1462-ORD
7/1/2015

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6234

AN ORDINANCE approving the vacation of a portion of NE 12th Street east of 108th Ave NE (adjacent to KidsQuest Children's Museum).

WHEREAS, on February 12, 2015, the City Council received a petition to initiate the vacation of a portion of City right-of-way, as set forth in Section 1 below, and set a time and place for a hearing before the City Council to consider such vacation; and

WHEREAS, Section 14.35.070 of the Bellevue City Code requires that Council hold a public hearing to consider the vacation at which the Council shall determine:

a. Whether a change of use or vacation of the described portion will better serve the public good; or
b. Whether the street or portion thereof is no longer required for public use; or
c. Whether the use thereof as a public way is of such benefit as not to justify the cost of maintenance; or
d. Whether the substitution of a new and different thoroughfare would be more useful to the public; or
e. Whether conditions may so change in the future as to provide a greater public use or need than presently exists; and
f. Whether objections to the proposed vacation are made by owners of private property (exclusive of the petitioners) abutting the same;

and

WHEREAS, on May 04, 2015, the City Council passed Resolution No. 8905 fixing the time and place for a hearing to consider the vacation of a portion of NE 12th Street east of 108th Ave NE (adjacent to KidsQuest Children's Museum) 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 June 01, 2015 at the time and place fixed in said resolution and notice, and

WHEREAS, no public comments were received; and

WHEREAS, following said hearing Council made its determination based on the criteria outlined in Section 14.35.070 of the Bellevue City Code; and

WHEREAS, the Council specifically finds a change of use or vacation of the described portion will better serve the public good; and

WHEREAS, the Council further finds the street or portion thereof is no longer required for public use and the use thereof as a public way is of such benefit as not to justify the cost of maintenance; and

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

WHEREAS, said vacation is not subject to the reservation of any City easements and franchise utilities have been contacted to allow the opportunity to retain easements prior to completion of the vacation; and

WHEREAS the property is a Class I right of way is subject to payment of compensation in accordance with Section 14.35.130 -14.35.150; and

WHEREAS, upon fulfillment of all conditions established herein for such vacation, such portions of NE 12th Street east of 108th Ave NE (adjacent to KidsQuest Children's Museum) in the City of Bellevue, Washington 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 portion of NE 12th Street east of 108th Ave NE (adjacent to KidsQuest Children's Museum) located in the City of Bellevue and identified in the petition for vacation are hereby vacated subject to the fulfillment of all conditions set forth in Sections 2 and 3 of this ordinance.

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 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, 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.

Section 3. Franchise utilities shall be allowed to retain easements; provided, it notifies KidsQuest Children's Museum and the City of such a request prior to completion of the vacation.

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

Passed by the City Council this 6th day of July, 2015, and signed in authentication of its passage this 10th day of July, 2015.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Jerome Y. Roaché, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published July 9, 2015.