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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO 2545

AN ORDINANCE relating to the vacation of public ways, establishing a procedure for compensation therefore, amending Section 9 of Ordinance No 97 and Chapter 14 10 of the Bellevue City Code and adding new sections thereto

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

Section 1 Ordinance No 97, Section 9 and Section 14 10 080 of the Bellevue City Code are each hereby amended to read as follows

14 10 080 Granting vacation - Provision for rededication

If there are not objections, by owners of real estate abutting on the portion of the street or alley to be vacated, sufficient to divest the council of jurisdiction, and if the Council deems that such vacation shall be to the public's interest and advantage, the council may, by ordinance and subject to provisions of this chapter regarding payment of compensation, vacate such street, alley or part thereof reserving to the city an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services and may impose such other conditions or limitations as it deems necessary and proper to preserve any desired public use or benefit. If the council finds that future development of undeveloped land abutting such street or alley may alter or increase need or public use in such strip, such vacation may be granted only upon execution of a covenant running with such abutting land to rededicate such portion upon a declaration of public use and necessity by the city council

Section 2 There are hereby added to the Bellevue City Code, Chapter 14 10, the following new sections

14 10.110 Classifications of public ways for purposes of compensation

For purposes of this chapter, all properties within the City primarily used or reserved for use as public ways, including streets and alleys, are declared to be within one of three classes

Class I Real property on which the City holds fee simple title,

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- Class II Real property on which the interest of the City is limited to a public easement or right of use for particular purposes and not qualifying under Class III below
- Class III Easements conveyed to or held by the City for which no public funds have been expended in the acquisition and which would otherwise be classified as Class II, except for the fact that the grantor has applied for vacation of the same

14 10 120 Amount of compensation

The amount of compensation required to be paid to the City as a condition precedent to the vacation of a public way shall be determined according to the following criteria

- A Class I property, as defined in Section 14 10 110, shall be considered a sale of a capital asset and shall be compensated for at 100% of its fair market value,
- B Rights of way over Class II property shall be compensated for in the amount of 50% of the fair market value of said property,
- C Vacation of Class III rights of way shall not require compensation in excess of filing fees

14 10 130 Appraisals

Determinations of fair market value for purposes of this Chapter shall be made by appraisal of the subject property prepared at the direction of the City Manager or his designee. The costs of any appraisals shall be added to the amount of compensation established by Section 14 10 120 of this Chapter. Such appraisals shall take into account any retained right of the City for future use which would restrict the private use of the property

14 10 140 Procedure where compensation required

In the case of Class I or II properties, upon a finding, after a public hearing, that requirements for approval set forth in Section 14 10 080 are satisfied, the City Council may adopt a motion to conditionally approve the petition and direct the City Manager to secure an appraisal of the subject property. The applicant shall post a \$500 cash deposit with the City Treasurer to ensure payment of the cost of the appraisal. Upon notification that the amount of required compensation has been established, the applicant shall have 90 days to deposit such amount together

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with appraisal costs with the City Treasurer. Credit shall be given for the \$500 deposit. Upon notification of receipt of all sums due, the City Council shall, in accordance with its prior motion of approval, adopt a resolution authorizing the City Manager to execute an appropriate deed to convey Class I property or adopt an ordinance of vacation of a Class II property. All funds received as compensation pursuant to the chapter shall be deposited in the City's Land Purchase Revolving Fund.

14 10 150 Property trade in lieu of payment

In lieu of payment of monetary compensation, the petitioners may grant or dedicate to the City for street purposes, real property useful for that purpose where the property to be acquired by such exchange has a fair market value at least equal to the amount of cash compensation that would otherwise be required. The City shall not be obligated to accept such an exchange and the decision of the City Manager on the acceptability of the alternate property offered shall be final.

14 10 160 Waiving compensation - Other governmental agencies

Where vacation or transfer of a public way is applied for by or on behalf of another governmental agency or jurisdiction, the City Council may waive any compensation required by this chapter, except filing fees, if the Council deems such a waiver to be to the public's interest and advantage. A transfer or vacation of property on which compensation has been waived under this section shall be accompanied by a covenant providing that the City shall be compensated for the fair market value of the interest conveyed or vacated at the time of any future sale or lease of the subject

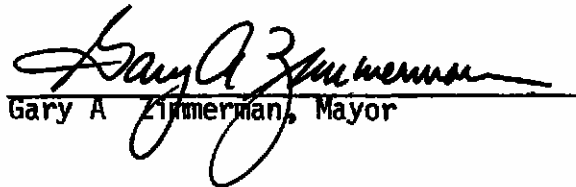
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property by said other governmental agency

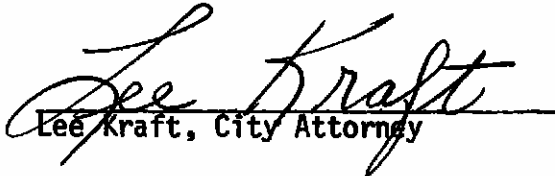
Section 3 This ordinance shall take effect and be in force five days after its passage and legal publication

PASSED by the City Council this 20 day of March, 1978,
and signed in authentication of its passage this 20 day of
March, 1978

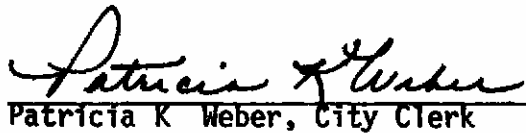
(SEAL)


Gary A. Zimmerman, Mayor

Approved as to form


Lee Kraft, City Attorney

Attest


Patricia K. Weber, City Clerk

Published March 25, 1978