

1040C
11/14/90

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4188

AN ORDINANCE vacating portions of 110th Avenue N.E. between N.E. 9th Street and the proposed extension of N.E. 10th Street; N.E. 9th Street between proposed 110th Avenue N.E. and 111th Avenue N.E. and 111th Avenue N.E. between N.E. 8th Street and the extension of the northerly line of Lot 9 in the City of Bellevue; and authorizing acceptance of other property in satisfaction of the requirement of compensation for the vacation.

WHEREAS, a petition was filed with the City Council to vacate portions of 110th Avenue N.E. between N.E. 9th Street and the proposed extension of N.E. 10th Street; N.E. 9th Street between proposed 100th Avenue N.E. and 111th Avenue N.E. and 111th Avenue N.E. between N.E. 8th Street and the extension of the northerly line of Lot 9 in the City of Bellevue.

WHEREAS, the City Council has passed Resolution No. 5045 fixing the time and place for a hearing to consider the petition, 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 streets and the public interest to be served or damaged by change of use or vacation thereof; and

WHEREAS, hearings were held upon the said petition on the 19th day of September and the 3rd day of October, 1988, and the city Council having found that the vacation of said streets to the extent described would serve the public good; and no objections thereto being made by owners of private abutting property; and

WHEREAS, Section 20.301.165 of the City of Bellevue Land Use Code regarding compensation payable to the City on account of said vacation will be complied with by an exchange of property; now, therefore

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

Section 1. The portions of 110th Avenue N.E., N.E. 11th Avenue N.E. and N.E. 9th Street, described on Exhibit A attached hereto, are vacated, provided however that:

- 1) The vacated streets shall be kept open for public use until completion of construction of N.E. 10th Street from 108th Avenue N.E. to 112th Avenue N.E. and construction of 110th Avenue N.E. from N.E. 8th to N.E. 12th, or until

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operational alternatives acceptable to the Public Works Department are available. The City Manager is authorized and directed to execute a formal release of this requirement when the vacated streets are no longer needed for public use. Petitioner shall execute and the City may record a covenant binding Petitioner and his successors to this condition.

- 2) Until execution of the release referred to in Paragraph 1, the petitioner or his successors shall maintain the vacated streets in accordance with City standards.
- 3) Petitioner shall execute a no-protest agreement for the formation of local improvement districts for the construction of streets named in Paragraph 1.
- 4) The City reserves existing easements for water, sewer and storm drainage.
- 5) The City reserves a permanent driveway easement over and across the west half of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street for the property abutting the east side of 11th Avenue N.E. at the southeast corner of 111th Avenue N.E. and N.E. 9th Street until such time as other operational alternatives are approved by the Public Works Department and the abutting property owner.
- 6) The City reserves a permanent easement for vehicular ingress/egress over and across N.E. 9th between 110th Avenue N.E. and 111th Avenue N.E. for the benefit of properties abutting the east side of 111th Avenue N.E. between N.E. 8th Street and N.E. 10th Street. Petitioner shall have the option of relocating the easement as much as 100 feet to the north of existing N.E. 9th Street subject to Public Works Department approval.
- 7) The City reserves permanent easement for vehicular ingress/egress along the east one-half of 111th Avenue N.E. between N.E. 9th Street and the proposed extension of N.E. 10th Street for the benefit of properties abutting the east side of 111th Avenue N.E. between N.E. 8th Street and N.E. 10th Street.
- 8) The City reserves the right to a pedestrian connection along 111th Avenue N.E. between N.E. 8th Street and N.E. 12th Street.
- 9) Petitioner agrees on behalf of himself and his successors to hold harmless, defend and indemnify the City from any

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claims by any party arising out of or related to this vacation and to waive any claim(s) petitioner or his predecessor(s) may have against the City of Bellevue with regard to any matter arising out of the vacation and with regard to any matter arising out of the vacation by the city of the east half of 111th Avenue N.E. between N.E. 8th Street and N.E. 9th Street or arising out of any easement agreement(s) between property owners over vacated streets.

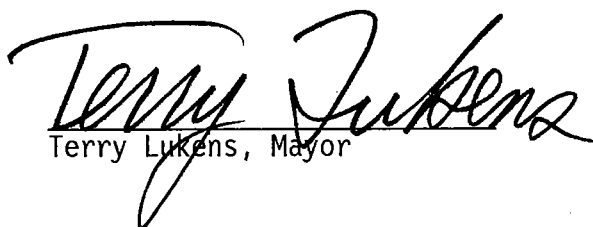
Section 2. The administration is hereby directed to record a certified copy of this ordinance with the records department of King County.

Section 3. The City Manager is authorized to accept from Michael R. Mastro those certain Statutory Warranty Deeds and Permanent Sidewalk, Utility, Landscape and Lighting Easements, Temporary Construction Easements and Restrictive Covenant in Clerk's File No. 160-23

Section 4. This ordinance shall take effect and be in force five days after its passage, approval and legal publication.


PASSED by the City Council this 19th day of November, 1990, and signed in authentication of its passage this 19th day of November, 1990.

(SEAL)

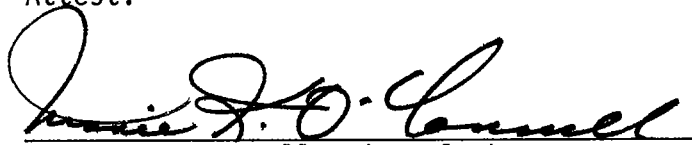

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Scott McKee, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published November 26, 1990

EXHIBIT A

Mastro Street Vacation Description

That portion of the Northeast quarter of the Southwest quarter of the Southeast quarter of Section 29, Township 25 North, Range 5 East, W. M., King County, Washington, described as follows:

Commencing at the Southwest corner of Lot 6, Block 1, McCormick's Addition to Bellevue, as recorded in Volume 50 of Plats, Page 67, in King County, Washington; thence North $88^{\circ}10'43''$ West along the South line of the Northeast quarter of the Southwest quarter of the Southeast quarter of said Section 29 a distance of 30.00 feet to the centerline of 111th Avenue N.E. and the True Point of Beginning; thence continuing North $88^{\circ}10'43''$ West along said South line 353.72 feet to a point on a 34.50 foot radius non-tangent curve the center of which bears South $50^{\circ}57'21''$ East; thence Northeasterly along said curve 31.78 feet; thence South $88^{\circ}10'26''$ East 22.95 feet to the beginning of a 2,028.50 foot radius curve to the left; thence Northeasterly along said curve through a central angle of $7^{\circ}41'34''$ to the beginning of a 1,304.80 foot reverse curve; thence Northeasterly along said curve 32.47 feet to the centerline of said 111th Avenue N.E.; thence South $2^{\circ}35'13''$ West along said centerline 35.81 feet to the True Point of Beginning;

SUBJECT TO an easement for sidewalk, landscaping, lighting and utilities over that portion thereof, described as follows: Beginning at the Northeast corner thereof; thence South $2^{\circ}35'13''$ West along the centerline of 111th Avenue N.E. 12.09 feet to a point on a 1,292.80 foot radius non-tangent curve the center of which bears South $4^{\circ}30'22''$ East; thence Southwesterly along said curve through a central angle of $1^{\circ}21'38''$ to the beginning of a 2,040.50 foot radius reverse curve; thence Southwesterly along said reverse curve 273.96 feet; thence North $88^{\circ}10'26''$ West 22.95 feet to the beginning of a 22.50 foot radius curve to the left; thence Southwesterly along said curve 8.62 feet to the South line of the Northeast quarter of the Southwest quarter of the Southeast quarter of said Section 29; thence North $88^{\circ}10'43''$ West along said South line 19.06 feet to a point on a 34.50 foot radius curve the center of which bears South $50^{\circ}57'21''$ East; thence Northeasterly along said curve 31.78 feet; thence South $88^{\circ}10'26''$ East 22.95 feet to the beginning of a 2,028.50 foot radius curve to the left; thence Northeasterly along said curve

through a central angle of $7^{\circ}41'34''$ to the beginning of a 1,304.80 foot reverse curve; thence Northeasterly along said curve 32.47 feet to the True Point of Beginning.



MASTRO.DES/063
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EXHIBIT A

Mastro Street Vacation Description

That portion of 111th Avenue N.E. within McCormick's Addition to Bellevue, as recorded in Volume 50 of Plats, Page 67, in King County, Washington, described as follows:

Beginning at the Southwest corner of Lot 6, Block 1 of said plat; thence North $2^{\circ}35'13''$ East along the West line thereof 38.75 feet to a point on a 1,304.80 foot radius non-tangent curve the center of which bears South $3^{\circ}06'54''$ East; thence Westerly along said curve 30.19 feet to the centerline of said 111th Avenue N.E.; thence South $2^{\circ}35'13''$ West along said centerline 35.81 feet to the South line of said McCormick's Addition to Bellevue; thence South $88^{\circ}10'43''$ East along said South line 30.00 feet to the Point of Beginning; SUBJECT TO an easement for sidewalk, landscaping, lighting and utilities over the Northerly 12.00 feet thereof;

TOGETHER WITH that portion of 111th Avenue N.E. within G. Naslund First Addition, as recorded in Volume 48 of Plats, Page 93, in King County, Washington lying Northerly of the Westerly extension of the North line of Lot 14 of said G. Naslund First Addition;

TOGETHER WITH 110th Avenue N.E. within Carroll-Hedlund's First Addition to Bellevue, as recorded in Volume 49 of Plats, Pages 58-59, in King County, Washington;

TOGETHER WITH that portion of 111th Avenue N.E. within said Carroll-Hedlund's First Addition to Bellevue; EXCEPT that portion within the South 50.00 feet of the Southeast quarter of Section 29, Township 25 North, Range 5 East, W. M., King County, Washington;

AND TOGETHER WITH that portion of N.E. 9th Street within said Carroll-Hedlund's First Addition to Bellevue lying Easterly of the following described line: Commencing at the Southwest corner of Lot 6, Block 2 of said plat; thence South $88^{\circ}10'43''$ East along the South line thereof 6.12 feet to the True Point of Beginning; thence South $0^{\circ}28'56''$ West 29.50 feet; thence South $1^{\circ}14'11''$ West 30.51 feet to the North line of Lot 9, Block 1 of said Carroll-Hedlund's Addition to Bellevue and the Terminus of said line.



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