

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6353

AN ORDINANCE approving the vacation of a portion of
145th Avenue SE lying north of SE 26th Street.

WHEREAS, on August 8, 2016, 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 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 January 9, 2017, the City Council passed Resolution No. 9212 fixing the time and place for a hearing to consider the vacation of a portion of 145th Avenue SE lying north of SE 26th Street 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 streets 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 said petition on February 21, 2017 at the time and place fixed in said resolution and notice, and

WHEREAS, public comment was heard with no objections to the requested 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 Council specifically finds a change of use or vacation of the described portion will better serve the public good; and

WHEREAS, the Council further finds the street or portion thereof is no longer required for public use and the use thereof as a public way is of such benefit as not to justify the cost of maintenance; and

WHEREAS, the Council also finds that conditions are not likely to change in the future as to provide a greater public use or need than presently exists; 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 a City of Bellevue water main easement, conveyance of Puget Sound Energy and Comcast easements for existing facilities, as needed, and execution of an agreement with the City to maintain emergency vehicle access over the vacated area to the building located at 2450 145th Avenue SE, until the structure is demolished; and

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

WHEREAS, upon fulfillment of all conditions established herein for such vacation, such portions of 145th Avenue SE lying north of SE 26th Street, 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 portion of 145th Avenue SE lying north of SE 26th Street located 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 shall convey a water main easement to the City, and easements to Puget Sound Energy and Comcast for existing facilities, as needed.
 - d) The parties shall execute an agreement to maintain emergency vehicle access over the vacated area to the building located at 2450 145th Avenue SE, until the structure is demolished.

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 _____, 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 _____