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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3565

AN ORDINANCE approving the conditional use permit application of the Seattle Water Department for a water storage reservoir located between 146th and 148th Avenues S.E. at approximately S.E. 44th Street.

WHEREAS, the Seattle Water Department has applied to the City for a conditional use permit for a water storage reservoir located between 146th and 148th Avenues S.E. at approximately S.E. 44th Street; and

WHEREAS, on October 25, 1984, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on February 8, 1985, the Hearing Examiner recommended approval of said application with conditions, and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on March 18, 1985, the application was heard before the City Council which voted to remand the application to the Hearing Examiner to further consider several issues raised during the conditional use review process; and

WHEREAS, on April 1, 1985, the City Council again moved to remand the application to the Hearing Examiner; and

WHEREAS, on May 2, 1985, a remand hearing was held by the Hearing Examiner; and

WHEREAS, on September 20, 1985, the Hearing Examiner entered his supplemental Findings and Recommendation; and

WHEREAS, on October 21, 1985, the matter was heard before the City Council, which voted to approve the application subject to determination by the Council regarding permissible construction hours; and

WHEREAS, the City Council concurs with the findings of fact and conclusions of the Hearing Examiner; and

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

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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 made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter, as set forth in "Findings and Recommendation" and "Supplemental Findings and Recommendations of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of The Seattle Water Department For a Conditional Use, File No. HE-D 84-12."

Section 2. The City Council hereby approves the conditional use application of the Seattle Water Department for a water storage reservoir located between 146th and 148th Avenues S.E. at approximately S.E. 44th Street and more particularly described as:

That portion of Section 15, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of the southeast quarter of said Section 15;
thence westerly along the north line of said southeast quarter north $89^{\circ}20'48''$ west, a distance of 883.80 feet;
thence south $32^{\circ}11'25''$ east, a distance of 219.01 feet to a point of curve from which the radial center bears south $57^{\circ}48'35''$ west, a distance of 528.00 feet;
thence southeasterly along said curve to the right, an arc distance of 218.67 feet to a point on the curve from which the radial center bears south $81^{\circ}32'18''$ west, a distance of 528.00 feet;
thence south $69^{\circ}43'12''$ east, a distance of 741.720 feet to the east line of said southeast quarter;
thence north $00^{\circ}22'04''$ west along said east line, a distance of 635.95 feet to the point of beginning;

ALSO, that portion of Lot 2, Block 9, Eastgate Addition Division "L", according to the plat thereof recorded in Volume 55 of Plats, page 47, in King County, Washington, described as follows:

Beginning at the northwest corner of Lot 1 in said Block 9;
thence south $00^{\circ}22'04''$ east along the west line of said Lot 1 and along the west line of said Lot 2, a distance of 257.05 feet to the true point of beginning;
thence south $17^{\circ}37'28''$ east a distance of 76.23 feet to the westerly margin of 148th Place Southeast;
thence southerly along said westerly margin an arc distance of 131.76 feet to its intersection with the west line of said

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Lot 2; thence north 00°22'04" west along said west line a distance of 201.93 feet to the true point of beginning;

TOGETHER WITH a right-of-way or easement for a water transmission pipeline with the necessary appurtenances thereto, over, through, across, and upon portion of said Lot 2, Block 9, more particularly described as follows:

Beginning at the northwest corner of Lot 1 in said Block 9; thence south 00°22'04" east along the west line of said Lot 1 and along the west line of said Lot 2, a distance of 257.05 feet to the true point of beginning; thence south 58°00'13" east a distance of 50.49 feet to the westerly margin of 148th Place Southeast; thence southerly along said westerly margin an arc distance of 50 feet; thence north 17°37'28" west a distance of 76.23 feet to the true point of beginning.

Provided this conditional use permit is conditioned on full compliance by the owner(s) of the property described herein, their heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by the City of Seattle, which has been given Clerk's Receiving No. 10759, and which by this reference is fully incorporated herein.

Provided further that this approval of said conditional use permit is conditioned on full compliance by the owner(s), developer and developers, and their heirs, assigns, grantees, and successors in interest with the plans and attachments, conditions, commitments, reports and other documents relating to this application, given Clerk's Receiving No. 10760, which are hereby by this reference fully incorporated herein.

Section 4. The conditional use permit granted herein is subject to all federal, state and local laws, rules and regulations.

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

PASSED by the City Council this 4th day of December 1985, and

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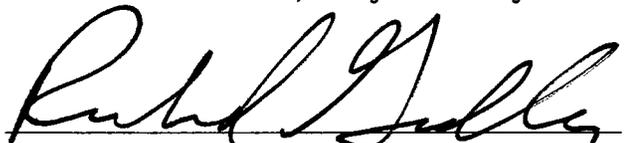
signed in authentication of its passage this 4th day of November
1985.

(SEAL)

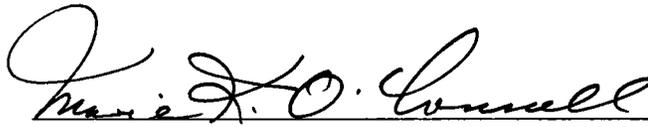

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published November 8, 1985