the proposed 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, a statement of the cost and expense of the improvement to be borne by the property 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 hearing upon said Resolution No. 121 was given in the manner provided by law and said hearing was held by the City Council on March 12, 1963, there being no objections filed or considered; and

WHEREAS, the City Council has determined that it is in the best interests of the City and of the owners of property within the Local Improvement District that the 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 REDMOND DO ORDAIN AS FOLLOWS:

Section 1. Improvements ordered. The area described in Section

2 hereof shall be improved by the construction and installation of N.E. 104th Street from 166th Avenue N.E. to 172nd Avenue N.E., within the City of Redmond, by paving the same with asphalt cement concrete (commonly referred to as "plant mix") including grading, re-grading, filling, compacting, ballasting, surfacing and draining, and other appurtenances consistent with good street construction. The right-of-way shall be 60 feet wide, and the improved, traveled way shall be 20 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. 63-ST-7 established. A Local Improvement District to be known as "Local Improvement District No. 63-ST-7" is hereby created and established, which district shall include an area described as follows, to wit:

That portion of the south half of the north half of the southwest quarter of section 36, township 26 north, range 5 east, W.M., lying north of 104th Street and that portion of the north half of the south half of the southwest quarter of said section 36, lying south of N.E. 104th Street; all lying easterly of the easterly right-of-way margin of 166th Avenue N.E.; situated in City of Redmond, King County, Washington.

Section 3. Assessment of Costs. 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 district, (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 expense incidental thereto as required or provided by law of the State of Washington and ordinances of the City of Redmond 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. Provided, that in the event the actual total cost and expense of said improvement to be charged to the property within the improvement district shall exceed by more than 10% the preliminary cost estimate of the City Engineer that can be legally charged to the property within the improvement district, the City shall pay that portion of the actual cost and expense exceeding said 10%.

Section 4. Estimated Cost. The estimated cost and expense of said street and storm sewers is hereby declared to be \$14,910.00.

Section 5. Assessment District. There is created an assessment district consisting of all of the property within Local Improvement District No. 63-ST-7 specially benefited by the improvement above ordered, which property shall be assessed to pay the portion of the cost and expense thereof, and in accordance with the special benefits conferred therein in proportion to areas and distances back from the marginal line of the street improved, all as provided in Section 3

above.

Section 6. Manner of Assessment. The nature of the improvement herein ordered is such that the special benefits conferred upon the property to be assessed is fairly reflected by the uses of the termini and zone method provided by statute.

Section 7. Bids and Contracts. 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 Redmond shall have and reserve the right to reject any and all bids. The call for bids for work 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. 63-ST-7" in the City of Redmond.


Section 8. Fund Created. There is hereby created and established in the office of the City Treasurer of the City of Redmond, for Local Improvement District No. 63-ST-7, a special fund to be known and designated as "Local Improvement Fund, District No. 63-ST-7," into which funds 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 or by others, 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 9. Issuance and Sale of Local Improvement District Warrants and bonds. Local Improvement District warrants shall be issued from time to time in such amount as the City may determine in payment of or from which to obtain funds with which to pay to cost and expense of the improvement herein ordered. Such warrants shall be designated and payable out of the "Local Improvement Fund, District No. 63-ST-7," to bear interest from the date thereof at a rate to be hereafter fixed by ordinance, not in excess of 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. 63-ST-7 is in his 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 8% per annum, under the mode of "Payment by Bonds," as defined by law and the ordinances of the City of Redmond. 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 assessment, shall be subject to a penalty charge of 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.

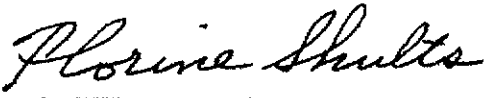
Section 10. Effective Date. This Ordinance shall take effect and be in force five days after its passage, approval and legal publication in the manner approved by law.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof and APPROVED by the Mayor this 24<sup>th</sup> day of September 1963.


CITY OF REDMOND

  
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G. C. GRAEP  
MAYOR

ATTEST:

  
\_\_\_\_\_  
FLORINE SHULTS  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOHN D. LAWSON  
CITY ATTORNEY