

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5231

AN ORDINANCE determining the public advantage in vacating a portion of Cascade Key in the plat of Newport Shores, in the City of Bellevue, Washington, and vacating the same subject to certain conditions.

WHEREAS, the City Council did on May 1, 2000, pass Resolution No. 6420 fixing the time and place for a hearing to consider the vacation of a portion of Cascade Key in the plat of Newport Shores within 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 served or damaged by the change of such use by the vacation thereof, and

WHEREAS, a hearing was held upon the said petition on the 26th day of June, 2000 at the time and place fixed in said resolution and notice, and

WHEREAS, the City Council, by motion, directed staff to bring back an ordinance vacating such street or portion thereof; and

WHEREAS, no objections to the proposed vacation have been made by owners of private property abutting the same, and the Council has determined that the vacation as proposed will better serve the public good and that the area proposed for vacation is no longer required for public use; and

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

WHEREAS, upon payment of compensation by the abutting property owner in accordance with Section 14.35.130 of the Bellevue City Code and fulfillment of all other conditions established herein for such vacation, such street or portions thereof shall be vacated and the City Manager or the City Manager's 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 street or portion thereof; now therefore,

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

Section 1. The portion of Cascade Key described in Exhibit A attached hereto is hereby vacated subject to the fulfillment of all conditions set forth in this Ordinance.

- A. The City of Bellevue reserves necessary easements for all public utilities; and
- B. The City of Bellevue reserves a landscape and maintenance easement at the entrance to Newport Shores Yacht Club; and

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- C. The City of Bellevue reserves necessary public easements for the maintenance and/or re-installation of fences and transportation facilities; and
- D. The abutting owners execute any documents necessary to effectuate the above-described easements; and
- E. The abutting owners pay compensation to the City of Bellevue in accordance with Bellevue City Code 14.35.130.

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 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 cost 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 directed to record a certified copy of this ordinance with the Department of Records and Elections of King County.

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

Passed by the City Council this 6th day of May, 2001,
and signed in authentication of its passage this 6th day of May,
2001.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Andrews
Richard L. Andrews, City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published May 10, 2002