

ORDINANCE NO. 165

AN ORDINANCE, determining the public advantage in vacating a portion of 102nd Place Southeast in Baker's Woodland Addition, subject to certain reservations.

WHEREAS, a petition was filed with the City Council to vacate a portion of 102nd Place Southeast in Baker's Woodland Addition, below described, by owners of more than two-thirds (2/3rds) 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, if developed, and as to the public interest to be served or damaged by lack of development or vacation thereof, and,

WHEREAS, a hearing was had upon the petition on the 22nd day of May, 1956, at the time and place fixed in said resolution and notice, and as a result thereof the City Council having found that the unimproved portion of 102nd Place Southeast in said plat would result in a deadend street without provision for turn around, and that the property to the north, which would constitute a continuation of said street has been acquired for development as a school for the Sisters of Saint Joseph and in all likelihood said property will not be subdivided or opened to the public for many years, if ever, and, subject to retaining a suitable reservation to provide for the acquisition and rededication of said portion if the land to the north should ever be developed, the public use would be best served by the present vacation thereof,

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

Section 1. That portion of 102nd Place Southeast in Baker's Woodland Addition in the City of Bellevue described as follows, to-wit:

That portion of 102nd Place Southeast in Baker's Woodland Addition in the City of Bellevue as per plat thereof filed with the records of the King County Auditor in Volume 50 of Plats, pages 61 and 62, described as follows, to-wit:

All of that portion of 102nd Place Southeast lying between the northerly boundary of said plat and a line intersecting the center line of said street as dedicated in said plat at a point 263.69 feet distant from the northerly boundary when measured along the center line as follows: Beginning at the intersection of said center line with the northerly boundary of said plat thence; south 01°47'23" east 236.40 feet; thence southerly 27.29 feet on a circular curve to the right having a radius of 600.00 feet

is vacated, provided however, that in the event of the subdivision or development of the land abutting said Baker's Woodland Addition to the north and the dedication of a strip for the continuation and development of 102nd Place Southeast at a point abutting and connecting with the strip above described, as use for a public street or way, and upon a further determination by the City Council at that time that

that the portion of street herein vacated is required to connect 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 reacquisition thereof.

Section 2. In the event that all or any portion of the land described in Section 1 hereof is reacquired in the future in connection with the establishment or improvement of 102nd Place Southeast, 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 the land from which such portion is severed by such re-taking, and no compensation shall be paid or awarded to the abutting owner for improvements located upon the portion retaken for public use.

Section 3. In the event that any portion of this ordinance shall be determined by a court of competent jurisdiction to be invalid or void, the entire ordinance shall be so declared to be invalid and void it being the intention of the council to enact and adopt said ordinance only in the event of the validity and effectiveness of all of the sections herein.

Section 4. 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 10th day of July, 1956 and signed in authentication thereof this 10th day of July, 1956.

C. Roman Dickering
Mayor

G. W. Gardner
Councilman

William L. ...
Councilman

Approved as to form:

[Signature]
City Attorney

(SEAL)

Attest:

[Signature]
City Clerk

Date of Publication:

July 12, 1956

FILED
CITY OF BELLEVUE
DATE July 11, 1956
CITY CLERK [Signature]

described, and in passing Ordinance No. 165 relating to the same, the undersigned owners of abutting and adjoining land do agree as follows:

In the event that 102nd Place Southeast is hereafter established, improved or extended by dedication of land, by negotiation and purchase or condemnation, through the property to the north of Baker's Woodland Addition to connect said 102nd Place Southeast to Southeast 16th Street, the undersigned, their successors and assigns in interest shall rededicate to public use for street purposes, without cost to the city, such portion of the street vacated by Ordinance No. 165 as the City Council shall declare to be necessary and neither the undersigned nor their successors in interest to the land described below shall make claim for compensation for such rededication, nor for severance damage to property abutting the portion vacated in the aforesaid Ordinance No. 165, nor make claim for compensation for the taking, damaging or destruction of structures hereinafter constructed upon the portion of the street vacated in Ordinance No. 165.

The covenants herein contained shall be the personal obligation of each of the property owners undersigned and shall constitute a covenant running with the land below described opposite their respective signatures, to-wit:

All land abutting roadway
to the West of Lot 4 of Baker's
Woodland Addition }

Joseph G. Huff Baker
Elizabeth H. Baker

Lot 3 of Baker's Woodland
Addition }

Lawrence G. Buckley
Marilyn A. Buckley

CITY OF BELLEVUE

BY: C. Roman

Mayor

A G R E E M E N T

THIS AGREEMENT, made and entered into on this 10th day of ^{July}~~June~~, 1956, 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 102nd Place Southeast described as follows, to-wit:

That portion of 102nd Place Southeast in Baker's Woodland Addition in the City of Bellevue as per plat thereof filed with the records of the King County Auditor in Volume 50 of Plats, pages 61 and 62, described as follows, to-wit:

All of that portion of 102nd Place Southeast lying between the northerly boundary of said plat and a line intersecting the center line of said street as dedicated in said plat at a point 263.69 feet distant from the northerly boundary when measured along the center line as follows: Beginning at the intersection of said center line with the northerly boundary of said plat thence; south $01^{\circ}47'23''$ east 236.40 feet; thence southerly 27.29 feet on a circular curve to the right having a radius of 600.00 feet.

WHEREAS, the City Council has determined that there is no present need for the improvement, use and maintenance of such portion of the public street above described to warrant the expense of maintaining the same, but said Council believes that there may be a public need in the future in the event of subdivision of the tract abutting said Baker's Woodland Addition to the north and in the event of further development of 102nd Place Southeast therein. The City Council would not feel justified in vacating the public use of that portion of said street above described if the city would be required to incur expense in the future for the reacquisition of public rights of use therein; now, therefore,

IN CONSIDERATION of the city's present relinquishment and vacation of the public rights to use that portion of 102nd Place Southeast above

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

(Joseph & Swift Baker)

On this day personally appeared before me J. Swift Baker + Elizabeth
to me known to be the individuals described in and who executed the within and
foregoing instrument and acknowledged that they signed the same as their ^{eth.} H. Baker
free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 23 day of June, 1956.

Harold E. Smith
Notary Public in and for the State of
Washington, residing at SEATTLE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Lawrence G. Buckley

On this day personally appeared before me E. Marilyn R. Buckley
to me known to be the individuals described in and who executed the within and
foregoing instrument and acknowledged that they signed the same as their
free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25th day of June, 1956.

Harold E. Smith
Notary Public in and for the State of
Washington, residing at Seattle

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me _____
to me known to be the individual described in and who executed the within and
foregoing instrument and acknowledged that _____ signed the same as _____
free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of June, 1956.

Notary Public in and for the State of
Washington, residing at _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me _____
to me known to be the individual described in and who executed the within and
foregoing instrument and acknowledged that _____ signed the same as _____
free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of June, 1956.

Notary Public in and for the State of
Washington, residing at _____