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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3418

AN ORDINANCE approving the application of Harold Butler Enterprises No. 694 Inc., for a conditional use to add beer and wine to the beverage menu of Denny's Restaurant located at 3703 - 150th Avenue S.E., as recommended by the Hearing Examiner.

WHEREAS, Harold Butler Enterprises No. 694 Inc., has applied to the City for a conditional use to add beer and wine to the beverage menu of Denny's Restaurant located at 3703 - 150th Avenue S.E.; and

WHEREAS, on April 19, 1984, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on May 30, 1984, the Hearing Examiner recommended approval of said conditional use and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

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

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

Section 1. The City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of Harold Butler Enterprises, Inc. (Denny's Restaurant No. 694) for a Conditional Use, File No. HE-D 83-13."

Section 2. The City Council hereby approves the conditional use application of Harold Butler Enterprises No. 694 Inc., for a conditional use to add beer and wine to the beverage menu of Denny's Restaurant located at 3703 - 150th Avenue S.E., and more particularly described as:

That portion of Tract A, Eastgate Addition, Division A, according to the plat recorded in Volume 51 of Plats, Page 84 and 85, in King County, Washington, described as follows:

Commencing at the monument at the intersection common to the centerlines of 148th Avenue S.E., 150th Avenue S.E. and S.E. 38th Street as shown on Washington State Highway Department Map Sheet 5 of 25 sheets dated June 12, 1969 and as revised January 14, 1971, and title "right-of-way and limited access plat, SR 90, Richards Road to Lake Sammamish" on file in the

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office of the Director of Highways at Olympia, Washington; thence South 85°50'11" East along the easterly prolongation of the monumented centerline of said 148th Avenue S.E. as shown on said map, a distance of 20.00 feet to engineer's station 150th N.B. 0 + 00; thence North 0°00'57" East 207.05 feet to engineer's station 150th N.B. 2 + 07.05; thence at right angles North 89°59'03" West 63.00 feet to the westerly margin of 150th Avenue S.E. as shown on said map sheet 5; thence North 8°44'00" west along said westerly margin 39.21 feet to the point to beginning; thence continuing North 8°44'00" West 105.42 feet; thence North 36°51'15" West 75.00 feet; thence North 72°27'20" West 214.87 feet to intersect a line parallel with and 120.00 feet east of the east line of Block 1, Eastgate Addition Division G, according to the plat recorded in Volume 54 of Plats, page 18-19, in King County, Washington; thence South 1°31'26" West along the aforementioned line, 42.23 feet to the easterly margin of frontage road FR 6 at a point on a curve from which the center bears south 65°02'10" West 895.00 feet distant; thence southerly along said curve through a central angle of 5°33'08" an arc distance of 86.72 feet to engineer's station FR 6 502 + 11.68 P.T. BK; thence continuing along said easterly margin South 19°19'18" East 112.80 feet; thence South 89°59'03" East 196.93 feet to the point of beginning; also

That portion of Tract A, Eastgate Addition Division A, according to the plat recorded in Volume 51 of Plats, page 84 and 85, in King County, Washington, described as follows:

Commencing at the monument at the intersection common to the centerlines of 148th Avenue S.E., 150th Avenue S.E. and S.E. 38th Street as shown on Washington State Highway Department Map, sheet 5 of 25 sheets dated June 12, 1969 and as revised January 14, 1971 and titled "right-of-way and limited access plan, SR 90, Richards Road to Lake Sammamish" on file in the office of the Director of Highways at Olympia, Washington; thence South 85°50'11" East along the easterly prolongation of the monumented centerline of said 148th Avenue S.E., as shown on said map, a distance of 20.00 feet to engineer's station 150th N.B. 0 + 00; thence North 0°00'57" East 187.05 feet to engineer's station 150th S.E. 1 + 87.05; thence at right angles North 89°59'03" West 63.00 feet to the point of beginning on the westerly margin of said 150th Avenue S.E. as shown on said map sheet 5; thence North 7°40'24" West along said westerly margin 59.29 feet; thence South 89°59'03" East 1.97 feet to intersect the westerly margin of 150th N.B.; thence South 8°44'00" east along said westerly margin 39.21 feet; thence South 0°00'57" West 20.00 feet to the point of beginning.

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Provided this conditional use is conditioned on full compliance by the owner or owners of the property described herein, their heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by Harold Butler Enterprises No. 694 Inc., which has been given Clerk's Receiving No. 9745, and which by this reference is fully incorporated herein.

Provided further that this approval of said conditional use is conditioned on full compliance by the owner or owners, developer and developers, and their heirs, assigns, grantees and successors in interest with the plans and attachments, conditions, commitments, reports and other documents relating to this conditional use, given Clerk's Receiving No. 9746, which are hereby by this reference fully incorporated herein.

Section 3. The conditional use granted herein is subject to all federal, state and local laws, rules and regulations, including but not limited to Bellevue Land Use Code Sections 20.30.875, 20.30.880 and 20.30.885.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 1st day of October, 1984, and signed in authentication of its passage this 1st day of October, 1984.

(SEAL)

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Assistant City Attorney

Attest:

Marie K. O'Connell, City Clerk

Published October 6, 1984