

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 9804

A RESOLUTION determining that a water easement, a public utility easement, and a portion of a second public utility easement, all located at 9625 NE 8th Street, are surplus to the City's needs and are no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the release of these easements.

WHEREAS, on October 23, 1959, King County Water District No. 68 was granted a water easement for a water main located within NE 97<sup>th</sup> Street, bearing King County Recording Number 5132093; and

WHEREAS, On October 27, 1959, the City Council passed Ordinance No. 329 vacating that portion of 97<sup>th</sup> Avenue NE between NE 7<sup>th</sup> Street and NE 8<sup>th</sup> Street. This street vacation included the reservation of a public utility easement within the vacated road and was incorporated into the subject property located at 9625 NE 8<sup>th</sup> Street; and

WHEREAS, in 1973 the City of Bellevue assumed control of King County Water District No. 68 including all assets, real property and easements; and

WHEREAS, on December 8, 1959, the City Council passed Ordinance No. 338 vacating that portion of NE 7<sup>th</sup> Street located between the east marginal line of 95<sup>th</sup> Avenue NE and the west marginal line of 100<sup>th</sup> Avenue NE; except those portions within the intersection thereof with 96<sup>th</sup> Avenue NE, 97<sup>th</sup> Avenue NE, 98<sup>th</sup> Avenue NE, and 99<sup>th</sup> Avenue NE, to the adjoining property owners. This street vacation included the reservation of a public utility easement within the vacated road, a portion of which was incorporated into the subject property; and

WHEREAS, on May 24, 1960, the City Council passed Ordinance No. 386 amending Ordinance No. 338 to reduce the utility easement area within the street vacation between the east marginal line of 95<sup>th</sup> Avenue NE and the west marginal line of 96<sup>th</sup> Avenue NE. This amendment of ordinance did not change the utility easement area within the subject property; and

WHEREAS, the owner of the property located at 9625 NE 8th Street, has requested the City release the water easement bearing King County Recording No. 5132093, the public utility easement reserved under Ordinance No. 329 and a portion of a second public utility easement reserved under Ordinance No. 338 (as amended by Ordinance No. 386), as legally described in Attachment A, because they interfere with the development of the property and replacement easements will be granted; and

WHEREAS, the Bellevue Utility Department has verified and confirmed that the aforementioned easements are no longer required to provide continued public utility services; and

WHEREAS, based on the foregoing, a water easement, a public utility easement, as well as a portion of a second public utility easement (as legally described in Attachment A) are no longer needed by the City and are otherwise surplus property interests; and

WHEREAS, pursuant to Bellevue City Code 4.32.070 and RCW 35.94.040, the City Council desires to set a time and place for a public hearing to consider the release of said easements; now, therefore,

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

Section 1. Pursuant to Bellevue City Code 4.32.070 and RCW 35.94.040, the City Council of the City of Bellevue does hereby declare the water easement bearing King County recording Number 5132093, the public utility easement reserved under Ordinance No. 329, as well as a portion of a second public utility easement reserved under Ordinance No. 338 (as amended by Ordinance No. 386), as legally described in Attachment A, as surplus to the needs of the City.

Section 2. A public hearing shall be held upon the proposal to release the easements set forth in Section 1, on October 5, 2020 at 6:00 pm or as soon thereafter as the matter may be heard by the City Council, at Bellevue City Hall, 450 110th Avenue NE, Bellevue, Washington or virtually via Zoom Webinar. Details on how to provide written or oral communication at the public hearing will be provided on the published agenda.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2020, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_,  
2020.

(SEAL)

\_\_\_\_\_  
Lynne Robinson, Mayor

Attest:

\_\_\_\_\_  
Charmaine Arredondo, City Clerk

## **ATTACHMENT A**

ALL THAT PORTION OF THE EASEMENT AS RECORDED UNDER KING COUNTY RECORDING NUMBER 5132093, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

An easement 20 feet in in width, the same being 10 feet on each side of the existing water main which lies within that portion of vacated 97<sup>th</sup> Avenue NE, between NE 7<sup>th</sup> Street and NE 8<sup>th</sup> Street;

**AND**

ALL THAT PORTION OF THE UTILITY EASEMENT AS RESERVED UNDER CITY OF BELLEVUE ORDINANCE NUMBER 329 DATED OCTOBER 27, 1959;

**AND**

That portion of vacated N.E. 7<sup>th</sup> Street, City of Bellevue Ordinance Nos. 338 and 386, being the North Half of N.E. 7<sup>TH</sup> Street adjacent to the East Half of Block 18, Lochleven, according to the plat thereof recorded in Volume 16 of Plats, Page 46, in King County, Washington, being more particularly described as follows:

BEGINNING at the southeast corner of said East Half of Block 18, said southeast corner being on the West margin of 97<sup>th</sup> Ave. NE;

THENCE S 00°24'50" E, 30.01 feet along said West margin to the centerline of said vacated N.E. 7<sup>th</sup> Street;

THENCE N 89°09'31" W, along said centerline, 136.09 feet;

THENCE N 00°24'27" W, 30.01 feet to the southwest corner of said East Half of Block 18;

THENCE S 89°09'31" E, along the south line of said East Half of Block 18, 136.09 feet to the POINT OF BEGINNING.

TOGETHER WITH;

That portion of vacated N.E. 7<sup>th</sup> Street, City of Bellevue Ordinance Nos. 338 and 386, being the North Half of N.E. 7<sup>TH</sup> Street adjacent to the West Half of Block 12, Lochleven, according to the plat thereof recorded in Volume 16 of Plats, Page 46, in King County, Washington, being more particularly described as follows:

BEGINNING at the southeast corner of said West Half of Block 12;

THENCE S 00°25'13" E, 30.01 feet to the centerline of said vacated N.E. 7<sup>th</sup> Street;

THENCE N 89°09'31" W, along said centerline, 136.09 feet to a point on the East margin of 97<sup>th</sup> Ave. NE;

THENCE N 00°24'50" W, 30.01 feet along said East margin to the southwest corner of said West Half of Block 12;

THENCE S 89°09'31" E, along the south line of said West Half of Block 12, 136.09 feet to the POINT OF BEGINNING.