

ORDINANCE NO. 2010-08-047

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, ORDERING THE IMPROVEMENT OF 34TH STREET SEWER BETWEEN TAYLOR STREET AND DONOVAN AVENUE, ALL IN ACCORDANCE WITH RESOLUTION OF INTENTION NO. 2010-16 OF THE CITY COUNCIL; ESTABLISHING THE LOCAL IMPROVEMENT DISTRICT (NUMBER 1109) AND ORDERING THE CARRYING OUT OF THE PROPOSED IMPROVEMENT; DESCRIBING THE METHOD OF ASSESSMENT; PROVIDING THAT PAYMENT FOR THE IMPROVEMENT BE MADE BY SPECIAL ASSESSMENT UPON THE PROPERTY IN THE DISTRICT

WHEREAS, by Resolution of Intention No. 2010-16, adopted May 10, 2010, the City Council of the City of Bellingham, Washington, declared its intention to order the improvement of 34th Street sewer between Taylor Street and Donovan Avenue, beginning approximately 1500 feet north of Donovan and running south, and fixed July 12, 2010 at the City Council meeting beginning at 7:00 p.m., local time, at City Hall, 210 Lottie Street, Bellingham, Washington, as the time and place for hearing all matters relating to the proposed improvement, method of assessment, and all objections thereto, and for determining the method of payment for the improvement; and

WHEREAS, the Public Works Director caused an estimate to be made of the cost and expense of the proposed improvement and certified that estimate to the City Council, together with all papers and information in his possession touching the proposed improvement, a description of the boundaries of the proposed local improvement district, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district; and

WHEREAS, that estimate is accompanied by a diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property that will be specially benefited by the proposed improvement and the estimated cost and expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the City Council on the date and at the time above mentioned, and an opportunity for objections to the proposed improvement was provided but none were received; and

WHEREAS, no objections to the proposed improvement and/or method of assessment have been received by the City Council after an opportunity to present them; all persons appearing at such hearing and wishing to be heard were heard; and

WHEREAS, the City Council has determined it to be in the best interests of the City that the improvement as hereinafter described be carried out and the district be created in connection therewith;

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The City Council of the City of Bellingham, Washington, orders the construction of the improvement of 34th Street sewer between Taylor Street and Donovan Avenue, as shown on the map attached hereto as Exhibit A and by this reference incorporated herein. All of the foregoing shall be in accordance with the plans and specifications therefore prepared by the Public Works Director, and may be modified by the City Council as long as such modification does not affect the purpose of the improvement. Exhibit B, which is attached hereto and incorporated herein, provides a Project Description of the Local Improvement District created hereunder.

Section 2. There is created and established a local improvement district, to be called Local Improvement District No. 1109, of the City of Bellingham, Washington (the "District"), the boundaries of the District being more particularly shown on Exhibit A.

Section 3. The total estimated cost and expense of the improvement to be funded by the District is declared to be \$200,000.00. The improvement shall be managed as a public work through the City's department of Public Works. The costs and expense attributable to this improvement shall be paid for through an inter-fund loan from the Wastewater Fund to the Local Improvement District. The terms of the loan shall be for a period of ten years with an amortization schedule to include annual payments of interest and principal sufficient to fully extinguish the loan over the 10 year period. Interest on the inter-fund loan shall accrue at a rate equivalent to the City's overall annual investment rate of return plus 75 basis points (3/4 of 1%). The annual loan payments shall be borne by and assessed against the property specially benefited by the improvement included in the District, which embraces as nearly as practicable all property specially benefited by such improvement.

Section 4. In accordance with the provisions of RCW 35.44.047, the City may use any method or combination of methods to compute assessments, which may be deemed to fairly reflect the special benefits to the properties being assessed, including using developer reimbursement agreements (also known as "latecomers") for the City to recover any funds it may use in the district.

Section 5. The City shall establish for purposes of managing expenses and assessments of the Local Improvement District, the Local Improvement Fund, District No. 1109 hereinafter referred to as the Local Improvement Fund.

Section 6. In all cases the work necessary to be done in connection with the making of said improvement is carried out pursuant to contract upon competitive bids (and the City shall have and reserves the right to reject any and all bids).

Section 7. The Local Improvement Fund for the District is created and established in the office of the Finance Director. The collections of special assessments, interest and penalties hereon, shall be deposited in the Local Improvement Fund. Payments to the contractor or

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contractors for the work to be done by them in connection with the improvement and payment for all other items of expense in connection with the improvement shall be issued against the Local Improvement Fund.

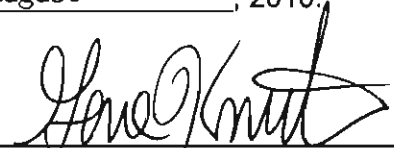
Section 8. Within fifteen (15) days of the passage of this ordinance there shall be filed with the Finance Officer the title of the improvement and District number, a copy of the diagram or print showing the boundaries of the District and the preliminary assessment roll or abstract of such roll showing thereon the lots, tracts and parcels of land that will be specially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract or parcel of land. The Finance Officer immediately shall post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

Section 9. All appeals arising from this ordinance shall be within the jurisdiction of the Bellingham Hearing Examiner.

Section 10. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 11. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force and effect after passage and publication as provided by law.

PASSED by the Council this 9th day of August, 2010.



Council President

APPROVED by me this 11th day of August, 2010.



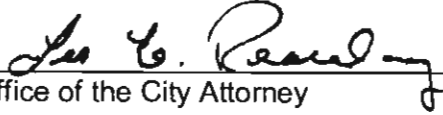
Mayor

ATTEST: 

Finance Director

City of Bellingham
City Attorney
210 Lottie Street
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360-778-8270

APPROVED AS TO FORM:


Office of the City Attorney

Published:

August 13, 2010

EXHIBIT A

1200 Feet to center of Taylor Street

City of Bellingham 34TH ST SEWER LID

PARCEL ASSESSMENT FIGURES

CALCULATED BY TOTAL POSSIBLE UNITS:

Parcel square feet / 12,000* = possible units
(*zoned minimum lot size)

- DAVID & BARBARA HANSEN (1)
\$7,142.86
- EDMUND & TAMAKI & WILLIAM LAWSON (2)
\$7,142.86
- RICHARD & PATSY DARNELL (3)
\$7,142.86
- DONALD & JOANN HANESWORTH (4)
\$7,142.86
- DONALD & PATRICIA SMITH (5)
\$7,142.86
- SID & JANET CAPOULLIEZ (6)
\$7,142.86
- PARMINDER & KULWINDER DHILLON (7)
\$7,142.86
- MARK & HEATHER BRYAN (8)
\$7,142.86
- KELLIE SLATER-SZIROM (9)
\$7,142.86
- WILLIAM & TINA MAGAS (10)
\$7,142.86
- MARILYN MAGAS (11)
\$7,142.86
- HARRY & KARYN DANIELS (12)
\$7,142.86

- MERRILL LING (19 & 20)
\$14,285.72
- EUGENE HOGAN (18)
14,285.72
- VERNE & ANN MELTON (17)
\$7,142.86
- DAVID WENDLING (15 & 16)
\$50,000.
- GAREY VODOPICH (14)
\$21,428.57
- CECILIA MEINTEL (13)
\$7,142.86

Legend

- LID Boundary
- Parcels in LID
- Support LID
- Parcel Lines
- Gravity Main
- Lateral Line
- Manhole

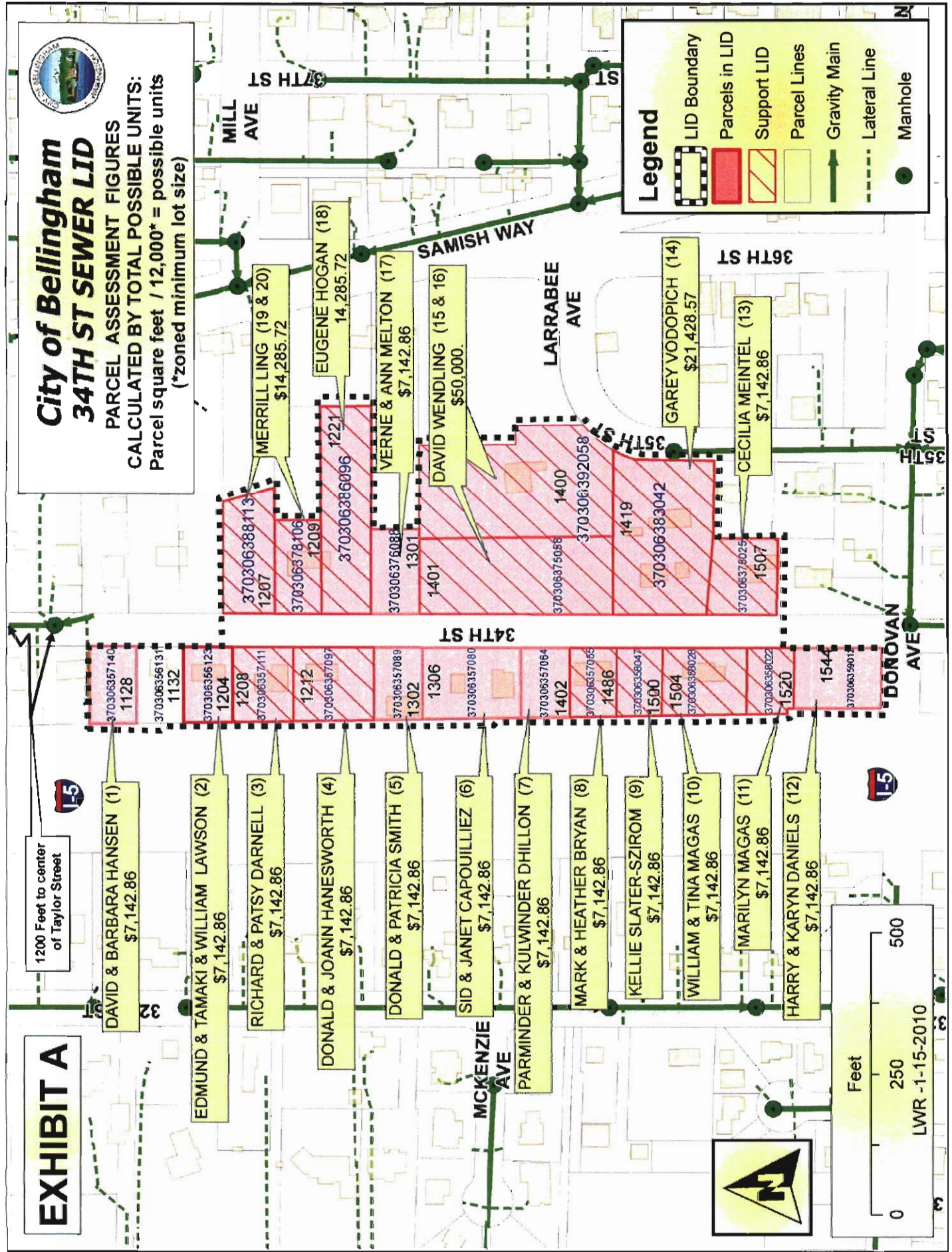
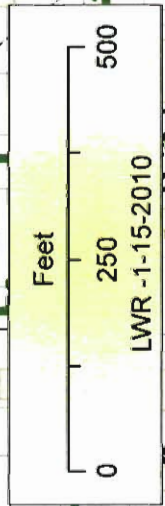


Exhibit B

This project will extend a gravity controlled sanitary sewer along 34th Street (per Exhibit A map) to 20 properties not currently receiving the benefit of sewer service. Approximately 1500 lineal feet of 8 inch diameter sanitary sewer main will be installed as part of this project.

Side sewer stubs will be supplied up to the boundary line of each parcel on the public right of way. Those parcels with development capacity over one unit will pay an additional latecomer's charge at the time a permit for increased building density is requested.

The total cost and expense of the project is estimated to be \$200,000, one hundred percent of which will be assessed against the properties benefiting by the installation of the sewer service.