

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3760

AN ORDINANCE determining the public advantage in vacating the east half of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street in the City of Bellevue, Washington, and vacating the same subject to certain conditions.

WHEREAS, the City Council did on July 15, 1985, pass Resolution No. 4585, fixing the time and place for a hearing to consider the vacation of the east half of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street (the "Property") within the City of Bellevue, Washington, and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, said vacation was initiated at the request of Wells Development Company on behalf of DUO Company, a Washington limited partnership ("DUO") and would be of value and benefit to DUO by facilitating the construction by DUO of a project on the Property; 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 of a portion thereof; and

WHEREAS, pursuant to Resolution No. 4585 and RCW 35.79.030 and Bellevue City Code 20.30.580 a public hearing on the proposed vacation was held by the City Council on August 5, 1985; and

WHEREAS, after the hearing on August 5, 1985, the City Council conditionally approved the vacation of the Property subject to twelve (12) enumerated conditions; and

WHEREAS, pursuant to Bellevue City Code 20.30.594 and RCW 35.79.030 the City is required to be compensated for the vacation of the Property; and

WHEREAS, the City Council is required to determine whether any abutting property owner will be damaged by the vacation and to make provision for the payment of compensation for any such damage; and

WHEREAS, the City may reserve easements in the vacated portion of the street and may impose such other conditions or limitations as it deems necessary and proper to preserve any public use and benefit; and

WHEREAS, DUO has signed a concomitant agreement which imposes certain requirements and conditions on the proposed vacation; and

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WHEREAS, DUO has complied with all those conditions which were required to be met prior to vacation of said street including but not limited to the payment of compensation to the City; and

WHEREAS, the City Council having found that the vacation of said street to the extent described hereinafter would serve the public good; 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 the east half of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street will serve the public good and further finds that the portion to be vacated is no longer required for public use.

Section 2. The City Council finds that no valid objection to the proposed vacation was filed by any abutting property owner and therefore the Council need not make a determination as to damage, if any, to abutting owners; nevertheless the Council has through a Concomitant Agreement, a copy of which has been given Clerk's Receiving No. 10882, made provision for the compensation thereof.

Section 3. The following portion of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street in the City of Bellevue is hereby vacated:

That portion of 111th Avenue N.E. lying within the plat of G. Naslund First Addition, according to the plat thereof recorded in Volume 48 of Plats, Page 93, in the Records and Elections Division of King County, Washington, described as follows: Beginning at the Northwest corner of Lot 14 of said G. Naslund First Addition; thence South $0^{\circ}34'21''$ West 233.96 feet along the West line of Lots 14, 15 and 16 of said G. Naslund First Addition to a point 50.00 feet Northerly of the center line of N.E. 8th Street, measured at right angles to said center line; thence North $88^{\circ}40'27''$ West 30.00 feet parallel with the center line of said N.E. 8th Street to the center line of 111th Avenue N.E.; thence North $0^{\circ}34'21''$ East 233.90 feet along the center line of said 111th Avenue N.E.; thence South $88^{\circ}46'58''$ East 30.00 feet to the point of beginning and containing 7,018 square feet, more or less.

PROVIDED, that the City of Bellevue reserves within that portion of 111th Avenue N.E. vacated herein, a permanent easement and right-of-way for public sidewalk, walkway and pedestrian purposes, over, under, across, along, through and upon the following described real property:

That portion of the east half of 111th Avenue N.E. lying between N.E. 8th Street and N.E. 9th Street in the southwest quarter of the southeast quarter of Section 29, Township 25 North, Range 5 East, W.M., in King County, Washington,

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described as follows: Beginning at the intersection of the centerlines of said N.E. 8th Street and said 111th Avenue N.E.; thence North $00^{\circ}34'21''$ East along the centerline of said 111th Avenue N.E. 50.00 feet to the north margin of said N.E. 8th Street; thence South $88^{\circ}40'27''$ East along said north margin 15.00 feet to the TRUE POINT OF BEGINNING; thence North $00^{\circ}34'21''$ East parallel with the centerline of said 111th Avenue N.E., a distance of 74.77 feet to a point of curve; thence on a curve to the right, having a radius of 18.00 feet, through a central angle of $45^{\circ}00'00''$, an arc distance of 14.14 feet; thence North $45^{\circ}34'21''$ East 3.85 feet to a point hereinafter called "Point A"; thence North $44^{\circ}25'39''$ West 28.00 feet; thence South $45^{\circ}34'21''$ West 4.52 feet to the centerline of said 111th Avenue N.E.; thence North $00^{\circ}34'21''$ East along said centerline 17.70 feet; thence South $44^{\circ}25'39''$ East 40.52 feet to a point which bears North $45^{\circ}34'21''$ East 8.00 feet from aforementioned Point A; thence North $45^{\circ}34'21''$ East 1.91 feet to the east margin of said 111th Avenue N.E.; thence South $00^{\circ}34'21''$ West along said east margin 14.14 feet; thence South $45^{\circ}34'21''$ West 9.90 feet; thence South $00^{\circ}34'21''$ West 56.50 feet; thence South $89^{\circ}25'39''$ East 7.00 feet to the east margin of said 111th Avenue N.E.; thence South $00^{\circ}34'21''$ West 19.78 feet to the north margin of said N.E. 8th Street; thence North $88^{\circ}40'27''$ West along said north margin 15.00 feet to the TRUE POINT OF BEGINNING and containing 1,223 square feet, more or less.

PROVIDED, further that the City of Bellevue reserves within that portion of 111th Avenue N.E. vacated herein the following described permanent sewer easement and right-of-way for the purpose of reconstructing, replacing, repairing, maintaining and operating sewer pipeline and lines and all necessary connections and appurtenances thereto, together with the right of ingress thereto and egress therefrom for the purpose of enjoying the easement, and also reserving to the City of Bellevue and to those acting under or for the City of Bellevue the use of such additional area immediately adjacent to the easement as shall be required for the reconstruction or reinstallation of the sewer pipeline or lines in the easement, such additional area to be held to a minimum necessary for that purpose, and immediately after the completion of the reconstruction and reinstallation, or any subsequent entry upon the easement, the City of Bellevue shall restore the premises as near as may be to its condition immediately before such reconstruction or entry:

That portion of the West 5.00 feet of the east half of 111th Avenue N.E. lying between N.E. 8th Street and N.E. 9th Street in the southwest quarter of the southeast quarter of Section 29, Township 25 North, Range 5 East, W.M. in King County, Washington.

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PROVIDED, further that the City of Bellevue reserves within that portion of 111th Avenue N.E. vacated herein a permanent driveway easement for vehicular ingress and egress to the west half of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street described as follows:

That portion of the east half of 111th Avenue N.E. lying between N.E. 8th Street and N.E. 9th Street in the southwest quarter of the southeast quarter of Section 29, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows: Beginning at the intersection of the centerlines of said N.E. 8th Street and said 111th Avenue N.E.; thence North $00^{\circ}34'21''$ East along the centerline of said 111th Avenue N.E. 50.00 feet to the north margin of said N.E. 8th Street; thence continuing North $00^{\circ}34'21''$ East along said centerline 106.63 feet to the TRUE POINT OF BEGINNING; thence South $00^{\circ}34'21''$ West along said centerline 106.63 feet to the north margin of said N.E. 8th Street; thence South $88^{\circ}40'27''$ East along said north margin 15.00 feet; thence North $00^{\circ}34'21''$ East 74.77 feet to a point of curve; thence on a curve to the right, having a radius of 18.00 feet, through a central angle of $45^{\circ}00'00''$, an arc distance of 14.14 feet; thence North $45^{\circ}34'21''$ East 13.76 feet to the east margin of said 111th Avenue N.E.; thence North $00^{\circ}34'21''$ East along said east margin 39.60 feet to a point which bears North $45^{\circ}34'21''$ East from the TRUE POINT OF BEGINNING; thence South $45^{\circ}34'21''$ West 42.43 feet to the TRUE POINT OF BEGINNING and containing 2,314 square feet, more or less.

This vacation 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 Concomitant Agreement executed by DUO Company, a Washington Limited Partnership, which has been given Clerk's Receiving No. 10882 and which is adopted by reference into this ordinance as though it was fully set forth herein.

Section 4. In the event the City of Bellevue vacates the west half of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street at some future date, the City of Bellevue shall reserve a permanent driveway easement over and across that portion of the west half of 111th Avenue N.E. so vacated for ingress and egress for the benefit of the property abutting the east side of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street; said future easement is described as follows:

That portion of the west half of 111th Avenue N.E. lying between N.E. 8th Street and N.E. 9th Street in the southwest quarter of the southeast quarter of Section 29, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows: Beginning at the intersection of the centerlines of said N.E. 8th Street and said 111th Avenue N.E.; thence North $01^{\circ}10'05''$ East along the

centerline of said 111th Avenue N.E. 50.00 feet to the north margin of said N.E. 8th Street and the TRUE POINT OF BEGINNING; thence continuing North 01°10'05" East along said centerline 106.63 feet; thence South 46°10'05" West 8.79 feet to a point of curve; thence on a curve to the left, having a radius of 30.00 feet, through a central angle of 45°00'00", an arc distance of 23.56 feet to a point of tangency on a line 15.00 feet west of as measured at right angles to the centerline of said 111th Avenue N.E.; thence South 01°10'05" West along said line 79.01 feet to the north margin of said N.E. 8th Street; thence South 88°04'22" East along said north margin 15.00 feet to the TRUE POINT OF BEGINNING and containing 1,466 square feet, more or less.

Section 5. The City Administration is hereby directed to record a certified copy of this Ordinance with the Department of Records and Elections of King County.

Section 6. This Ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 2nd day of March 1987, and signed in authentication of its passage this 2nd day of March 1987.

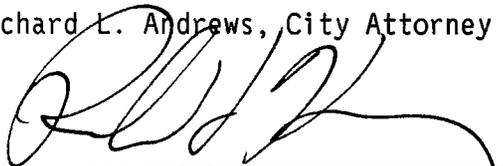
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Cary E. Bozeman, Mayor

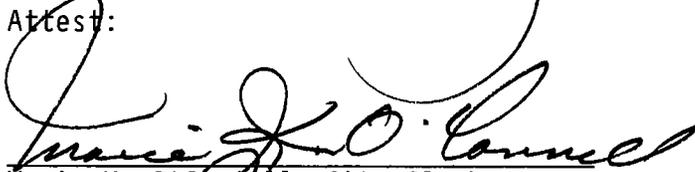
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published March 8, 1987