

ORDINANCE NO. 100

AN ORDINANCE determining the public advantage in vacating a portion of S. E. 22nd Street, subject to certain reservations.

WHEREAS, a petition was filed with the City Council to vacate a portion of S. E. 22nd Street, below described, by owners of more than two-thirds of the private property abutting the same; and

WHEREAS, the City Council by resolution fixed the time for hearing said petition and gave notice thereof by posting in the manner required by law; and

WHEREAS, investigation was made as to the use of said street and the public interest to be served or damaged in a change of use or vacation thereof; and

WHEREAS, a hearing was had upon the petition on the *8th* day of *March*, 1955 at the time and place fixed in said resolution and notice, and as a result thereof the City Council having found that the present public need or use for such street is not sufficient to warrant or justify the expense of improvement and maintenance of the same for public use and that future development of vacant land within the vicinity of said street coupled with a dedication of an additional strip to make a street of accessible width and grade may result in a greatly increased use and benefit of the public for a street at that location and that, subject to suitable reservations the present vacation of the narrow strip available for public use would be to the public interest; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN AS FOLLOWS:

Section 1. That portion of S. E. 22nd Street in the City of Bellevue described as follows:

East 143.8 feet of S. E. 22nd Street in Ringlake Addition
according to the plat thereof recorded in volume 42 of
Plats at page 2, records of King County Auditor

is vacated; provided, however, that an easement is reserved for the location, installation, use, repair and maintenance of pipes, poles, cables, lines or other facilities to be used by or in connection with utilities of the City or other quasi-municipal corporations or public service companies together with the right of the City to grant franchises or permits for such uses and for the construction, repair and maintenance of public utilities and services within the above described land; provided further that in the event of the development or platting of land abutting the above described street including the dedication of twenty (20) feet or more for use as a public street or way in connection with the above vacated area and upon a further determination by the City Council that the portion of the street herein vacated is required in connection with the newly dedicated strip for public use as a street or public way, the City may adopt a resolution or ordinance declaring that such vacated portion is needed for public use and ordering the re-acquisition thereof.

Section 2. In the event that all or any portion of the land described in Section 1 hereof is re-acquired in the future in connection with the establishment or improvement of S. E. 22nd Street, no value shall be assigned to that portion of the land retaken for such street purposes nor shall a payment or award be allowed for damage to land from which such portion is severed by such retaking, and the compensation paid or awarded to the abutting owner shall not exceed the value of the improvements located upon the portion retaken for public use.

Section 3. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council on this ~~22nd~~ ^{26th} day of ~~March~~ ^{April}, 1955, and signed in authentication thereof this ~~22nd~~ ^{26th} day of ~~March~~ ^{April}, 1955.

[Signature]
Mayor

[Signature]
Councilman

[Signature]
Councilman

Approved as to form:

[Signature]
City Attorney

(SEAL)

Attest:

[Signature]
City Clerk

FILED

CITY OF BELLEVUE

DATE April 27, 1955

CITY CLERK [Signature]

Date of Publication April 28, 1955.

A G R E E M E N T

THIS AGREEMENT made and entered into on this 26th day of March, 1955 by and between the CITY OF BELLEVUE, a municipal corporation, and the undersigned owners of property within the City of Bellevue hereinafter described.

W I T N E S S E T H:

THAT, WHEREAS, the undersigned property owners have heretofore filed a petition with the Clerk of the City of Bellevue seeking to vacate a portion of S. E. 22nd Street described as follows:

East 143.8 feet of S. E. 22nd Street in Ringlake Addition according to the plat thereof recorded in volume 42 of Plats at page 2, records of the King County Auditor,

and

WHEREAS, the City Council has determined that there is no present need for such portion of the public street sufficient to warrant the expense of maintaining the same but believes that there may be a public need in the event of the subdivision of nearby property which may be served by S. E. 22nd Street and would not feel justified in vacating the public use of said street if the City would be required to incur expense in the future for the re-acquisition of public rights of use therein; now, therefore,

IN CONSIDERATION of the City's present relinquishment of public rights to use that portion of S. E. 22nd Street above described and in passing Ordinance No. vacating the same, the undersigned owners of abutting and adjoining property do agree as follows:

In the event that S. E. 22nd Street is hereafter established, improved or widened by dedication of land, by negotiation and purchase or condemnation, the undersigned, their successors and assigns in interest shall rededicate to public use for street purposes such portion of the street vacated by Ordinance No. , as the City Council shall declare to be necessary, without cost to the

City and shall not claim compensation for such rededication or severance damage to property abutting the portion vacated in the aforesaid Ordinance No. ; provided that this covenant against claiming damage shall not extend to the damage resulting from the taking or destruction of structures hereafter constructed upon the vacated portion of the street.

The covenants herein contained shall be the personal obligation of all property owners undersigned and a covenant running with the land of such parties described above their respective names, to-wit:

(a) (Describe property here)

Section 5 Range 5/Twp. 24 North
South 200 ft of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of
SE $\frac{1}{4}$ lying West of Lake Washing-
ton Blvd., less W523.80 ft.

Carl L. Anderson
Oris Evelyn Van Tine

(b) (Describe property here)

Lot 13, Ringlake Addition

May Belle Demmon
W. L. Demmon

(c) (Describe property here)

Section 5 Twp. 24 North Range 5 EWM
That portion of the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of
the SE $\frac{1}{4}$ lying West of S.E. Lake
Wash. Blvd; except: the W300 ft.
of the North 200 ft. of the
South 230 ft, and the West 400 ft. of the North 400 ft.; and the
East 100 ft. of the West 500 ft. of the S. 200 ft. of the N. 400 ft.

Nancy L. Thompson.
Albert C. Thompson.
Jud B. Watson, a SINGLE MAN.

East 75 ft. of North 100 ft. of
West 400 ft of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$
of Section 5 Twp. 24 North
Range 5 EWM.

CITY OF BELLEVUE

By

Alvin Stone
Mayor

NOTE:- Provide acknowledgments for each of the property owners.