

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6168

AN ORDINANCE approving the rezone application of the Bellevue 116<sup>th</sup> Avenue, LLC to change the land use district designation from General Commercial (GC) to Community Business (CB) allowing General Merchandise uses per Bellevue Land Use Code 20.10.440 relating to approximately 4.95 acres located in the Wilburton/NE 8<sup>th</sup> Street Subarea at 200 116<sup>th</sup> Avenue Northeast in Bellevue, Washington.

WHEREAS, the Target Corporation (Bellevue Target) filed an application to rezone approximately 4.95 acres located in the Wilburton/NE 8<sup>th</sup> Street Subarea at 200 116<sup>th</sup> Avenue, Bellevue, Washington; and

WHEREAS, on July 2, 2014 such application was transferred to Bellevue 116th Avenue, LLC, the owner of the property described herein; and

WHEREAS, references to the Target Corporation herein shall be deemed to refer to the current applicant; and

WHEREAS, on June 5, 2014, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on June 16, 2014, the Hearing Examiner recommended approval of the rezone application, and made and entered findings of fact and conclusions of law based thereon in support of that recommendation, , which recommendation was clarified to correct a typographical error on June 17, 2014, and no timely appeal thereof has been filed; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner, and has determined that the public use and interest will be served by approving the rezone; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code and a Determination of Non-Significance was issued on May 8, 2014; now, therefore,

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

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council with regard to the hereinafter described property as set forth in "Findings, Conclusions and Recommendations of the Hearing

Examiner for the City of Bellevue in the matter of the Application of Target Corporation to change the zoning on 4.95 acres in the Wilburton/NE 8<sup>th</sup> Street subarea from General Commercial to Community Business to allow General Merchandise uses, Examiner's File No. 13-130500 LQ."

Section 2. The property legally described in Exhibit A, which is attached hereto and by this reference fully incorporated herein is hereby reclassified from General Commercial to Community Business to allow General Merchandise uses.

Section 3. 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 \_\_\_\_\_, 2014 and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

(SEAL)

\_\_\_\_\_  
Claudia Balducci, Mayor

Approved as to form:

\_\_\_\_\_  
Mary Kate Berens, Deputy City Attorney

Attest:

\_\_\_\_\_  
Myrna L. Basich, City Clerk

Published \_\_\_\_\_

**EXHIBIT A  
LEGAL DESCRIPTION**

[attached]

## Attachment A – Legal Description of Site

### RECORD LEGAL DESCRIPTION:

(PER CHICAGO TITLE INSURANCE CO. A L.T.A. COMMITMENT, SECOND COMMITMENT, ORDER NO. 1361617, DATED MAY 6 2013)

#### PARCEL A:

THE SOUTH 300 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 33 TOWNSHIP 25 NORTH RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING WEST OF THE NORTHERN PACIFIC RAILWAY RIGHT OF WAY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION,  
THENCE SOUTH 0°19'43" WEST ALONG THE WEST LINE OF SAID SECTION 821.00 FEET;  
THENCE SOUTH 89°19'26" EAST 50.00 FEET TO THE EAST MARGIN OF STATE HIGHWAY 2-A (116TH AVENUE NORTHEAST) AND THE TRUE POINT OF BEGINNING.  
THENCE SOUTH 0°19'43" WEST ALONG SAID EAST MARGIN, A DISTANCE OF 1,085.95 FEET,  
THENCE SOUTH 89°40'17" EAST 415.23 FEET TO THE WESTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY RIGHT OF WAY;  
THENCE NORTHERLY ALONG SAID WESTERLY MARGIN TO A POINT WHICH IS SOUTH 89°19'26" EAST FROM THE TRUE POINT OF BEGINNING,  
THENCE NORTH 89°19'26" WEST 442.63 FEET TO THE TRUE POINT OF BEGINNING.

#### PARCEL B:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID SECTION 33, 575 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SUBDIVISION  
THENCE NORTH ALONG SAID WESTERLY LINE 180.4 FEET,  
THENCE EAST AT RIGHT ANGLES TO SAID WESTERLY LINE TO THE WESTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY RIGHT OF WAY,  
THENCE SOUTHERLY ALONG SAID WESTERLY MARGIN TO THE INTERSECTION OF SAID WESTERLY MARGIN WITH A LINE PRODUCED EASTERLY, AT A RIGHT ANGLES FROM THE WESTERLY LINE OF SAID SECTION, FROM THE TRUE POINT OF BEGINNING,  
THENCE WESTERLY ALONG SAID LINE TO THE TRUE POINT OF BEGINNING,  
EXCEPT THE WEST 50 FEET THEREOF FOR STATE HIGHWAY 2-A (116TH AVENUE NORTHEAST).

#### PARCEL C:

THE SOUTH 243.95 FEET OF THE NORTH 785.95 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING WEST OF THE NORTHERN PACIFIC RAILWAY RIGHT OF WAY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION;  
THENCE SOUTH 0°19'43" WEST ALONG THE WEST LINE OF SAID SECTION 821.00 FEET;  
THENCE SOUTH 89°19'26" EAST 50.00 FEET TO THE EAST MARGIN OF STATE HIGHWAY 2-A (116TH AVENUE NORTHEAST) AND THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 0°19'43" WEST ALONG SAID EAST MARGIN 817.89 FEET;  
THENCE SOUTH 89°26'52" EAST 467.89 FEET TO THE WESTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY RIGHT OF WAY;  
THENCE NORTHERLY ALONG SAID WESTERLY MARGIN TO A POINT SOUTH 89°19'26" EAST FROM THE TRUE POINT OF BEGINNING,  
THENCE NORTH 89°19'26" WEST 442.63 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ANY PORTION THEREOF CONDEMNED BY THE CITY OF BELLEVUE PURSUANT TO CONDEMNATION PROCEEDINGS FILED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 12-2-19166-2 SEA.

NOTE: THIS ALTA SURVEY ONLY SHOWS THAT PORTION OF PARCEL C LYING SOUTH OF THE SOUTH LINE OF THE CONDEMNED RIGHT OF WAY.