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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3529

AN ORDINANCE approving the application of the Humane Society, Inc. for the expansion of a nonconforming use located at 13212 S.E. Eastgate Way.

WHEREAS, the Humane Society has applied to the City for expansion of a nonconforming use located at 13212 S.E. Eastgate Way; and

WHEREAS, on January 24, 1985, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on February 20, 1985, the Hearing Examiner recommended approval of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on March 25, 1985, the matter was heard before the City Council, which voted to approve the application with a modification that approval of Short Plat No. 84-39 shall be obtained prior to the issuance of a building permit or that the Humane Society shall comply with the requirements of Bellevue City Code section 22D.10.220; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore

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

Section 1. The City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of The Humane Society, Inc. & SPCA for Expansion of a Nonconforming Use, File No. HE-D 83-8."

Section 2. The City Council hereby approves the application of the Humane Society, Inc. & SPCA for expansion of a nonconforming use located at 13212 S.E. Eastgate Way, and more particularly described as:

06-12-85
0691c

PARCEL 1

That portion of the northwest quarter of the southwest quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the west quarter corner of said Section 10;
thence south $01^{\circ}26'03''$ west 256.26 feet along the west line of said section to the true point of beginning;
thence south $85^{\circ}45'43''$ east 426.48 feet;
thence south $01^{\circ}26'03''$ west 187.41 feet to the northerly right-of-way margin of Interstate Highway I-90;
thence north $86^{\circ}04'31''$ west 57.07 feet along said margin;
thence north $05^{\circ}24'34''$ west 78.75 feet;
thence north $85^{\circ}45'43''$ west 249.97 feet;
thence north $01^{\circ}26'03''$ east 0.90 feet;
thence north $86^{\circ}04'31''$ west 110.00 feet along the northerly land of Washington State Highway Department to the west line of said section;
thence north $01^{\circ}26'03''$ east 109.70 feet to the true point of beginning.

PARCEL 2:

The east 250 feet in width of the following described property:

That portion of the northwest quarter of the southwest quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the northerly margin of Primary State Highway No. 2 with the west line of said subdivision;
thence north $1^{\circ}26'$ east along said west line 130 feet;
thence south $85^{\circ}47'00''$ east parallel with said highway 360 feet;
thence south $5^{\circ}25'51''$ east 131.65 feet to said northerly margin of highway;
thence north $85^{\circ}47'00''$ west 375 feet to the point of beginning;
LESS all that portion of said Parcel "A" lying southerly of the following described line:

Beginning at a point 200 feet northerly and opposite Highway Engineer's Station LL 443+87.79 on the LL line of Primary State Highway No. 2 (SR 90) Mercer Island to Issaquah;
thence parallel and easterly in a straight line to a point 200 feet northerly and opposite Highway Engineer's Station 447+00 on said line of said highway and the end of this line description.

06-12-85
0691c

PARCEL 3:

That portion of the northwest quarter of the northwest quarter of the southwest quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, lying westerly of the easterly bank of an unnamed creek and northerly of the old state highway;

EXCEPT county roads; and

EXCEPT that portion lying southerly and westerly of a line beginning 240 feet north of the intersection of the west line of said subdivision with the northwesterly margin of Primary State Highway No. 2 as it existed prior to 1967; thence south $85^{\circ}47'00''$ east to a point 5 feet westerly of the westerly bank of said creek; thence southerly along a line 5 feet westerly of said westerly bank to the south line of said subdivision and the terminus of said line; and

EXCEPT any portion thereof lying within State Highway.

Provided this approval is conditioned on full compliance by the owner or owners of the property described herein, their heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by The Humane Society, Inc., S.P.C.A., which has been given Clerk's Receiving No. 10539, and which by this reference is fully incorporated herein.

Provided further that this approval is conditioned on full compliance by the owner or owners, developer and developers, and their heirs, assigns, grantees and successors in interest with the plans and attachments, conditions, commitments, reports and other documents relating to this application, given Clerk's Receiving No. 10540 which are hereby by this reference fully incorporated herein.

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

06-12-85
0691c

PASSED by the City Council this 5th day of August, 1985, and signed in authentication of its passage this 5th day of August 1985.

(SEAL)


Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published August 9, 1985