

5-23-83  
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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3265

AN ORDINANCE relating to the vacation of public right-of-way; amending Bellevue City Code (Land Use Code) 20.30.565, 20.30.570, 20.30.575, 20.30.596 and 20.30.598.

WHEREAS, it is necessary to defray the City's cost in reviewing a public right-of-way vacation petition, and in preparing a report on such petition; and

WHEREAS, it is desirable to notify adjacent property owners of a potential public right-of-way vacation; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and with the City's Environmental Procedures Ordinance; now, therefore,

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

Section 1. Bellevue City Code (Land Use Code) 20.30.565 is amended to read as follows:

20.30.565 Filing Petition - Prehearing Fee and Posthearing Fee:

- A. The petition, properly signed, shall be filed with the City Clerk upon payment of a nonrefundable prehearing fee, which shall be paid into the general fund of the City to aid in defraying the expenses incurred by the City in checking the sufficiency of such petition and investigating or reporting the facts. The amount of such fee shall be determined from a fee schedule approved by the City Council and on file with the City Clerk. Said schedule shall be subject to change from time to time to allow for any changes in costs. Where one to five separate ownerships about the proposed vacation, a minimum filing fee shall be charged; and an additional sum shall be charged for each additional ownership over five in accordance with the fee schedule. In the event that the filing fee, computed on petitioner's estimate, proves to be insufficient as evidenced by the engineer's report, the balance of said fee shall be paid before notices of hearing are mailed.
- B. Subsequent to the hearing and to the conditional approval by Council of the petition, should the petitioner elect to proceed, a posthearing fee shall be paid by the petitioner in accordance with the fee schedule and deposited in the General

5-23-83  
1386G

Fund of the City to defray expenses of the City in further processing the application. The posthearing fee shall be due from any petitioner whose application receives conditional approval on or after the effective date of this ordinance.

- C. In the event that the City Council initiates a right-of-way vacation, fees shall not be required unless the Council directs otherwise.

Section 2. Bellevue City Code (Land Use Code) 20.30.570 is amended to read as follows:

20.30.570 Notice of Hearing

Upon passage of the resolution fixing the time for a public hearing, the City Clerk shall cause a written notice of the pendency of the petition to be posted, at least 20 calendar days prior to the date set for hearing, in three public places in the City as determined in Chapter 1.08 of the Bellevue City Code and a like notice shall be posted in a conspicuous place on that portion of the street or alley sought to be vacated, and copies of such notice shall be mailed, at least 20 calendar days prior to date of hearing, to each owner of property within 300 feet of the right-of-way proposed to be vacated, including the petitioners, at a local address if a resident of the City, otherwise to the last address showing on the records of the county department of records and elections. Said notice shall contain a statement that the petition has been filed to vacate the portion described in the notice together with a statement of the time and place fixed for the hearing of the petition and inviting interested persons to appear and be heard for or against the granting thereof or to submit written comment prior to that date.

Section 3. Bellevue City Code (Land Use Code) 20.30.575 is amended to read as follows:

20.30.575 Notice Where Vacation Initiated by Council; Objections

In all cases where the proceeding is initiated by resolution of the Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notice shall be given as provided in Section 20.30.570; provided, that if fifty percent of the abutting property owners file written objection to the proposed vacation with the clerk, prior to the time of the hearing, the Council shall be prohibited from proceeding with the resolution.

Section 4. Bellevue City Code (Land Use Code) 20.30.596 is amended

5-23-83  
1386G

to read as follows:

20.30.596 Procedure Where Compensation Required

In the case of Class I or II properties, upon a finding, after a public hearing, the requirements for approval set forth in Section 20.30.590 are satisfied, the City Council may adopt a motion to conditionally approve the petition and direct the City Manager to secure an appraisal of the subject property. The applicant shall post a \$1,000 cash deposit with the City Clerk to ensure payment of the cost of the appraisal. Upon notification that the amount of required compensation has been established, the applicant shall have 90 days to deposit such amount together with appraisal costs with the City Clerk. Credit shall be given for the \$1,000 deposit. In cases where required compensation plus costs exceeds \$10,000, payment may be made under contract acceptable to the City provided that 25% of the amount due is paid down and the contract provides for the unpaid balance plus 12% interest thereon to be paid in equal annual payments over a period of not more than five years. Upon notification of compliance with this Section and any other conditions imposed, the City Council shall, in accordance with its prior motion of approval, adopt an ordinance authorizing the City Manager to execute an appropriate deed to convey Class I property or adopt an ordinance of vacation of a Class II property. If the installment contract method of payment is elected and approved, an ordinance of vacation shall not become effective or be published until the entire balance plus interest has been paid in full and the subject property to be vacated shall not be considered in computing setbacks, minimum lot dimensions and similar requirements until such time. All funds received as compensation pursuant to this chapter shall be deposited in the City's Land Purchase Revolving Fund.

Section 5. Bellevue City Code (Land Use Code) 20.30.598 is amended to read as follows:

20.30.598 Waiving Compensation - Other Governmental Agencies

Where vacation or transfer of a public way is applied for by or on behalf of another governmental agency or jurisdiction, the City Council may waive any compensation required by this Code and may also waive filing fees, if the Council deems such waivers to be to the public's interest and advantage. A transfer or vacation of property in which compensation has been waived under this section shall be accompanied by a covenant providing that the City shall be compensated by the fair market value of the interest conveyed or vacated at the time of any future sale or lease of the subject property by said other governmental agency.

Section 6. A schedule of prehearing and posthearing fees as

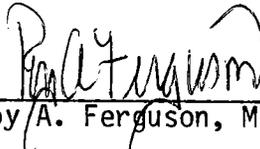
5-23-83  
1386G

indicated on Exhibit A, "Fee Schedule," is hereby adopted and by this reference incorporated herein.

Section 7. 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 6<sup>th</sup> day of June, 1983, and signed in authentication of its passage this 6<sup>th</sup> day of June, 1983.

(SEAL)

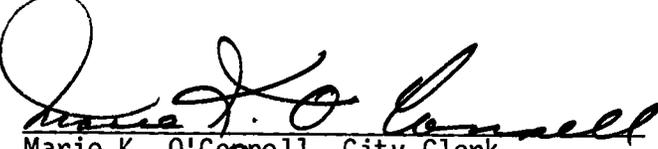
  
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Roy A. Ferguson, Mayor

Approved as to form:

Linda M. Youngs, City Attorney

  
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Richard G. Bidley, Assistant City Attorney

Attest:

  
\_\_\_\_\_  
Marie K. O'Connell, City Clerk

Published June 11, 1983

5-23-83  
1386G

EXHIBIT A  
FEE SCHEDULE

Prehearing Fee	\$350.00
Additional Sum for Each Additional Ownership over Five	\$ 10.00
Posthearing Fee	\$250.00