

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6364

AN ORDINANCE approving the vacation of a portion of Bellevue-Redmond Road between NE 8th Street and 120th Ave NE.

WHEREAS, Bellevue-Redmond Road between NE 8th Street and 120th Avenue NE was a county road established in the late 1920's under County Road Revision 1387; and

WHEREAS, this section of right-of-way has a total area of approximately 14,971 square feet; and

WHEREAS, the City is currently completing the property acquisition phase of CIP PW-R-164, 120th Avenue NE Stage 2 Project, to be constructed between NE 8th and NE 12th Streets; and

WHEREAS, this area of Bellevue-Redmond Road between NE 8th Street and 120th Avenue NE will not be needed by the City as public right-of-way when the new roadway is built; and

WHEREAS, as a result, it is proposed that this area be vacated; and

WHEREAS, the adjacent properties on all sides of the area proposed to be vacated are owned by Auto Company XXI, Inc. ("AutoNation") (previously Barrier Properties); and

WHEREAS, if approved, the vacated area would be used as an offset for a portion of the land area needed in another area of this project for which compensation would be due to AutoNation; and

WHEREAS, the City Council initiated a petition to vacate a portion of City right-of-way, in accordance with BCC 14.35, 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 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.

WHEREAS, a hearing was held upon the said petition on June 1, 2015, at the time and place fixed in said resolution and notice; and

WHEREAS, no one appeared at the hearing to speak either in favor or against the vacation; and

WHEREAS, following said hearing Council made its determination based on the criteria outlined in Section 14.35.070 of the Bellevue City Code; and

WHEREAS, the City Council found substitution of a new and different thoroughfare would be more useful to the public; and

WHEREAS, there were no objections to the proposed vacation; and

WHEREAS, the vacated area will be used to offset that portion of the land needed in another area for the project; 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 subject to the reservation of easements; and

WHEREAS, the property is a Class I right-of-way is subject to payment of compensation in accordance with Sections 14.35.130 -14.35.150 of the Bellevue City Code; and

WHEREAS, in lieu of compensation, the City is accepting a land swap in accordance with the provisions of Section 14.35.160; and

WHEREAS, pursuant to the land swap, AutoNation in exchange, and in lieu of condemnation, will be conveying real property with a fair market value that exceeds the fair market value of the property being vacated; and

WHEREAS, since the fair market value of the property being conveyed in lieu of compensation exceeds the fair market value of the property being vacated, the City will compensate AutoNation for the difference between the two amounts; such compensation has been fixed based on the independent appraisals conducted by the parties and memorialized in an agreement effective September 27, 2016 (the "Settlement Agreement"); and

WHEREAS, this transfer of vacated property will not occur until after completion of the Project within the Property Rights area, as defined in the Settlement Agreement, which is estimated to be August 14, 2017; and

WHEREAS, upon fulfillment of all other conditions established herein for such vacation, such street or portions thereof shall be vacated and the City Clerk is 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 streets or portions thereof; now, therefore,

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

Section 1. The portion of Bellevue-Redmond Road between NE 8th Street and 120th Avenue NE located in the City of Bellevue and identified in the petition for vacation are no longer required for public use and will no longer be needed when the new roadway is built.

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 the portion of Bellevue-Redmond Road between NE 8th Street and 120th Avenue NE (the "Vacated Road") and convey all right, title and interest of the City to AutoNation subject to the fulfillment of all conditions set forth in this ordinance and as further described in the Settlement Agreement:

- a) AutoNation shall convey a sidewalk and utilities easement to the City.
- b) AutoNation shall convey easements for any existing franchise utilities.

Section 3. AutoNation, in lieu of payment of compensation to the City for acquiring the City's interest in the Vacated Road, will execute a land swap in accordance with the terms of the Settlement Agreement.

Section 4. Since the fair market value of the property being conveyed in lieu of compensation exceeds the fair market value of the property being vacated, the City has compensated AutoNation for the difference between the two amounts based upon independent appraisals prepared by the parties. Such compensation has been fixed based on the independent appraisals conducted by the parties and memorialized in the "Settlement Agreement".

Section 5. The transfer of the vacated property to AutoNation shall not occur until after completion of the Project within the Property Rights area, as defined in the Settlement Agreement, which is estimated to be August 14, 2017.

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

Passed by the City Council this _____ day of _____, 2017,
and signed in authentication of its passage this _____ day of _____,
2017.

(SEAL)

John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____