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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3998

AN ORDINANCE vacating a portion of 102nd Avenue N.E. between N.E. 2nd and N.E. 4th Streets within the City of Bellevue.

WHEREAS, a petition was filed with the City Council to vacate a portion of 102nd Avenue N.E. between N.E. 2nd and N.E. 4th Streets within the City of Bellevue; and

WHEREAS, the City Council has passed Resolution No. 5093 fixing the time and place for a hearing to consider the petition, 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 use or vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 27th day of February, 1989, at the time and place fixed in said resolution and notice, as a result thereof, the City Council having found that the vacation of said street to the extent described would serve the public good; and no objections thereto being made by owners of private abutting property; now, therefore

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

Section 1. The following portion of 102nd Avenue N.E., to wit:

That portion of 102nd Avenue N.E., lying Southerly of the Westerly extension of the North line of Lot 26, Hamley's Replat of Tract 2 of Sharp's Subdivision of Cheriton Fruit Gardens, according to the plat thereof recorded in Volume 34 of Plats, page 36, in King County, Washington, and lying Northerly of the Westerly extension of the South line of the North 30.00 feet of Tract 3, Sharp's Subdivision of Cheriton Fruit Gardens, according to the plat thereof recorded in Volume 7 of Plats, page 45, in King County, Washington.

is vacated, provided however that:

1) The City reserves its rights in respect to the vacated land for the construction, repair and maintenance of public utilities and services; and

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2) A covenant shall herewith run with the abutting land to rededicate such portion upon a declaration of public use and necessity by the City Council; and

3) A covenant shall herewith run with the abutting land providing that the City shall be compensated by the fair market value of the interest vacated at the time of a future sale or lease of the subject property to any party which is not a governmental agency.

Section 2. The administration is hereby directed to record a certified copy of this ordinance with the records department of King County.

Section 3. This ordinance shall take effect and be in force five days after its passage, approval and legal publication.

PASSED by the City Council this 3rd day of April, 1989, and signed in authentication of its passage this 3rd day of April, 1989.

(SEAL)

Nan Campbell

Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Scott McKee

Scott McKee, Assistant City Attorney

Attest:

Marie K. O'Connell

Marie K. O'Connell, City Clerk

Published April 7, 1989