

ORDINANCE NO. 2173

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF THE RIGHT-OF-WAY OF N.E. 65TH STREET LYING WEST OF 176TH AVENUE N.E., PURSUANT TO RCW 35.79 AND RMC 20F.40.110, SUBJECT TO THE RESERVATION OF CERTAIN EASEMENTS, CITY FILE NO. RV-02-001.

WHEREAS, the City Council has received a petition requesting that the portion of the public right-of-way for N.E. 65th Street lying west of 176th Avenue NE be vacated; and

WHEREAS, the petition contains the signatures of the owners of more than two-thirds of the abutting property; and

WHEREAS, the action of vacating a street or roadway is categorically exempt from environmental review per WAC 197-11-800(2)(h) and is therefore not subject to SEPA rules and determinations; and

WHEREAS, the City Council, by passage of Resolution 1109, established August 19, 2003, as the date for a public hearing to consider the requested street vacation; and

WHEREAS, the City Clerk posted and published appropriate notices of the public hearing as required by RCW 35.79.020; and

WHEREAS, the hearing was held as scheduled on August 19, 2003, and all persons who wished to testify were provided an opportunity to do so; and

WHEREAS, the City Engineer and the Director of Public Works have both recommended that the vacation request be granted, subject to certain terms and conditions; and

WHEREAS, after consideration of the testimony, the City Council determined that the vacation should be approved, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. Vacation of Right-of-Way. That certain N.E. 65th Street right-of-way lying west of 176th Avenue NE and legally described as the South 30.00 feet of the West 400.00 feet of the East 430.00 feet of the Northwest quarter of the Southeast quarter of Section 12, Township 25 North, Range 5 East, W.M. in the City of Redmond, King County, Washington, is hereby vacated subject to the reservation of easements and the right to grant easements as specified in Section 2 below.

Section 2. Reservation of Easements. The City hereby reserves easements for itself and the right to grant to easements to others in the following portions of the vacated land for the following purposes:

A. A permanent easement for the construction, reconstruction, maintenance, operation, replacement and repair of public streets, roads, and utilities over, under, in upon, across, through and along the East 100.00 feet of the South 30.00 feet of the West 400.00 feet of the East 430.00 feet of the Northwest quarter of the Southeast quarter of Section 12, Township 25 North, Range 5 East, W.M. in the City of Redmond, King County, Washington;

B. A permanent easement for the construction, reconstruction, maintenance, operation, replacement and repair of public utilities over, under, in upon, across, through and along the South 30.00 feet of the West 400.00 feet of the East 430.00 feet of the Northwest quarter of the Southeast quarter of Section 12, Township 25 North, Range 5 East, W.M. in the City of Redmond, King County, Washington; and

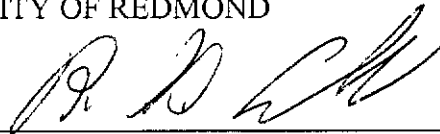
C. A permanent easement for the construction, reconstruction, maintenance, operation, replacement and

repair of public walkways and public recreational trails over, under, in upon, across, through and along the East 315.00 feet of the South 30.00 feet of the West 400.00 feet of the East 430.00 feet of the Northwest quarter of the Southeast quarter of Section 12, Township 25 North, Range 5 East, W.M. in the City of Redmond, King County, Washington

Section 3. Compensation. This vacation is undertaken with the understanding that the City will receive a permanent easement for the construction, reconstruction, maintenance, operation, replacement and repair of public utilities over, under, in, upon, across, through and along an approximately 47 foot by 63 foot area in the northeast corner of adjacent property owned by the Lake Washington Technical College at such time as the College receives permits to develop its property. In consideration for Lake Washington Technical College's agreement to convey such easement at the time of development approval, no additional compensation is required for the vacation of right-of-way approved by this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect and be in full force five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title, provided, that the vacation of the right-of-way shall not be effective until such time as the City Clerk has recorded a certified copy of this Ordinance with the King County Recorder, with all costs of recording this Ordinance to be paid by the applicant.

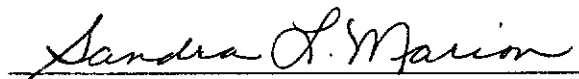
CITY OF REDMOND



MAYOR ROSEMARIE IVES

by: Richard G. Cole, Mayor Protempore

ATTEST/AUTHENTICATED:



CITY CLERK, BONNIE MATTSON

by: Sandra L. Marion, Deputy City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR: PROTEMPORE
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 2173

August 14, 2003
August 19, 2003
August 19, 2003
August 25, 2003
August 30, 2003