

12-15-86
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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3738

AN ORDINANCE determining the public advantage in vacating a portion of 115th Avenue N.E., located south of N.E. 2nd Street in the City of Bellevue, Washington, and vacating same.

WHEREAS, the City Council did on the 24th day of November 1986, pass Resolution No. 4818, fixing the time and place for a hearing to consider the vacation of a portion of 115th Avenue N.E., located south of N.E. 2nd Street in 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 said petition on the 15th day of December 1986, at the time and place fixed by Resolution No. 4818, and as a result thereof the City Council having found that the vacation of said street to the extent described in the petition therefore would serve the public good; and no objections thereto being made by owners of private abutting property; and

WHEREAS, Section 20.30L.180 of the City of Bellevue Land Use Code authorizes the City to accept property in lieu of payment for monetary compensation; and

WHEREAS, as a condition of the vacation of a portion of 115th Avenue N.E., the Petitioners have agreed to grant to the City certain property having a fair market value at least equal to the amount of cash compensation that would otherwise be required by the City, now, therefore,

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

Section 1. The City hereby accepts that certain Statutory Warranty Deed, a copy of which has been given Clerk's Receiving No. 11859, for certain property which the Petitioners hereby grant to the City as a condition of the vacation of the above-described portion of 115th Avenue N.E., in lieu of payment for monetary compensation pursuant to Section 20.30L.180 of the City of Bellevue Land Use Code, legally described as follows:

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That portion of Lots 8, 9 & 10 and portion of vacated 114th Ave. N.E. and N.E. 2nd St. of Fir Creek, according to the plat thereof recorded in Volume 44 of Plats, page 89, records of King County, Washington, all in Section 36, Township 25 North, Range 5 East, W.M., described as follows:

Commencing at the Northeast corner of Lot 7 of said plat;
thence North $88^{\circ}01'30''$ West 163.61 feet along the North line of said Lot 7 to the East margin of SR 405, as shown on page 3 of 3, Bellevue: N.E. 4th St. Interchange, and the point of beginning;
thence South $02^{\circ}26'12''$ West 70.12 feet along said East margin;
thence South $06^{\circ}38'56''$ West 133.16 feet along said East margin to the South line of said plat;
thence along said South line South $88^{\circ}01'30''$ East 45.78 feet;
thence North $02^{\circ}26'12''$ East 192.85 feet;
thence North $88^{\circ}01'30''$ West 22.28 feet;
thence North $01^{\circ}58'24''$ East 10.00 feet;
thence North $88^{\circ}01'30''$ West 13.64 feet to the point of beginning and containing 7,728 square feet, more or less.

Section 2. The following portion of 115th Avenue N.E., south of N.E. 2nd Street, in the City of Bellevue, Washington is hereby vacated:

That portion of 115th Avenue N.E. lying south of a line drawn from the northeast corner of Lot 6, Block 1 to the northwest corner of Lot 3, Block 1, Fir Creek Addition as recorded in Volume 44 of Plats, Page 89, Records of King County, Washington, also described as follows:

That portion of the Southeast quarter of the Northeast quarter of Section 32, Township 25 North, Range 5 East, W.M., described as follows: Beginning at the Northwest corner of Lot 3, Block 1, Fir Creek Addition as recorded in Volume 44 of Plats, Page 89, Records of King County; thence South $1^{\circ}19'33''$ West 36.28 feet to a point of curve to the left having a radius of 40 feet; thence 24.90 feet along said curve to the left through a central angle of $35^{\circ}39'33''$ to a point of reverse curve having a radius of 40 feet; thence 175.45 feet along said curve to the right through a central angle of $251^{\circ}19'06''$ to a point of reverse curve having a radius of 40 feet; thence 24.90 feet along said curve to the left through a central angle of $35^{\circ}39'33''$ to a point of tangency: thence North $1^{\circ}19'33''$ East 36.28 feet to the south margin of Northeast 2nd Street; thence south $88^{\circ}40'27''$ East 40.00 feet to the True Point of Beginning.

Containing 7359 square feet more or less.

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Section 3. The vacation of 115th Avenue N.E., south of N.E. 2nd Street, as provided for in Section 2, above, is subject to the following conditions: the area vacated is bounded on the west, south, and east by certain property legally described as:

Lots 1 through 10, Block 1, Fir Creek, according to the plat recorded thereof in Volume 44 of Plats, page 89, records of King County, Washington, AND portions of vacated NE 2nd St. and 114th Ave. NE according to City of Bellevue Ordinance No. 344, dated 12/3/59, situated East of the East margin of SR-405, as shown on page 3 of 3, Bellevue: NE 4th Interchange.

AND vacated 115th Ave. NE South of NE 2nd St.

LESS that portion described as follows: Commencing at the Northeast corner of Lot 7, said plat; thence North $88^{\circ}01'30''$ West 163.61 feet to said East margin and the point of beginning; thence South $02^{\circ}26'12''$ West 70.13 feet along said East margin; thence South $06^{\circ}38'56''$ West 133.16 feet along said East margin to the South line of said plat; thence along said South line South $88^{\circ}01'30''$ East 45.78 feet; thence North $02^{\circ}26'12''$ East 192.84 feet, thence North $88^{\circ}01'30''$ West 22.28 feet to the East margin of vacated NE 2nd St.; thence along said East margin North $01^{\circ}58'24''$ East 40.00 feet to the centerline of NE 2nd St.; thence along said centerline North $88^{\circ}01'30''$ West 13.40 feet to the East margin of SR-405; thence South $02^{\circ}26'12''$ West 30.00 feet, to the point of beginning.

As a result of this vacation the development of said property would be facilitated and the development potential of the property enhanced. Should said property be hereafter developed by any governmental unit, agency, or corporation which is exempt from application of the zoning and land use regulations of the City, such development shall be subject to the following provisions of the Bellevue City Code and the following Development Standards of the City. The following Comprehensive Plan Goals and Policies shall also apply to the development of the property.

1. Preservation of streams and enhancement of stream corridors: Bellevue City Code 23.76.030.C.3; City of Bellevue Development Standards 4.08.C.1, 4.08.C.4; City of Bellevue Comprehensive Plan Sections 21.D.100.C.1, C.2, C.3, and C.6 and 21.V.7.021, 027, 029, and .320.

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- 2. Preservation of significant trees: Bellevue City Code (Land Use Code) 20.20.520.E; Bellevue City Code 23.76.030B.1 and B.2; City of Bellevue Development Standards Chapter 2.03A; City of Bellevue Comprehensive Plan Sections 21.V.200.C.3 and 21.V.7.022.
- 3. Access and circulation: Bellevue City Code (Land Use Code) 20.20.950.D; 20.20.255B and C; City of Bellevue Development Standards, Chapter 3.06; Bellevue City Code (Land Use Code) 20.20.590.H.1 and 2.
- 4. Compatibility of site design with surrounding development: Bellevue City Code (Land Use Code) 20.25C.040; 20.30.145.C; 20.20.520.F.2.c; and 20.20.010.

Any development of the property by anyone not exempt from land use regulation as described shall be subject not only to the above regulations, but to all other codes, laws, regulations, and policies of the City.

Section 4. The City Clerk is hereby directed to record a Certified copy of this Ordinance and the original of the Statutory Warranty Deed described in Section 1 above with the Department of Records for King County.

Section 5. This Ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 15th day of December, 1986, and signed in authentication of its passage this 15th day of December, 1986

(SEAL)



Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

for Richard L. Andrews
Richard L. Andrews, City Attorney

Attest:

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

Published December 21, 1986