

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6753

AN ORDINANCE approving the vacation of a dead-end portion of NE Bellevue-Redmond Road, east of 120th Avenue NE.

WHEREAS, on August 27, 2018, the City Council received a petition to initiate the vacation of a portion of City right-of-way, as set forth in Section 1 below, and set a time and place for a hearing before the City Council to consider such vacation; and

WHEREAS, Section 14.35.070 of the Bellevue City Code (BCC) requires that Council hold a public hearing to consider the vacation at which 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 or portion thereof is no longer required for public use; or
- c. Whether the use thereof as a public way is of such benefit as not to justify the cost of maintenance; or
- d. Whether the substitution of a new and different thoroughfare 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 the petitioners) abutting the same; and

WHEREAS, on July 15, 2019, the City Council passed Resolution 9634 fixing the time and place for a hearing to consider the vacation of a dead-end portion of NE Bellevue-Redmond Road, east of 120th Avenue NE 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 on the proposed vacation on September 3, 2019 at the time and place fixed in said resolution and notice; and

WHEREAS, three written comments were submitted to Council prior to the hearing, and there were no public comments during the hearing; and

WHEREAS, following said hearing Council made its determination based on the criteria outlined in BCC 14.35.070; and

WHEREAS, the Council specifically finds that a change of use or vacation of the street will better serve the public good and is no longer required for public use; and

WHEREAS, the Council further finds that the public benefit of retaining the street does not justify the cost of maintenance and that substitution of a new and different thoroughfare will be more useful to the public; and

WHEREAS, the City Council by motion, following said hearing, directed staff to bring back an ordinance vacating such street or portion thereof; and

WHEREAS, said vacation is conditioned on the conveyance of reciprocal access easements across the street vacation area to allow driveway access to the adjoining parcels, conveyance of easements for public and franchise utilities, and conveyance of a sidewalk and utility easement; and

WHEREAS, the property is a Class I right-of-way and is subject to payment of compensation in accordance with Section 14.35.130 – 14.35.150; and

WHEREAS, upon fulfillment of all other conditions established herein for such vacation, such portion NE Bellevue-Redmond Road, east of 120th Avenue NE, in the City of Bellevue, Washington shall be vacated and the City Clerk is directed to have this ordinance and a Declaration of Vacation recorded with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portions thereof; now, therefore,

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

Section 1. The dead-end portion of NE Bellevue-Redmond Road, east of 120th Avenue NE in the City of Bellevue and identified in the petition for vacation is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance.

Section 2. The City Clerk is directed to record a certified copy of this ordinance and a Declaration of Vacation 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:

- a) Petitioner shall pay compensation in the amount of 100% of the fair market value for the right-of-way.

- b) Petitioner shall pay all costs of acquisition services needed to convey title and any necessary easements 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.
- c) Petitioner and City shall convey reciprocal access easements across the street vacation area to allow driveway access to the adjoining parcels.
- d) Petitioner shall convey easements for public and franchise utilities that have facilities in the vacation area.
- e) Petitioner shall convey a sidewalk and utility easement for a small portion of the existing public sidewalk.

Section 3. Funds collected pursuant to Section 2 shall be deposited into in the Land Purchase Revolving Fund and transferred to the 120th Avenue NE – Stage 2 project (CIP Plan No. PW-R-164).

Section 4. This Ordinance shall take effect and be in force five (5) days after passage and legal publication. If the condition of transfer as stated in Section 2 is not completed within one hundred eighty (180) days of the effective date of this Ordinance, this Ordinance shall be null and void.

Passed by the City Council this 7th day of AUGUST, 2023 and signed in authentication of its passage this 7th day of AUGUST, 2023.

(SEAL)



Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

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