

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5909

AN ORDINANCE determining the public advantage of vacating portions of 105th Ave SE, south of SE 8th Street, and SE 8th Street, east of Bellevue Way, in the City of Bellevue, Washington and vacating the same, subject to certain conditions.

WHEREAS, on April 6, 2009, the City Council passed Resolution No. 7906 fixing the time and place for a hearing to consider the vacation of portions of 105th Ave SE, south of SE 8th Street, and SE 8th Street, east of Bellevue Way, 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 May 4, 2009, at the time and place fixed in said resolution and notice; and

WHEREAS, only one private property owner, near the proposed vacation, objected and following said hearing, the City Council by motion, directed staff to proceed with the preparing legislation to approve vacation of a portion of SE 8th Street, east of Bellevue Way SE, and a portion of 105th Avenue SE, south of SE 8th Street; and

WHEREAS, vacation of said streets would serve the public good; and

WHEREAS, said vacation also will be subject to the reservation of necessary franchise easements; and

WHEREAS, said vacation, as a Class III right of way, is not subject to payment of compensation in accordance with Section 14.35.130 -14.35.150; and

WHEREAS, upon 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:

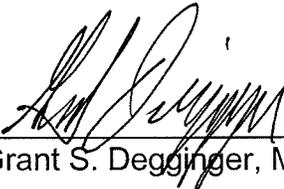
Section 1. The following portions of 105th Ave SE, south of SE 8th Street, and SE 8th Street, east of Bellevue Way, in the City of Bellevue are hereby vacated, subject to the fulfillment of all conditions set forth in Section 2 of this ordinance; PROVIDED; however, that the City of Bellevue reserves and establishes an easement over the vacated area for franchise utilities.

Section 2. The City Clerk is directed to record a certified copy of this ordinance with the King County Department of Records and Elections and the City Manager or his 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 franchise easements and payment of costs of acquisition services needed to convey title.

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 5th day of October, 2009 and signed in authentication of its passage this 5th day of October, 2009.

(SEAL)



Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Jerome Y. Roaché, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published October 8, 2009