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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4048

AN ORDINANCE approving the application of Overlake Hospital Medical Center for a conditional use permit for a birthing center on property located at 1035 - 116th Avenue NE, with conditions; File No. CUDN-89-1644.

WHEREAS, the Overlake Hospital Medical Center has applied to the City for a conditional use permit for the purpose of building a birthing center on property located at 1035 - 116th Avenue NE; and

WHEREAS, on July 20, 1989, a public hearing was held thereon by the Hearing Examiner Pro Tem pursuant to notice required by law; and

WHEREAS, on August 4, 1989, the Hearing Examiner Pro Tem recommended approval with conditions of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner Pro Tem; 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

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 Pro Tem in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner Pro Tem for the City of Bellevue, in the Matter of Application of Overlake Hospital Medical Center for a Conditional Use, File No. CUDN-89-1644."

Section 2. The City Council hereby approves the conditional use permit application with conditions for a birthing center on property located at 1035 - 116th Avenue NE and more particularly described as:

PARCEL A.

That portion of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 29, Township 25 North, Range 5 East W.M. lying West of the Westerly line of 116th Avenue N.E., as condemned under King County Superior Court Cause No. 86-2-05995-4, and lying South of a line described as follows:

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Beginning at a point 30 feet West and 40.71 feet South of the Northeast corner of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 29; said point hereinafter referred to as "Point A";
Thence South $00^{\circ}53'53''$ West 100.00 feet to the true point of beginning of the line herein described;
Thence Northwesterly to a point which is South $76^{\circ}45'51''$ West, 10.00 feet from said "Point A";
Thence South $76^{\circ}45'51''$ West 199.32 feet;
Thence South $63^{\circ}37'10''$ West 165.90 feet;
Thence South $55^{\circ}16'46''$ West 260.97 feet to the South line of said subdivision and the terminus of the line herein described;

Situated in the City of Bellevue, County of King, State of Washington.

PARCEL B:

That portion of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 29, Township 25 North, Range 5 East W.M., which lies East of State Highway 405; Except the East 483.78 feet thereof;

Situated in the City of Bellevue, County of King, State of Washington.

PARCEL C:

The East 483.78 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 29, Township 25 North, Range 5 East W.M.;

Except the North 147.0 feet of the East 230.0 feet thereof;

And except the East 326.0 feet of that portion lying South of the North 147.0 feet thereof;

Together with an easement for ingress, egress and utilities over and under the South 40.0 feet of the North 164.0 feet of the East 326.0 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 29, Township 25 North, Range 5 East W.M.;

Except for the North 23.0 feet of the West 96.0 feet thereof;
And except the East 30 feet thereof for 116th Avenue Northeast;
Also that portion of the following described property:

The North 16.5 feet of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 29, Township 25 North, Range 5 East W.M., lying East of State Highway 405;
Except the West 146.0 feet of the East 326.0 feet thereof;
Also except the East 155.0 feet thereof;

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Situated in the City of Bellevue, County of King, State of Washington.

PARCEL D:

That portion of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 29, Township 25 North, Range 5 East W.M., lying East of the East line of Secondary State Highway No. 2-A;

Except the East 155.00 feet thereof;

And except the North 16.50 feet thereof;

Together with a 40.00-foot driveway, the centerline of which is described as follows:

Beginning at a point on the East line of the above described tract North $00^{\circ}59'58''$ East 333.00 feet from the Southwest corner of the East 155 feet of said North 1/2 of the Southeast 1/4 of the Southeast 1/4;

Thence South $88^{\circ}10'42''$ East 125.00 feet to the West line of 116th Avenue Northeast;

And together with a 20.00-foot driveway, the centerline of which is described as follows:

Beginning at a point on the East line of the above described tract of land North $00^{\circ}59'58''$ East 10.00 feet from the Southwest corner of the East 155 feet of said North 1/2 of the Southeast 1/4 of the Southeast 1/4;

Thence South $88^{\circ}10'42''$ East 125.00 feet to the West line of 116th Avenue Northeast;

Situated in the City of Bellevue, County of King, State of Washington.

PARCEL E:

The South 10 feet of the North 313.5 feet of the West 125 feet of the East 155 feet of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 29, Township 25 North, Range 5 East W.M.;

Situated in the City of Bellevue, County of King, State of Washington.

Provided approval of this conditional use permit is conditioned on full compliance by the owner or owners 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 Overlake Hospital Medical Center, which has been given Clerks''s Receiving No. 14 766 and which by this reference is fully incorporated herein.

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Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 11th day of September 1989, and signed in authentication of its passage this 11th day of September 1989.

(SEAL)

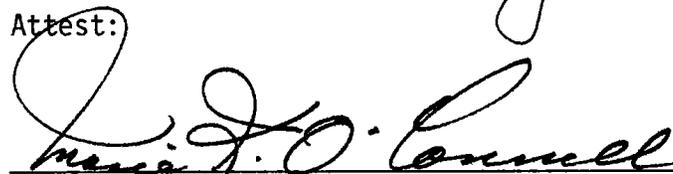

Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published September 30, 1989