

# ORIGINAL

0063-ORD  
03/13/97

## CITY OF BELLEVUE, WASHINGTON

### ORDINANCE NO. 4983

AN ORDINANCE determining the public advantage in vacating all or a portion of: N.E. 1st Street between 102nd Avenue N.E. and 103rd Avenue N.E.; 102nd Avenue N.E. between N.E. 1st Street and N.E. 3rd Street; 103rd Avenue N.E. between N.E. 1st Street and N.E. 2nd Street; N.E. 2nd Street between 102nd Avenue N.E. and 103rd Avenue N.E.; and a public alley between N.E. 1st Street and N.E. 2nd Street, all within the City of Bellevue, Washington and vacating the same subject to the fulfillment of certain conditions.

WHEREAS, the City Council passed Resolution No. 6061 on December 9, 1996, fixing the time and place for a hearing to consider the vacation of a portion or all of: N.E. 1st Street between 102nd Avenue N.E. and 103rd Avenue N.E.; 102nd Avenue N.E. between N.E. 1st Street and N.E. 3rd Street; 103rd Avenue N.E. between N.E. 1st Street and N.E. 2nd Street; N.E. 2nd Street between 102nd Avenue N.E. and 103rd Avenue N.E.; and a public alley between N.E. 1st Street and N.E. 2nd Street, all within the City of Bellevue, Washington, and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, an investigation was made as to the use of all or a portion of said streets and alley and the public interest to be served or damaged by change of such use by the vacation thereof; and

WHEREAS, a public hearing was held upon said petition before the City Council on the 21st day of January, 1997, at the time and place fixed in said resolution and notice; and

WHEREAS, following said hearing, the City Council by motion found that the vacation of all or a portion of said streets and alley, to the extent described in the petition therefore, would serve the public good, and directed staff to bring back an ordinance vacating such streets and alley or portions thereof subject to the reservation of necessary public utility and sidewalk easements and subject to payment of compensation by the respective abutting property owner in accordance with Section 14.35.130 of the Bellevue City Code; and

WHEREAS, no compensation is required for the vacation of such streets and alley and portions thereof where the City of Bellevue is the abutting owner; and

# ORIGINAL

0063-ORD  
03/13/97

WHEREAS, upon payment of compensation by the respective abutting property owner(s) in accordance with Section 14.35.130 of the Bellevue City Code and fulfillment of all other conditions established herein for such vacation, such streets and alley or portions thereof shall be vacated and the City Manager or his designee is directed to execute a declaration of vacation consistent with this ordinance and record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such streets and alley or portions thereof; now, therefore,

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

Section 1. Vacate to City. The property abutting the following streets and alley or portions thereof is owned by the City of Bellevue. Compensation is not required as a condition of vacation of such streets and alley or portions thereof. The following portions or all of: 102nd Avenue N.E. between N.E. 1st Street and N.E. 3rd Street; N.E. 2nd Street between 102nd Avenue N.E. and 103rd Avenue N.E.; a public alley between N.E. 1st Street and N.E. 2nd Street; 103rd Avenue N.E. between N.E. 1st Street and N.E. 2nd Street; and N.E. 1st Street between 102 Avenue N.E. and 103rd Avenue N.E., in the City of Bellevue, Washington are hereby vacated:

That portion of Northeast 1st Street within the Southwest Quarter of the Northwest Quarter of Section 32, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Commencing at the northwest corner of the south 10.00 feet of Lot 4, Proctor's 1st Addition to Bellevue, as recorded in Volume 21 of Plats, Page 100, Records of King County; thence South 88°33'16" East, along said north line thereof, 21.18 feet to the True Point of Beginning; thence South 01°26'44" West 11.96 feet, to the north margin of Northeast 1st/2nd Street, as shown on City of Bellevue Right-of-Way Plans for Northeast 1st/2nd Street, dated Nov. 1996; thence northeasterly along said north margin, being a non-tangent curve to the left, the center of which bears North 02°22'37" East 181.50 feet, a distance of 69.27 feet, to the north line of the south 10.00 feet of said Lot 4; thence North 88°33'16" West, along said north line, 67.81 feet to the True Point of Beginning;

**Also**, those portions of 103rd Avenue Northeast (Conner Ave.), Northeast 2nd Street (Charles St.) and a 16.00 foot wide Right-of-Way, within said plat of Proctor's 1st Addition to Bellevue, lying north of the north margin of said Northeast 1st/2nd Street;

**Also**, that portion of 102nd Avenue Northeast within the Southwest Quarter of the Northwest Quarter of said Section 32, lying north of the north margin of Northeast 1st Street, as conveyed to King County by Deed recorded under Recording Number 3168362;

# ORIGINAL

0063-ORD  
03/13/97

**Except** that portion of 102nd Avenue Northeast vacated by Bellevue Vacation Ordinance Number 3998;

**Reserving** all easements over, under and through the above described vacated streets and alley or portions thereof necessary for public utility facilities.

**Provided**, that certain portions of the above-described vacated streets and alley may be used for interim parking purposes for such time as the City Manager shall deem necessary and appropriate.

Section 2. Vacate to City. The following portion of 103rd Avenue N.E. between N.E. 1st Street and N.E. 2nd Street in the City of Bellevue, Washington is hereby vacated contingent upon the City becoming the owner of the property abutting the such portion of 103rd Avenue N.E. to the east (Washington Mutual property) and to the north (Park Row property). This vacation shall not take effect while such abutting properties remain in private ownership. No compensation shall be required as a condition of vacation of such portion of 103rd Avenue N.E. to the City. Upon the City obtaining ownership of the east and north abutting properties, the City Manager or his designee is directed to execute a declaration of vacation consistent with this ordinance and to record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such portion of 103rd Avenue N.E.:

That portion of 103rd Avenue N.E. (Conner Avenue) within Sharp's Sub-division of Cheriton Fruit Gardens Replat of East 1/2 of Lots 4 & 5, Unrecorded, in the Southwest Quarter of the Northwest Quarter of Section 32, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, lying north of the north margin of Northeast 1st/2nd Street, as shown on City of Bellevue Right-of-Way Plans for Northeast 1st/2nd Street, dated Nov. 1996.

Section 3. Vacate to City. The property abutting the following streets or portions thereof is owned by the City of Bellevue. Compensation is not required as a condition of vacation of such streets or portions thereof. The following portion of N.E. 1st Street between 102nd Avenue N.E. and 103rd Avenue N.E. and the following portion of 103rd Avenue N.E. between N.E. 1st Street and N.E. 2nd Street in the City of Bellevue, Washington is hereby vacated. Such vacation shall not take effect until Washington Mutual's right-of-way use permit for a temporary building on N.E. 1st Street has expired and all conditions of such permit have been fulfilled. Upon the expiration of such right-of-way use permit and all conditions of such permit having been fulfilled, the City Manager or his designee is directed to execute a declaration of vacation consistent with this ordinance and to record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portions thereof:

# ORIGINAL

0063-ORD  
03/13/97

Those portions of Northeast 1st Street and 103rd Avenue Northeast (Conner Avenue) within the Southwest Quarter of the Northwest Quarter of Section 32, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Beginning at the northeast corner of the south 10.00 feet of Lot 19, Proctor's 1st Addition to Bellevue, as recorded in Volume 21 of Plats, Page 100; thence North  $00^{\circ}13'06''$  West, along the east line of Lots 19 and 20 of said plat, 81.80 feet to the west margin of 103rd Avenue Northeast, as shown on City of Bellevue Right-of-Way Plans for Northeast 1st/2nd Street, dated Nov. 1996, being a non-tangent curve to the right, the center of which bears South  $13^{\circ}30'29''$  West, 29.50 feet; thence, southerly along said curve and west margin, a distance of 39.27 feet; thence, continuing along said west margin, South  $00^{\circ}13'06''$  East 88.84 feet to the centerline of Northeast 1st Street, as conveyed to King County by Deed recorded under Recording Number 3168362; thence North  $88^{\circ}34'32''$  West, along said centerline, 142.85 feet; thence North  $00^{\circ}14'56''$  West 17.46 feet to the south margin of said Northeast 1st/2nd Street; thence northeasterly along said south margin, being a non-tangent curve to the left, the center of which bears North  $29^{\circ}37'26''$  West 218.50 feet, a distance of 30.70 feet to the north line of the south 10.00 feet of said Lot 19; thence South  $88^{\circ}33'16''$  East, along said north line, 94.74 feet to the Point of Beginning.

**Reserving** necessary sidewalk easements.

Section 4. Vacate to Jenkins. The following portion of N.E. 1st Street between 102nd Avenue N.E. and 103rd Avenue N.E. in the City of Bellevue, Washington is hereby vacated subject to the fulfillment of all conditions set forth in Section 7 of this ordinance. Additionally, the such portion of N.E. 1st Street shall not be vacated until Washington Mutual's right-of-way use permit for a temporary building on N.E. 1st Street has expired and all conditions of such permit have been fulfilled. The portion of N.E. 1st Street described below includes a small portion of N.E. 1st Street north of the centerline which abuts City property to the north but which the City does not require for right-of-way purposes.

That portion of Northeast 1st Street within the Southwest Quarter of the Northwest Quarter of Section 32, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Beginning at the northeast corner of Lot 6, Proctor's 1st Addition to Bellevue, as recorded in Volume 21 of Plats, Page 100; thence North  $00^{\circ}14'56''$  West, along the northerly extension of the east line of said Lot 6, a distance of 43.72 feet to the south margin of Northeast 1st/2nd Street, as shown on City of Bellevue Right-of-Way Plans for Northeast 1st/2nd Street, dated Nov. 1996; thence southwesterly, along said south margin, being a

# ORIGINAL

0063-ORD  
03/13/97

Section 6. Vacate to Washington Mutual. The following portion of 103rd Avenue N.E. between N.E. 1st Street and N.E. 2nd Street in the City of Bellevue, Washington is hereby vacated subject to the fulfillment of all conditions set forth in Section 7 of this ordinance. Additionally, such portion of 103rd Avenue N.E. shall not be vacated until Washington Mutual's right-of-way use permit for a temporary building on N.E. 1st Street has expired and all conditions of such permit have been fulfilled.

That portion 103rd Avenue Northeast (Conner Avenue) within Sharp's Sub-division of Cheriton Fruit Gardens Replat of East 1/2 of Lots 4 & 5, Unrecorded, in the Southwest Quarter of the Northwest Quarter of Section 32, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Beginning at the northwest corner of Lot 11 of said plat; thence North 00°13'06" West, along the west line of Lots 11 and 12 of said plat, 96.61 feet to the south margin of Northeast 1st/2nd Street, as shown on City of Bellevue Right-of-Way Plans for Northeast 1st/2nd Street, dated Nov. 1996, being a non-tangent curve to the left, the center of which bears South 45°48'27" East 169.50 feet; thence southwesterly along said curve, a distance of 12.76; thence, continuing along said south margin, South 39°52'41" West 24.95 feet to the beginning of a curve to the left, with a radius of 16.50 feet; thence, southerly along said curve, also being the east margin of 103rd Avenue Northeast, as shown on said Right-of-Way plans, a distance of 25.01 feet to the beginning of a curve to the right with a radius of 72.50 feet; thence, continuing southerly along said curve and east margin of 103rd Avenue Northeast, a distance of 51.74 feet to an intersection with the westerly extension of the north line of said Lot 11; thence South 88°16'29" East, along said extension, 0.88 feet to the Point of Beginning.

Section 7. The City Manager or his designee is directed to execute a declaration of vacation consistent with this provisions of this ordinance and to record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portion thereof upon evidence of satisfactory completion of all conditions of such vacation including but not limited to reservation of necessary public utility and sidewalk easements, payment of compensation to the extent and in the amount required by Section 14.35.130 of the Bellevue City Code or comparable compensation acceptable to the City and payment of all costs of acquisition services needed to convey title including the costs of final survey, appraisals, recording fees, escrow, title insurance, processing fees and any other costs related to the purchase of the property, except as otherwise agreed by the parties.

Section 8. The City Clerk is hereby directed to record a certified copy of this ordinance with the Department of Records and Elections of King County.

# ORIGINAL

0063-ORD  
03/13/97

non-tangent curve to the right, the center of which bears North 24°54'47" West 218.50 feet, a distance of 102.77 feet; thence South 01°26'44" West 21.00 feet to the north line of said Lot 6; thence South 88°33'16" East, along said north line, 100.56 feet to the Point of Beginning;

**Reserving** an easement for the benefit of the City for public sidewalk and utility purposes over that portion of the property described as follows:

Commencing at the northeast corner of said Lot 6; thence North 00°14'56" West, along the northerly extension of the east line of said Lot 6, a distance of 30.59 feet to the True Point of Beginning; thence, continuing North 00°14'56" West, 13.13 feet to the south margin of Northeast 1st/2nd Street; thence southwesterly, along said south margin, being a non-tangent curve to the right, the center of which bears North 24°54'47" West 218.50 feet, a distance of 102.77 feet; thence South 01°26'44" West 12.01 feet, to a point on a non-tangent curve to the right, the center of which bears South 00°11'12" East 20.00 feet; thence easterly along said curve, a distance of 0.70 feet to the beginning of a curve to the left with a radius of 230.50 feet; thence, northeasterly along said curve, a distance of 102.11 feet to the True Point of Beginning.

Section 5. Vacate to Lynch. The following portion of N.E. 1st Street between 102nd Avenue N.E. and 103rd Avenue N.E. in the City of Bellevue, Washington is hereby vacated subject to the fulfillment of all conditions set forth in Section 7 of this ordinance. Additionally, such portion of N.E. 1st Street shall not be vacated until Washington Mutual's right-of-way use permit for a temporary building on N.E. 1st Street has expired and all conditions of such permit have been fulfilled.

Those portions of Northeast 1st Street and 103rd Avenue Northeast (Conner Avenue) within the Southwest Quarter of the Northwest Quarter of Section 32, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Beginning at the northwest corner of Lot 17, Proctor's 1st Addition to Bellevue, as recorded in Volume 21 of Plats, Page 100; thence North 00°14'56" West, along the northerly extension of the west line of said Lot 17, a distance of 34.90 feet to the centerline of said Northeast 1st Street, as conveyed to King County by Deed recorded under Recording Number 3168362; thence South 88°34'32" East, along said centerline, 142.85 feet; thence South 00°13'06" East 34.95 feet to an intersection with the easterly extension of the north line of said Lot 17; thence North 88°33'16" West, along said extension and north line 142.84 feet to the Point of Beginning;

**Reserving** an easement over the east 8.00 feet of said parcel for public sidewalk and utility purposes.

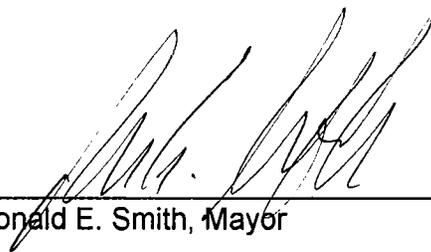
# ORIGINAL

0063-ORD  
03/13/97

Section 9. This ordinance shall take effect and be in force five days after its passage and legal publication.

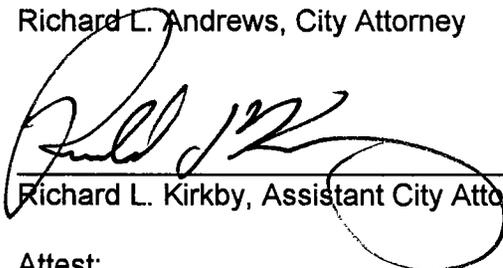
PASSED by the City Council this 17<sup>th</sup> day of March, 1997, and signed in authentication of its passage this 17<sup>th</sup> day of March, 1997.

(SEAL)

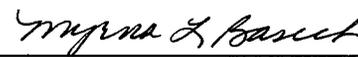
  
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Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
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Richard L. Kirkby, Assistant City Attorney

Attest:

  
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Myrna L. Basich, City Clerk

Published March 21, 1997