

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5596

AN ORDINANCE determining the public advantage in vacating portions of 145th Ave SE, north of SE 28th Street in the City of Bellevue, Washington and vacating the same subject to certain conditions.

WHEREAS, on April 4, 2005, the City Council passed Resolution No. 7163 fixing the time and place for a hearing to consider the vacation of portions of 145th Ave SE, north of SE 28th Street 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 streets and the public interests served or damaged by the change in such use by the vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 2nd day of May, 2005 at the time and place fixed in said resolution and notice; and

WHEREAS, no private property owners abutting the proposed vacation objected and following said hearing the City Council, by motion found that the vacation of all or a portion of said streets to the extent described in the petition therefore would serve the public good and agreed to adopt an ordinance vacating such street or portion thereof; and

WHEREAS, said vacation also will be subject to the reservation of necessary public utility, ingress and egress easements and subject also to payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 — 14.35.150 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.160; and

WHEREAS, upon payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 — 14.35.150 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.160 and fulfillment of all other conditions established herein for such vacation, such street or portions thereof shall be vacated and the City Clerk is directed to have this ordinance recorded with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portions thereof; now, therefore,

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

Section 1. The following portions of 145th Ave SE, north of SE 28th Street in the City of Bellevue are hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance:

PROVIDED, however, that the City of Bellevue reserves and establishes an easement over the vacated area for public utility purposes including, but not limited to, sewer and at least a 15 foot water easement for a 6 inch AC water main, and further, the applicant shall remove existing road barricades and provide to the City a 10 foot wide non-motorized public easement on the east side of the vacated right of way to match the existing easement to the south, replacing the existing road barricades with an approved barrier to allow for non-motorized passage; applicant shall also install City of Bellevue dead-end signs and notification of "No BCC Traffic" at appropriate intersections including the intersection of 145th Ave SE and SE 26th Street, the exact location of these signs to be specified by the Traffic Management Division of the Bellevue Transportation Department; and any existing barriers shall be removed and replaced with new barriers approved by the Traffic Management Division and Bellevue Fire Department and shall be installed north of the present location of the existing barriers, and if any additional new barriers are installed such new barriers must also be approved; furthermore, applicant shall re-address homes owned by the applicant to the applicant's address to assure they can be serviced by fire and aid units of the Bellevue Fire Department.

PROVIDED, that the applicants provide recorded documents for the water and sewer and ingress and egress easements for neighboring properties as necessary.

Section 2. The City Clerk is directed to record a certified copy of this ordinance with the with the King County Department of Records and Elections and the City Manager or her designee is directed 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, ingress and egress easements, payment of compensation to the extent and in the amount required by Section 14.35.130 — 14.35.150 of the Bellevue City Code or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.160 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. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 2nd day of May, 2005,
and signed in authentication of its passage this 9th day of May,
2005.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Jerome Y. Roache
Jerome Y. Roache, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

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