

## CITY OF BELLEVUE, WASHINGTON

ORIGINAL

## ORDINANCE NO. 561

AN ORDINANCE relating to the vacation of streets; and amending Bellevue City Code in respect thereto so as to authorize Council initiation.

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

Section 1. Section 10.28.020 of Bellevue City Code is hereby amended to read as follows:

10.28.020 Petition or resolution for vacation. The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the Council to make vacation, giving a description of the property to be vacated, or the Council may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, the Council by resolution shall fix a time when the petition will be heard, which time shall not be more than sixty (60) days nor less than twenty (20) days after the date of passage of such resolution.

Section 2. Chapter 10.28 of Bellevue City Code is hereby amended by adding thereto Section 10.28.065 which shall read as follows:

In all cases where the proceeding is initiated by resolution of the Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice required in Section 10.28.060, there shall be given by mail at least fifteen (15) days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the County Treasurer, direct to the address thereon shown: Provided, that if fifty per cent (50%) of the abutting property owners shall file written objection to the proposed vacation with the clerk, prior to the time of hearing, the Council shall be prohibited from proceeding with the resolution.

Section 3. Section 10.28.070 of Bellevue City Code is hereby amended to read as follows:

10.28.070 Hearing. At the time appointed for the hearing of the petition or resolution, or at such time as the same may be adjourned to by the Council, the matter shall be considered and persons desiring to speak for or against the vacation thereof shall be heard. Following such hearing, the Council shall determine:

- (a) Whether a change of use or vacation of the described portion will better serve the public good, or
- (b) Whether the street, alley or portion thereof is longer required for public use, or
- (c) Whether the use thereof as a public way is of such public benefit as not to justify the cost of maintenance, or
- (d) Whether the substitution of a new and different way would be more useful to the public, or
- (e) Whether conditions may so change in the future as to provide a greater public use or need than presently exists, and
- (f) Whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the same.

Section 4. Section 10.28.090 of Bellevue City Code is hereby amended to read as follows:

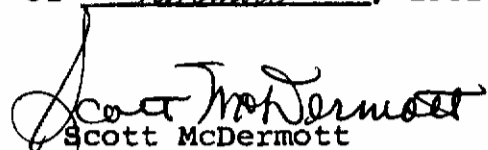
10.28.090 Granting vacation--Provision for rededication. If there are not objections, by owners of real estate abutting on the portion of the street or alley to be vacated sufficient to divest the Council of jurisdiction, and if the Council deems that such vacation shall be to the public's interest and advantage, the Council may, by ordinance, 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 5. Sections 10.28.030 and 10.28.050 of Bellevue City Code are hereby repealed.

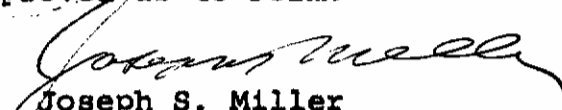
Section 6. This Ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council on this 20<sup>th</sup> day of November, 1962, and signed in authentication of its passage this 20<sup>th</sup> day of November, 1962.

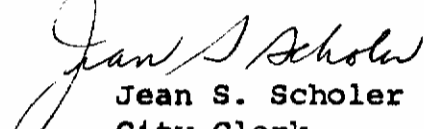
(SEAL)

  
Scott McDermott  
Mayor

Approved as to Form:

  
Joseph S. Miller  
City Attorney

Attest:

  
Jean S. Scholer  
City Clerk

Published November 22, 1962

FILED NO. 0230  
CITY OF BELLEVUE  
DATE Nov. 21, 1962  
CITY CLERK Jean S. Scholer