

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6408

AN ORDINANCE approving the vacation of a portion of
NE 12th Street, lying just westerly of 120th Avenue NE.

WHEREAS, on June 4, 2014, the City Council received a petition to initiate the vacation of a portion of NE 12th Street, lying just westerly of 120th Avenue NE.

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.

WHEREAS, on January 5, 2015, the City Council passed Resolution No. 8858 fixing the time and place for a hearing to consider the vacation of a portion of NE 12th Street, lying just westerly of 120th Avenue NE 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 said petition on February 17, 2015, at the time and place fixed in said resolution and notice, and

WHEREAS, only the petitioners appeared at the hearing and no other public comment was made; and

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

WHEREAS, the Council finds that the street or portion thereof is no longer required for public use; and

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

WHEREAS, after the hearing the petitioner requested the City postpone the street vacation as a result of the City's 120th Avenue NE Capital Improvement Program project and Sound Transit's East Link project; and

WHEREAS, the petitioner has recently requested to move forward with the street vacation process; and

WHEREAS, the property is a Class I right of way and is subject to payment of compensation in accordance with BCC 14.35.120 and 14.35.130; and

WHEREAS, upon fulfillment of all conditions established herein for such vacation, such portion of NE 12th Street, lying just westerly of 120th Avenue NE in the City of Bellevue, Washington shall be vacated; now, therefore,

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

Section 1. The portion of NE 12th Street, lying just westerly of 120th Avenue NE 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 action necessary to vacate such street or portions 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 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.

Section 3. This Ordinance shall take effect and be in force five days after passage and legal publication.

Passed by the City Council this _____ day of _____, 2018
and signed in authentication of its passage this _____ day of _____,
2018.

(SEAL)

John Chelminiak, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____