

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5428

AN ORDINANCE determining the public advantage in vacating a portion of SE 28th Street and a portion of 145th Avenue SE in the City of Bellevue, Washington and vacating the same subject to certain conditions.

WHEREAS, on December 9, 2002, the City Council passed Resolution No. 6795 fixing the time and place for a hearing to consider the vacation of a portion of SE 28th Street and a portion of 145th Avenue SE within the City of Bellevue, Washington 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 street and the public interests served or damaged by the change in such use by the vacation thereof, and

WHEREAS, a hearing was held upon the proposed vacation on the 6th day of January, 2003 at the time and place fixed in said Resolution No. 6795 and in said notice, and

WHEREAS, following said hearing the City Council found that the vacation of said portion of said street will better serve the public good; that said portion of said street is no longer required for public use; and that no objections to said vacation were made; and

WHEREAS, said vacation also will be subject to the reservation of necessary public utility, ingress and egress easements and subject also to payment of compensation by the respective abutting property owners in accordance with Bellevue City Code 14.35.130- 4.35.150 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.160; and

WHEREAS, upon payment of compensation by the respective abutting property owners in accordance with Bellevue City Code 14.35.130-14.35.150, or grant or dedication of real property in lieu thereof as provided in Bellevue City Code 14.35.160, and fulfillment of all other conditions established herein for such vacation, such portions of such streets should be vacated and the City Clerk should be directed to have this ordinance recorded with the King County Office of Elections and Records and to take any other action necessary to vacate such portions of such streets; now, therefore,

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

Section 1. The portion of SE 28th Street and the portion of 145th Avenue SE as described in Attachment A hereto, which by this reference is incorporated herein, is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance;

PROVIDED, however, that the City of Bellevue reserves and establishes an easement over the vacated area for public utility purposes including, but not limited to, water, sewer, electric transmission and telecommunications, and further, the applicant shall provide to the City a non-motorized public easement for the existing trail along SE 28th Street and a connection to 145th Avenue SE to continue neighborhood access to the trail system.

PROVIDED, that the applicants provide recorded documents for the water and sewer easements and ingress and egress easements for neighboring properties as necessary.

Section 2. The City Clerk is directed to record a certified copy of this ordinance with the King County Department of Records and Elections and the City Manager or his designee is directed to take any other action necessary to vacate such street or portion thereof upon evidence of satisfactory completion of all conditions of such vacation including but not limited to reservation of necessary public utility, ingress and egress easements; payment of compensation to the extent and in the amount required by Bellevue City Code 14.35.130-14.35.150, grant or dedication of property in lieu of monetary compensation as provided in Bellevue City Code 14.35.160 or comparable compensation acceptable to the City and payment of all costs of acquisition services needed to convey title including the costs of final survey, appraisals, recording fees, escrow, title insurance, processing fees and any other costs related to the purchase of the property, except as otherwise agreed by the parties.

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

Passed by the City Council this 18th day of February, 2003, and signed in authentication of its passage this 18th day of February, 2003.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney
Richard Gidley, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

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