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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3697

AN ORDINANCE determining the public advantage in vacating a portion of 112th Avenue N.E. between N.E. 30th Street and N.E. 32nd Street 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. 4641 fixing the time and place for a hearing to consider the vacation of a portion of 112th Avenue N.E. between N.E. 30th Street and N.E. 32nd 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 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 the said petition on the 12th day of November, 1985, which hearing was continued to the 18th 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, BCC 20.30.594 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 a portion of 112th Avenue N.E. between N.E. 30th Street and N.E. 32nd Street will serve the public good and further finds that the street vacated is no longer required for public use.

Section 2. The following described real property, being a portion of 112th Avenue N.E. between N.E. 30th Street and N.E. 32nd Street, is hereby vacated:

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That portion of 112th Ave. N.E. 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 Northwest corner of LOT 1, BLOCK 1 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 $S1^{\circ}24'37''$ W along the East right-of-way margin of said 112th Ave. N.E. a distance of 600.00 feet to the Northerly right-of-way margin of N.E. 30th St.; thence $N88^{\circ}29'21''$ W along said margin a distance of 26.51 feet to the West right-of-way margin of said 112th Ave. N.E.; thence $N1^{\circ}06'52''$ E along said margin a distance of 600.00 feet; thence $S88^{\circ}29'21''$ E 29.61 feet to the POINT OF BEGINNING.

Containing an area of 16,835 Square Feet.

Provided, however, the City of Bellevue reserves and establishes an easement over and through the west ten (10) feet of the real property described above for installation, maintenance and repair of utility facilities.

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

Section 4. The legal owner of all or any portion of the real property described in Section 2 above shall be indemnified and held harmless from any liability or claims of liability incurred as a result of the failure by the City of Bellevue to maintain or properly install any utility within the utility easement reserved pursuant to Section 2 above.

Section 5. Should any permanent structure now built or proposed to be built upon the real property described in Section 2 above be restricted or limited due to the location of any easement reserved 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

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shall pay for all costs of relocating any utility line, main or other facility located within the easement.

Section 6. The City Manager or his designee is hereby authorized and directed to execute a quit claim deed to convey to each applicant its respective portion of the vacated street described in Section 2 above.

Section 7. The City Clerk is hereby directed to record a certified copy of this ordinance with the Department of Records and Elections of King County.

Section 8. 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)



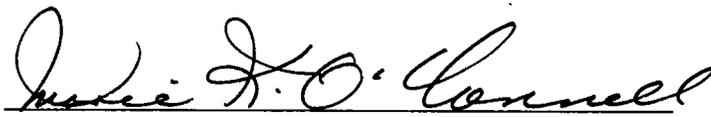
Cary E. Bozeman, Mayor

Approved as to form:



Richard L. Andrews, City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published August 10, 1986