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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3443

AN ORDINANCE reclassifying an approximately 6.1 acre parcel located adjacent to the southwest corner of the intersection of Bellevue-Redmond Road and 148th Avenue N.E. in the City of Bellevue, with conditions.

WHEREAS, an application for reclassification of the property hereinafter described was duly filed with the appropriate City officials; and

WHEREAS, on March 3, 1983, a public hearing was held thereon before the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, on April 12, 1983, the Hearing Examiner entered his findings, conclusions and a decision denying the rezone application; and

WHEREAS, on May 11, 1983, the Hearing Examiner entered an order denying motions for reconsideration of said decision; and

WHEREAS, on May 13, 1983, the applicants, Willet S. Farr, III, et al, filed an appeal to the City Council from the decision of the Hearing Examiner; and

WHEREAS, on September 19, 1983, the City Council conducted a limited public hearing on said appeal at which all interested parties had an opportunity to be heard; and

WHEREAS, on October 3, 1983, the City Council enacted Resolution No. 4250 denying the appeal and sustaining the decision of the Hearing Examiner denying the application; and

WHEREAS, on October 20, 1983, the applicants filed an appeal of the decision of the City Council with the Superior Court of King County; and

WHEREAS, on July 12, 1984, following a hearing on the matter, the Court entered findings and conclusions to the effect that the existing zoning on the property is outdated, unrealistic and improper in view of substantial and significant changes in conditions in the area and that the applicants' proposal is consistent with established zoning precedent in the area; and

WHEREAS, on August 1, 1984, the Superior Court entered an order declaring City of Bellevue Resolution No. 4250 denying the rezone application to be void and remanding the matter to the City Council with directions to reclassify the property consistent with the findings of fact and conclusions of law entered by the Court; and

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WHEREAS, on August 8, 1984, the City filed an appeal of the Superior Court decision in the Court of Appeals of the State of Washington; and

WHEREAS, on November 19, 1984, the City and the applicants entered into a Settlement Agreement fully resolving all issues involved in the Superior Court litigation; and

WHEREAS, as a term of said Settlement Agreement the subject property is to be reclassified as hereinafter set forth in this ordinance; and

WHEREAS, the City 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 use classification of the following described property is changed from R-2.5 to O with conditions:

That portion of the Southeast Quarter of the Northeast Quarter of Section 27, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point 330.61 feet North of the Southeast corner of said Subdivision; thence North 330.60 feet; thence West 1,307.53 feet to the West line of said Subdivision; thence South 330.46 feet; thence East 1,305.51 feet to the point of beginning; except the East 30 feet and the West 20 feet thereof; and except that portion lying Northerly of the Southerly margin of County Road No. 1387; also, except the West 20 feet of the East 50 feet of said Subdivision condemned under King County Superior Court Cause No. 8233331;

Together with that portion of vacated Redmond-Bellevue Road (County Road No. 1387) adjoining;

Excepting therefrom that portion taken by the City of Bellevue in King County Superior Court Cause No. 81-2-14875-1, as follows:

That portion of the Southeast Quarter of the Northeast Quarter of Section 27, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows, to-wit:

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Commencing at the Southeast corner of said Subdivision; thence North $01^{\circ}19'21''$ East 661.64 feet along the East line thereof; thence North $89^{\circ}02'23''$ West 50.00 feet to the West margin of 148th Avenue N.E. and the point of beginning of this description; thence North $89^{\circ}02'23''$ West 203.05 feet along the North line of the owner's property to the 280 foot contour as based on the U.S. Coast and Geodetic datum; thence leaving said North line along said contour the following sixteen (16) courses:

South $35^{\circ}08'26''$ East 24.40 feet; thence
 South $51^{\circ}33'28''$ East 21.06 feet; thence
 South $79^{\circ}25'19''$ East 43.75 feet; thence
 South $81^{\circ}19'07''$ East 29.16 feet; thence
 South $46^{\circ}11'45''$ East 17.55 feet; thence
 South $27^{\circ}20'03''$ West 11.03 feet; thence
 South $01^{\circ}23'08''$ East 24.27 feet; thence
 South $07^{\circ}27'08''$ East 23.38 feet; thence
 South $48^{\circ}17'39''$ East 16.90 feet; thence
 South $51^{\circ}16'52''$ East 20.49 feet; thence
 South $41^{\circ}10'46''$ East 18.20 feet; thence
 South $38^{\circ}29'00''$ East 18.56 feet; thence
 South $02^{\circ}06'27''$ East 19.36 feet; thence
 South $25^{\circ}00'48''$ East 14.50 feet; thence
 South $40^{\circ}09'00''$ East 12.12 feet; thence
 South $88^{\circ}40'39''$ East 17.88 feet to the West margin of 148th Ave. N.E.; thence leaving said 280 foot contour North $01^{\circ}19'21''$ East 205.97 feet along said margin to the point of beginning.

And further excepting therefrom the following:

That portion of the Southeast Quarter of the Northeast Quarter of Section 27, Township 25 North, Range 5 East, W.M., King County, Washington: Commencing at the East Quarter corner of Section 27; thence North $1^{\circ}19'21''$ East along the East line of said Section, 330.79 feet; thence North $88^{\circ}40'39''$ West at right angles to said East line 50.00 feet to the true point of beginning; thence North $88^{\circ}12'43''$ West 93.00 feet; thence North $1^{\circ}19'21''$ East 25.00 feet; thence South $88^{\circ}12'43''$ East 13.00 feet; thence North $1^{\circ}19'21''$ East 185.57 feet; thence South $48^{\circ}17'39''$ East 7.93 feet; thence South $51^{\circ}16'52''$ East 20.49 feet; thence South $41^{\circ}10'46''$ East 18.20 feet;

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thence South 38°29'00" East 18.56 feet; thence South 2°06'27" East 19.36 feet; thence South 25°00'48" East 14.50 feet; thence South 40°09'00" East 12.12 feet; thence South 88°40'39" East 17.88 feet; thence South 1°19'21" West parallel with East line of said Section, 124.56 feet to the point of beginning and containing 13,514 square feet, more or less.

This reclassification from R-2.5 to O is conditioned on full compliance by the owners of said property and their heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Settlement Agreement in King County Cause No. 83-2-14591-1, which has been given Clerk's Receiving No. 9950 and which is adopted by reference into this ordinance as though it were fully set forth herein.

Section 2. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 17th day of December 1984, and signed in authentication of its passage this 17th day of December 1984.

(SEAL)

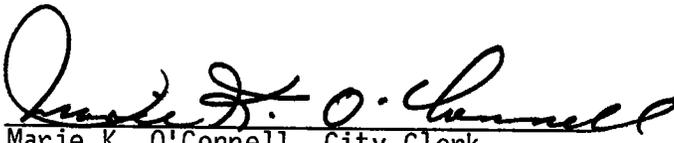

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published December 22, 1984