

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6505

AN ORDINANCE approving the vacation of a portion of the alley between Downtown Park and 104th Avenue NE, south of NE 4th Street and authorizing conveyance of easements to Puget Sound Energy and Century Link within the vacation area.

WHEREAS, on July 15, 2019, the City Council adopted Resolution No. 9632 to initiate the vacation of a portion of the alley between Downtown Park and 104th Avenue NE, south of NE 4th Street, and set a time and place for a hearing 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, 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, notice of the hearing was provided and posted in the manner required by BCC 14.35.050; and

WHEREAS, on August 5, 2019, a hearing was held on the proposed vacation; 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 Council specifically finds that a change of use or vacation of the described portion will better serve the public good; and

WHEREAS, the Council further finds that conditions may so change in the future as to provide a greater public use or need than presently exists; and

WHEREAS, there were no objections to the proposed vacation; 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, the City Manager or his designee 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; and

WHEREAS, the City Manager or his designee is authorized to execute all documents necessary to convey easements to Puget Sound Energy and Century Link for existing facilities within the vacation area now, therefore,

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

Section 1. The portion of the alley between Downtown Park and 104th Avenue NE, south of NE 4th Street located in the City of Bellevue and identified in Resolution No. 9632 is hereby vacated.

Section 2. The City Manager or his designee 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 to take any other action necessary to vacate such street or portion thereof.

Section 3. The City Manager or his designee is hereby authorized to convey easements to Puget Sound Energy and Century Link for existing facilities within the vacation area, a copy of which easements have been given Clerk's Receiving No. _____, and _____.

Section 4. 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 _____, 2020 and signed in authentication of its passage this _____ day of _____, 2020.

(SEAL)

Lynne Robinson, Mayor

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

Monica A. Buck, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____