

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5703

AN ORDINANCE approving the rezone application to amend the 1979 Concomitant Zoning Agreement adopted by Ordinance No. 2765 to remove condition 1-e and eliminate the requirement for a thirty-foot easement on the west side of the property, located at 15063 Bellevue-Redmond Road; authorizing the City Manager or his designee to execute documents necessary to amend the 1979 Concomitant Zoning Agreement; and establishing an effective date.

WHEREAS, Mark Alguard of Kirkland Builders filed an application for a rezone to amend the 1979 Concomitant Zoning Agreement to remove the condition requiring a thirty-foot easement on the west side of the property located at 15063 Bellevue-Redmond (Bel-Red) Road; and

WHEREAS, on November 2, 2006 a public hearing was held on the rezone application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on November 16, 2006 the Hearing Examiner recommended approval of the rezone application and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal thereof has been filed; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the rezone and amending the 1979 Concomitant Zoning Agreement; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now therefore,

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

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council with regard to the hereinafter described property located at 15063 Bel-Red Road as set forth in "Findings of Fact, Conclusions of Law, and Decision in the Matter of the Application of Mark Alguard of Kirkland Builders for the Bel/Red Office Rezone, File No. 06-116036-LQ."

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Section 2. The 1979 Concomitant Zoning Agreement, adopted by Ordinance No. 2765, is hereby amended and condition 1-e, requiring a thirty-foot easement on the west side of the following described property is revoked:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 5 EAST W.M., DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 5 EAST W.M.;

THENCE NORTH 00° 13'15" EAST, 150 FEET;

THENCE NORTH 89° 32'30" EAST, 331.25 FEET, MORE OR LESS, TO A POINT 514.2 FEET SOUTH OF THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26;

THENCE SOUTH 00° 22'00" EAST, 150 FEET;

THENCE SOUTH 89° 32'30" WEST, 331.60 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AN EASEMENT FOR ROADWAY AND UTILITIES OVER AND ACROSS THE LAND DESCRIBED AS FOLLOWS;

AN EASEMENT 30 FEET IN WIDTH, THE SAME BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 5 EAST W.M.;

THENCE ALONG THE SOUTH LINE THEREOF NORTH 89° 32'30" EAST, 221.60 FEET;

THENCE NORTH 00° 02'00" WEST, 150 FEET TO THE TRUE POINT OF BEGINNING OF SAID CENTERLINE;

THENCE NORTH 00° 02'00" WEST, 466 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF JUDGE WRIGHT'S COUNTY ROAD;

SITUATE IN THE CITY OF BELLEVUE, COUNTY OF KING, STATE OF WASHINGTON.

Section 3. The City Manager or his designee is authorized to execute all documents necessary to accomplish the amendment set forth in Section 2.

Section 4. This ordinance shall take effect and be in force five (5) days after its passage and legal publication.

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Passed by the City Council this 11th day of December, 2006
and signed in authentication of its passage this 11th day of December,
2006.

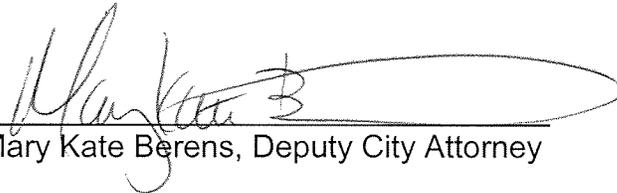
(SEAL)



Grant S. Degginger, Mayor

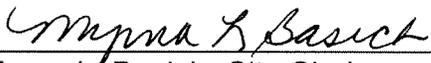
Approved as to form:

Lori M. Riordan, City Attorney



Mary Kate Berens, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published December 15, 2006