ORIGINAL

7-18-86
1819c

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3696

AN ORDINANCE determining the public advantage in vacating a portion of N.E. 30th Street between Northup Way and the Burlington Northern Railroad right of way in the City of Bellevue, Washington, and vacating the same.

WHEREAS, the City Council did on the 21st day of October, 1985 pass Resolution No. 4640 fixing the time and place for a hearing to consider the vacation of a portion of N.E. 30th Street between Northup Way and the Burlington Northern Railroad right of way within the City of Bellevue, Washington, and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, vacation of said street was requested pursuant to the petition of S & J Associates, a limited partnership, The Roter Companies, Inc., and Rainier National Bank as agent for the Desimone trust; and

WHEREAS, investigation was made as to the 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 said petition on the 12th day of November, 1985, in accordance with the time and place fixed by said Resolution and notice; and

WHEREAS, following said hearing the City Council found and concluded that 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, the City Council conditionally approved the vacation of said street subject to payment of compensation to the City pursuant to BCC 20.30.594 and RCW 35.79.030; and

WHEREAS, Section 20.30.594 of the City of Bellevue Land Use Code and RCW 35.79.030 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 City Council finds that the vacation of N.E. 30th Street between Northup Way and the Burlington Northern Railroad right of way will serve the public good and further finds that the street vacated is no longer required for public use.

ORIGINAL

7-18-86
1819c

Section 2. The following described real property, being a portion of N.E. 30th Street between Northup Way and the Burlington Northern Railroad right of way, is hereby vacated:

That portion of N.E. 30th St. lying within the Southeast 1/4 of Section 20, Township 25 North, Range 5 East, W.M., King County, Washington described as follows:

BEGINNING at the Southwest corner of LOT 12, BLOCK 3, in the plat of KIRKLAND SYNDICATE's FIRST ADDITION TO THE CITY OF SEATTLE, as recorded in Volume 7 of plats, page 23 records of said county; thence N88°29'21"W along the Northerly right of way margin of said N.E. 30th St., a distance of 26.51 feet to the Westerly right of way margin of 112th Ave. N.E., thence S1°06'52"W along said margin 60.00 feet to the Southerly right of way margin of said N.E. 30th St; thence S88°29'21"E along said margin 431.51 feet to a point on the Westerly right of way margin of the BURLINGTON NORTHERN RAILROAD; said point being on the arc of a curve to the right from which the center bears N68°00'25E 1959.86 feet distant; thence Northwesterly along said margin through a central angle of 1°53'58" an arc distance of 64.97 feet to the said Northerly margin of N.E. 30th St.; thence N88°29'21"W along said margin a distance of 380.50 feet to the POINT OF BEGINNING.

Containing an area of 25,143 Square Feet.

Provided, however, the City of Bellevue reserves and establishes an easement over the northerly ten (10) feet of the 25,143 square foot parcel described above for the installation, maintenance and repair of utility facilities.

Provided further, however, the City of Bellevue reserves and establishes an easement over, under and through a portion of the 25,143 square foot parcel described above which easement shall be for the purpose of installation, maintenance and repair of storm drainage and flood control structures, which such storm drainage easement is described as follows:

STORM DRAINAGE EASEMENT

An easement for purposes of storm drainage over, under and across a parcel of land situated within the Northeast quarter of the Southeast quarter of Section 20, Township 25 North, Range 5 East, W.M., in King County, Washington described as follows:

BEGINNING at the intersection of the Westerly right of way margin of 112th Ave. N.E. and the Northerly right of way margin of N.E. 30th St., thence S 88°23'05" E along the said

ORIGINAL

7-18-86
1819c

Northerly right of way margin of N.E. 30th St. a distance of 231.66 feet; thence S 1°36'55" W 60.00 feet to the Southerly right of way margin of N.E. 30th St. and the POINT OF BEGINNING; thence S 88°23'05" E along the said margin a distance of 48.08 feet; thence N 19°00'40" W 57.35 feet; thence S 70°59'20" W 45.00 feet; thence S 19°00'40" E 40.41 feet to the POINT OF BEGINNING.

Containing an area of approximately 2451 Square feet.

Provided further, however, the City of Bellevue reserves and establishes an easement to maintain, repair and replace water line(s) located or to be located within the 25,143 square foot parcel described above, which such water line easement is described as follows:

WATER LINE EASEMENT

An easement for a waterline(s), being 10 feet in width, having 5 feet on each side of the following described centerline situated in Section 20, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

COMMENCING at the East quarter corner of said section; thence N 88°29'20" W along the East-West center of section line a distance of 1692.04 feet to a point on the Easterly right of way margin of N.E. NORTHUP WAY: thence S 26°18'46" E along said margin a distance of 776.89 feet to the POINT OF BEGINNING of said centerline and easement; thence N 63°41'14" E 72.00 feet; thence S 88°23'05" E 300.00 feet; thence N 77°06'55" E 43.93 feet to the Northerly right of way margin of N.E. 30th ST., said margin being the Northerly terminus of said centerline and said easement.

Containing an area of approximately 4179 Square feet.

Provided further, however, the City of Bellevue reserves an easement for pedestrians and non-motorized vehicles within the 25,143 square foot parcel described above which easement for pedestrian and non-motorized vehicles is described as follows:

PEDESTRIAN AND NON-MOTORIZED VEHICLE EASEMENT

That portion of Section 20, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

COMMENCING at the East quarter corner of said section; thence N 88°29'20" W along the East-West center of section line a distance of 1692.04 feet to a point on the Easterly right of way margin of N.E. NORTHUP WAY; thence S 26°18'46" E along

ORIGINAL

7-18-86
1819c

said margin a distance of 774.87 feet to the POINT OF BEGINNING, thence continuing S 26°18'46" E along said margin a distance of 6.00 feet; thence N 63°41'14" E 35.77 feet to the beginning of a curve to the right having a radius of 111.50 feet; thence Easterly along said curve through a central angle of 27°55'41" an arc distance of 54.35 feet to a point of tangency; thence s 88°23'05" E 3.79 feet to the beginning of a curve to the left having a radius of 14.50 feet; thence Northeasterly along said curve through a central angle of 82°04'19" an arc distance of 20.77 feet; thence S 88°23'05" E 27.28 feet to a point on the arc of a curve to the left from which the center bears N 83°41'14" E 14.50 feet distant; thence Southeasterly along said curve through a central angle of 82°04'19" an arc distance of 20.77 feet to a point of tangency; thence S 88°23'05" E 47.00 feet to the beginning of a curve to the left having a radius of 88.50 feet; thence Easterly along said curve through a central angle of 14°27'00" an arc distance of 22.32 feet; thence S 16°43'09" E 45.57 feet to a point on the arc of a curve to the left from which the center bears N 14°09'17" W 134.00 feet distant; thence Easterly along said curve through a central angle of 4°51'23" an arc distance of 11.36 feet to a point of tangency; thence N 70°59'20" E 51.61 feet to the beginning of a curve to the right having a radius of 66.00 feet; thence Easterly along said curve through a central angle of 20°37'35" an arc distance of 23.76 feet to a point of tangency; thence S 88°23'05" E 42.80 feet; thence N 1°36'55" E 27.00 feet; thence S 88°23'05" E 46.96 feet; thence N 22°06'54" W 6.55 feet to the Northerly right of way margin of N.E. 30th ST.; thence N 88°23'05" W along said margin a distance of 50.32 feet; thence S 1°36'55" W 27.00 feet; thence N 88°23'05" W 36.80 feet to the beginning of a curve to the left having a radius of 72.00 feet; thence Westerly along said curve through a central angle of 20°27'35" an arc distance of 25.92 feet to a point of tangency; thence S 70°59'20" W 51.61 feet to the beginning of a curve to the right having a radius of 128.00 feet; thence Westerly along said curve through a central angle of 2°17'31: an arc distance of 5.12 feet; thence N 16°43'09" W 45.50 feet to a point on the arc of a curve to the right from which the center bears N 16°43'09" W 82.50 feet distant; thence Westerly along said curve through a central angle of 18°20'04" an arc distance of 26.40 feet to a point of tangency; thence N 88°23'05" W 47.00 feet to the beginning of a curve to the right having a radius of 8.50 feet; thence Northwesterly along said curve through a central angle of 90°00'00" an arc distance of 13.35 feet to a point of tangency; thence N 1°36'55" E 4.00 feet to the said Northerly right of way margin of N.E. 30th ST.; thence N 88°23'05" W along said margin a distance of 39.00 feet; thence S 1°36'55 W 4.00 feet to the

beginning of a curve to the right having a radius of 8.50 feet; thence Southwesterly along said curve through a central angle of 90°00'00" an arc distance of 13.35 feet to a point of tangency;thence N 88°23'05" W 3.79 feet to the beginning of a curve to the left having a radius of 117.50 feet; thence Southwesterly along said curve through a central angle of 27°55'41" an arc distance of 57.27 feet to a point of tangency; thence S 63°41'14" W 35.77 feet to the POINT OF BEGINNING.

Containing an area of approximately 2901 Square feet.

SLOPE EASEMENT FOR PEDESTRIAN ACCESS

That portion of Section 20, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

COMMENCING at the East quarter of said section; thence N 88°29'20" W along the East-West center of section line a distance of 1692.04 feet to a point on the Easterly right of way margin of N.E. NORTHUP WAY; thence S 26°18'46" E along said margin a distance of 726.27 feet to a point on the Westerly prolongation of the Northerly right of way margin of N.E. 30th St.; thence S 88°23'05" E along said prolongation and said margin a distance of 422.06 feet to the POINT OF BEGINNING; thence continuing S 88°23'05" E along said margin a distance of 29.94 feet to a point on the Westerly NORTHERN PACIFIC RAILROAD right of way margin, said point being on the arc of a curve to the left from which the center bears N 69°03'36" E 1959.98 feet distant; thence Southeasterly along said curve and margin through a central angle of 1°10'30" an arc distance of 40.19 feet to a point of tangency; thence S 22°06'54" E continuing along said margin a distance of 25.17 feet to a point on the Southerly right of way margin of N.E. 30th St.; thence N 88°23'05" W along said margin a distance of 29.49 feet; thence N 22°06'54" W 65.54 feet to the POINT OF BEGINNING.

Containing an area of 1886 square feet.

Section 3. In all instances in the event the City of Bellevue enters upon the real property first described in Section 2 above to install, repair or maintain any easement for utilities or otherwise, the City of Bellevue shall be solely responsible to bear all costs of restoring and repairing any improvements or landscaping which may now or hereafter be erected within said real property.

Further, the legal owner of all or any portion of the real property first described in Section 2 above shall be indemnified and held harmless from any liability or claims of liability from any person or entity arising directly or indirectly from the use of the easement "for pedestrian and non-motorized vehicles", or incurred as a direct or

ORIGINAL

7-18-86
1819c

indirect result of the failure to maintain or properly install any utility within the easements reserved herein.

Provided further, should any permanent structure now built or proposed to be built upon the real property first described in Section 2 above be restricted or limited due to the location of any of the easements granted herein, the easement location shall be moved to such other location as is reasonable and in keeping with the intention of the reservation provided herein, provided that the person(s) requesting the relocation shall pay for all costs of relocating any utility line, water line, or other facility located within the easement.

Section 4. The City Manager or his designee is hereby authorized and directed to execute a quit claim deed to convey to each respective applicant its respective portion of the vacated street first described in Section 2 above.

Section 5. The City Clerk is hereby directed to record a certified copy of this ordinance with the Department of Records and Election of King County.

Section 6. This ordinance shall take effect and be in force five (5) days after its passage and legal publication.

PASSED by the City Council this 4th day of August, 1986, and signed in authentication of its passage this 4th day of August, 1986.

(SEAL)

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Attest:

Marie K. O'Connell, City Clerk

Published August 10, 1986