

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5810

AN ORDINANCE determining the public advantage in vacating a portion of 106th Avenue SE at Cliff Place in the City of Bellevue, Washington and vacating the same subject to certain conditions.

WHEREAS, on February 19, 2008 the City Council passed Resolution 7693 fixing the time and place for a hearing to consider the vacation of a portion of 106th Avenue SE at Cliff Place 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 right-of-way and the public interests service or damaged by the change in such use by the vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 17th day of March, 2008 at the time and place fixed in said resolution and notice; and

WHEREAS, following said hearing the City Council found that the vacation of said portion of said street will better serve the public good; that said portion of said street is no longer required for public use; and that no objections to said vacation were made; and

WHEREAS, said vacation also will be subject to the reservation of necessary public utility, ingress and egress easements and subject also to payment of compensation by the respective abutting property owners in accordance with Bellevue City Code 14.35.120 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.090 of the Bellevue City Code; and

WHEREAS, upon payment of compensation by the respective abutting property owners in accordance with Bellevue City Code 14.35.130-14.35.150, or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.160 of the Bellevue City Code, and fulfillment of all other conditions established herein for such vacation, such portion of such street should be vacated and the City Clerk should be 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 106th Avenue Southeast, as described in Attachment A hereto, which by this reference is incorporated herein, is 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 public utility purposes; retain an easement for two 3/4 inch domestic meters and service lines and/or applicant can have the City of Bellevue move at their expense; and, after a field location is done on the sewer main, if it is located within the area to be vacated, an easement at least 15-foot wide would be reserved.

PROVIDED, that the applicants provide recorded documents for the water and sewer easements and ingress and egress easements for neighboring properties as necessary.

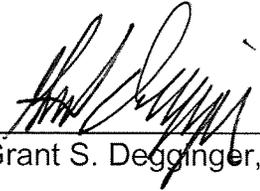
Section 2. The City Clerk is directed to record a certified copy of this ordinance with the King County Department of Records and Elections and the City manager or his designee is directed to take any other action necessary to vacate such street or portion thereof upon evidence of satisfactory completion of all conditions of such vacation including but not limited to reservation of necessary public utility, ingress and egress easements; payment of compensation to the extent and in the amount required by Bellevue City Code 14.35.120, grant or dedication of property in lieu of monetary compensation as provided in Bellevue City Code 14.35.090 or comparable compensation acceptable to the City and payments 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 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

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Passed by the City Council this 21st day of April, 2008,
and signed in authentication of its passage this 21st day of April,
2008.

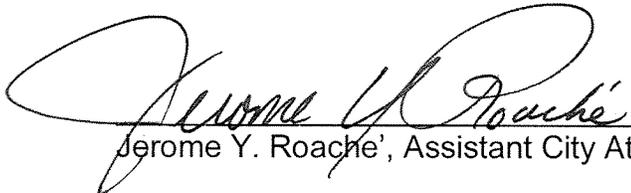
(SEAL)



Grant S. Degginger, Mayor

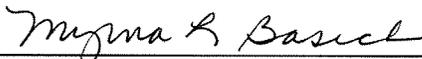
Approved as to form:

Lori M. Riordan, City Attorney



Jerome Y. Roache, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published April 24, 2008

Attachment A

PROPOSED STREET VACATION DESCRIPTION

All that portion of 106th Avenue Southeast, as now established, lying west of Lots 3 and 4, TRINWITH ADDITION, according to the Plat thereof recorded in Volume 44 of Plats, page 96, records of King County, Washington, that would attach by operation of law, being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 4, said point being on the East margin of said 106th Avenue Southeast;

THENCE North 88°23'31" West, parallel with the south line of said Lot 4, a distance of 10.80 feet;

THENCE North 46°13'38" West 26.52 feet to the centerline of said 106th Avenue Southeast;

THENCE North 00°09'40" East, along said centerline, 102.19 feet to the southwest corner of Lot 2 of said plat;

THENCE South 88°23'31" East, along the south line thereof, a distance of 30.01 feet to the northwest corner of said Lot 3;

THENCE South 00°09'40" West, along the west line of said Lots 3 and 4 and along said margin, 120.00 feet to the POINT OF BEGINNING.

(Contains 3,429.1 square feet, 0.08 ac.)