

# ORIGINAL

0067-ORD  
04/16/97

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4986

AN ORDINANCE determining the public advantage in vacating all or a portion of: NE 3rd Street between the Downtown Park and Bellevue Way within the City of Bellevue, Washington and vacating the same subject to the fulfillment of certain conditions.

WHEREAS, the City Council passed Resolution No. 6061 on December 9, 1996, fixing the time and place for a hearing to consider the vacation of a portion or all of: NE 3rd Street between the Downtown Park and 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, an investigation was made as to the use of all or a portion of said street and the public interest to be served or damaged by change of such use by the vacation thereof; and

WHEREAS, a public hearing was held upon said petition before the City Council on the 18th day of February 1997, at the time and place fixed in said resolution and notice; and

WHEREAS, following said hearing, the City Council by motion found that the vacation of all or a portion of said street, to the extent described in the petition therefore, would serve the public good, and directed staff to bring back an ordinance vacating such street or portion thereof subject to the reservation of necessary public vehicular, pedestrian, parks maintenance and utility easements, and subject to payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 of the Bellevue City Code; and

WHEREAS, upon payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 of the Bellevue City Code and fulfillment of all other conditions established herein for such vacation, such street or portion thereof shall be vacated and the City Manager or his designee is directed to execute a declaration of vacation consistent with this ordinance and record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such street or portion thereof; now, therefore,

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

Section 1. Vacate to Foster Radford Properties. The following portion of NE 3rd Street between the Downtown Park and Bellevue Way in the City of Bellevue, Washington is hereby vacated subject to the fulfillment of all conditions set forth in Section 3 of this ordinance:

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That portion of the Southwest Quarter of the Northwest Quarter of Section 32, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

The south half of that portion of Northeast 3rd Street (Stetson Street) lying west of the east 40.00 feet of said subdivision and east of the southerly extension of the east line of Lot 8, Hamley's Replat of tract 2 of Sharp's Subdivision of Cheriton Fruit Gardens, as recorded in Volume 34 of Plats, Page 36, Records of King county, containing 3,360 square feet.

**Reserving** an easement for public vehicular, pedestrian, park maintenance, and utilities purposes over the north 5.00 feet of that portion of the street vacated to Foster Radford Properties containing 560 square feet.

Section 2. Vacate to Goldfarb. The following portion of NE 3rd Street between the Downtown Park and Bellevue Way in the City of Bellevue, Washington is hereby vacated subject to the fulfillment of all conditions set forth in Section 3 of this ordinance:

That portion of the Southwest Quarter of the Northwest Quarter of Section 32, Township 25 North, Range 5 East, Willamette Meridian, King County Washington, described as follows:

The north half of that portion of Northeast 3rd Street (Stetson Street) lying west of the east 40.00 feet of said subdivision and east of the southerly extension of the east line of Lot 8, Hamley's Replat of Tract 2 of Sharp's Subdivision of Cheriton Fruit Gardens, as recorded in Volume 34 of Plats, Page 36, Records of King County, Containing 3,360 square feet.

**Reserving** an easement for public vehicular, pedestrian and utility purposes over the following described portion of the vacated street:

Beginning at the southeast corner of said vacation; thence North 88° 41' 47" West, along the south line thereof, 111.00 feet to the southwest corner of said vacation; then North 00° 09' 28" West, along the west line thereof, 30.01 feet to the northwest corner of said vacation; thence South 88° 41' 47" East, along the north line thereof, 12.00 feet; thence South 00° 09' 28" East 6.55 feet; thence South 40° 09' 28" East 17.94 feet; thence South 88° 41' 47" East 88.45 feet to the east line of said vacation; thence South 00° 09' 28" East, along

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the east line thereof, 10.00 feet to the Point of Beginning,  
containing 1,438 square feet.

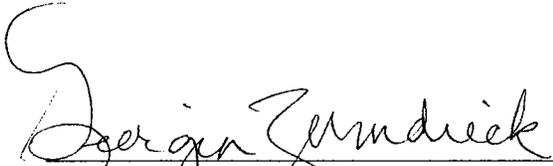
Section 3. The City Manager or his designee is directed to execute a declaration of vacation consistent with the provisions of this ordinance and to record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such street or portion thereof upon evidence of satisfactory completion of all conditions of such vacation including but not limited to reservation of necessary public vehicular, pedestrian, park maintenance and utility easements, payment of compensation to the extent and in the amount required by Section 14.35.130 of the Bellevue City Code or comparable compensation acceptable to the City and 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, except as otherwise agreed by the parties.

Section 4. The City Clerk is hereby directed to record a certified copy of this ordinance with the Department of Records and Elections of King County.

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

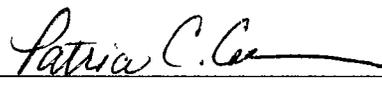
PASSED by the City Council this 14<sup>th</sup> day of April, 1997, and signed in authentication of its passage this 16<sup>th</sup> day of April, 1997.

(SEAL)

  
for Ronald E. Smith Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Patrice C. Cole, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published April 18, 1997