

0071-ORD
04/28/97

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4990

AN ORDINANCE determining the public advantage in vacating all or a portion of SE 4th Place from 118th Avenue SE to its eastern terminus and vacating the same subject to the fulfillment of certain conditions.

WHEREAS, the City Council passed Resolution No. 6064 on January 6, 1997, fixing the time and place for a hearing to consider the vacation of a portion or all of SE 4th Place from 118th Avenue SE to its eastern terminus, all within the City of Bellevue, Washington and vacating the same subject to the fulfillment of certain conditions; and

WHEREAS, an investigation was made as to the use of all or a portion of said street 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 18th day of February, 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 street, to the extent described in the petition therefore, would serve the public good, and directed staff to bring back an ordinance vacating such street or portion thereof with the stipulation that unencumbered access be retained by current residents on SE 4th Place and that the private street be constructed no farther south than would a 32-foot public street, providing the maximum right-of-way being relinquished to residents on the south side of SE 4th Place, and that the private street be placed as far north as possible; and

WHEREAS, said vacation also be subject to the reservation of necessary public utility easements and subject also to payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 of the Bellevue City Code; and

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 or a portion 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 street or portion thereof; now, therefore,

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

Section 1. The following portion of SE 4th Place between 118th Avenue SE to its eastern terminus in the City of Bellevue, Washington is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance:

That portion of Southeast 4th Place (Prospect Street), Plat of Wilberton, according to the Plat thereof recorded in Volume 11 of Plats, Page 97, Records of King County, Washington, being a portion of the southwest quarter of Section 33, Township 25 North Range 5 east, WM., lying south of and adjacent to Lots 1 through 10, block 8 of said plat and lying north of and adjacent to Lots 21 through 30, Block 9 of said plat.

Reserving necessary utility easements and also access easements to the abutting property owners or their successors in interest.

Section 2. The City Manager or his designee is directed to execute a declaration of vacation consistent with the 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 street 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 access 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 3. The City Clerk is hereby directed to record a certified copy of this ordinance with the Department of Records and Elections of King County.

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Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 5th day of May, 1997, and signed in authentication of its passage this 5th day of May, 1997.

(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Patrice C. Cole, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published May 9, 1997