

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6528

AN ORDINANCE authorizing the release of an existing water easement and amending Ordinance Nos. 329 and 338 (as amended by Ordinance No. 386) to release a public utility easement and a portion of a second public utility easement, all located at 9625 NE 8th Street, which have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the release of these easements being deemed in the best interest of the public.

WHEREAS, RCW 35.94.040 and Bellevue City Code (BCC) 4.32.070 provide that whenever a city determines by resolution of its legislative authority, that any lands, property, or equipment originally acquired for public utility purposes is surplus to the city's needs and is not required for providing continued public utility service, then such legislative authority by resolution and after a public hearing may cause such lands, property, or equipment to be leased, sold, or conveyed; and

WHEREAS, pursuant to BCC 4.32.070, such resolution shall state the fair market value and such other terms and conditions for such disposition as the Council deems to be in the best public interest; and

WHEREAS, the fair market value of said easements are estimated to be \$227,040; and

WHEREAS, the easements were conveyed to the City at no cost and as a result no compensation is required for relinquishment;

WHEREAS, on August 3, 2020, by Resolution No. 9804, Council declared an existing water easement, a public utility easement and a portion of a second public utility easement, (as legally described on Attachment A and generally depicted on Attachment B) are surplus to the City's needs and no longer required for providing continued public utility service; and

WHEREAS, Council held a public hearing on October 5, 2020, as the required prerequisite to authorizing relinquishment of the utility easements; and

WHEREAS, Council finds that the relinquishment of the existing water easement bearing King County Recording Number 5132093 and 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 and generally depicted on Attachment B, all

located on the property at 9625 NE 8th Street in Bellevue, Washington, is deemed in the best interest of the public; now, therefore,

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

Section 1. The City Manager or his designee is hereby authorized to execute documents necessary to relinquish the existing water easement bearing King County Recording Number 5132093 located on the property at 9625 NE 8th Street in Bellevue, Washington (as legally described on Attachment A and generally depicted on Attachment B) upon the granting and recording of new Public Right of Way for 97<sup>th</sup> Avenue NE and the recording of the final plat granting utility easements within the property located at 9625 NE 8th Street.

Section 2. The following amendments to Ordinance Nos. 329 and 338 shall take effect upon the granting and recording of new Public Right of Way for 97<sup>th</sup> Avenue NE and the recording of the final plat granting utility easements within the property located at 9625 NE 8th Street.

Section 3. Section 1 of Ordinance No. 329, is hereby amended to read as follows:

That portion of 97<sup>th</sup> Avenue NE in the City of Bellevue lying between NE 7<sup>th</sup> Street and NE 8<sup>th</sup> Street described as follows, to-wit:

That portion of said 97<sup>th</sup> Avenue NE lying between the West half (W ½) of Block 12, Lochleven Plat and the East half (E ½) of Block 18, Lochleven Plat is vacated."

Section 4. Section 1 of Ordinance 338, as previously amended by Ordinance 386, is hereby amended to read as follows:

The following streets in the City of Bellevue, to-wit:

- a. That portion of SE 7<sup>th</sup> Street, in Surrey Downs Addition No. 1, lying east of the east marginal line of 109<sup>th</sup> Avenue SE;
- b. That portion of SE 6<sup>th</sup> Street, in Surry Downs Addition No. 1 lying east of the marginal line of 110<sup>th</sup> Avenue SE;
- c. That portion of NE 7<sup>th</sup> Street between the east marginal line of 96<sup>th</sup> Ave NE and the west marginal line of 100<sup>th</sup> Avenue NE; Except those portions within the intersection thereof with 97<sup>th</sup> Avenue NE, 98<sup>th</sup> Avenue NE, and 99<sup>th</sup> Avenue NE,

are vacated, provided however, that an easement is reserved for the location, construction, reinstallation, use, repair and maintenance of pipes, poles, cables, lines or appurtenances of public utilities and services within or above such vacated portions; excepting therefrom that portion located within the following described areas:

Beginning at the southeast corner of the East half of Block 18, Lochleven, according to the plat thereof recorded in Volume 16 of Plats, Page 46, in King County, Washington, said southeast corner being on the West margin of 97<sup>th</sup> Avenue NE;  
Thence S 00°24'50" E, 30.01 feet along said West margin to the centerline of said vacated NE 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;

Beginning at the southeast corner of the West Half of Block 12, Lochleven, according to the plat thereof recorded in Volume 16 of Plats, Page 46, in King County, Washington;

Thence S 00°25'13" E, 30.01 feet to the centerline of said vacated NE 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> Avenue 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."

Section 5. This Ordinance shall take effect and be in force five (5) days after its 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 \_\_\_\_\_

## **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.

## ATTACHMENT B

