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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3138

AN ORDINANCE vacating a portion of 116th Avenue S.E., north of S.E. 5th and south of Main Street in the City of Bellevue, Washington.

WHEREAS, the City Council did on the 19th day of December, 1977, pass Resolution No. 2992, amending Resolution No. 2983, fixing the time and place for a hearing to consider the vacation of a portion of 116th Avenue S.E. north of S.E. 5th and south of Main Street within the City of Bellevue, Washington, and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, investigation was made as to use of said street and the public interest to be served or damaged by change of the use or vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 16th day of January, 1978, at the time and place fixed in said resolution and notice, and as a result thereof the City Council having found that the vacation of said street to the extent described in the petition therefor would serve the public good; and no objections thereto being made by owners of private abutting property; and

WHEREAS, the Washington State Department of Transportation has previously quitclaimed their interest in the property to the City by deed recorded under Auditor's File No. 8008260739.

WHEREAS, Section 20.30.594 of the City of Bellevue Land Use Code regarding compensation payable to the City on account of said vacation has been complied with, now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following portion of 116th Avenue S.E. north of S.E. 5th and south of Main Street and the City of Bellevue is hereby vacated:

A portion of the Southeast Quarter of Section 32, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows: Commencing at the northeast corner of said quarter section; thence South 0°32'23" West 1,094.60 feet along the east line of said quarter section; thence North 89°27'37" West 50.00 feet to the west margin of 116th Avenue S.E. (previously PSH No. 1, Kennydale to Bellevue); thence Southerly along said margin on a curve to the left having a radius of 2,915.00 feet through a central angle of

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1°57'33" and along an arc length of 99.67 feet to the point of beginning of this description: Thence South 89°53'06" West 20.00 feet along said margin; thence Southerly along said margin on a curve to the left having a radius of 2,935.00 feet through a central angle of 2°26'28" and along an arc length of 125.04 feet; thence South 88°19'59" West 30.00 feet along said margin; thence Southerly along said margin on a curve to the left having a radius of 2,965.00 feet through a central angle of 4°02'56" and along an arc length of 209.52 feet to the east line of the limited access right-of-way of SR-405, Wilburton Interchange; thence North 75°54'47" East 47.64 feet along said line; thence Northerly on a curve to the right having a radius of 739.00 feet through a central angle of 18°33'40" and along an arc length of 239.40 feet; thence Northerly on a curve to the right having a radius of 2,915.00 feet through a central angle of 1°40'25" and along an arc length of 85.15 feet to the point of beginning and containing 11,230 square feet, more or less.

PROVIDED, however, the City of Bellevue reserves and establishes an easement over, under and through the above-described property, in its entirety, for the construction, operation, maintenance, repair, reconstruction, expansion, enlargement and/or replacement of any water or sewer lines, electrical wires, appurtenances thereto and any other public utilities and services necessary or convenient now and at any time in the future, by any and all public or private utilities, including but not limited to the City of Bellevue;

ALSO PROVIDED, however, the City of Bellevue reserves and establishes an easement over, under and through the above-described property, in its entirety, for slope purposes with the right of ingress and egress for repairs and maintenance thereto.

Section 2. The City Administration is hereby directed to record a certified copy of this Ordinance with the Department of Records and Elections of King County.

Section 3. The City Manager or her designee is authorized to

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execute on behalf of the City that certain quitclaim deed pertaining to the property described in Section 1 above, attached hereto.

Section 4. This Ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 23rd day of August, 1982, and signed in authentication of its passage this 23rd day of August, 1982.

(SEAL)

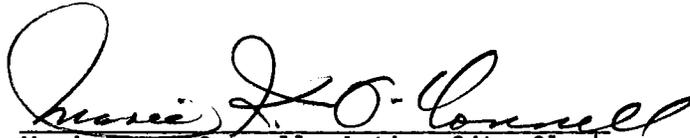

Cary Bozeman, Mayor Pro tem

Approved as to form:

Linda M. Youngs, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, Acting City Clerk

Published August 28, 1982