

ORDINANCE NO. 2078

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF THE BELLEVUE-REDMOND ROAD AND NE 40TH STREET INTERSECTION RIGHT-OF-WAY ADJACENT TO THE PLAT OF KIMURA NURSERY PURSUANT TO RCW 35.79 AND RMC 20F.20.210 AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has received a petition requesting that that portion of the public right-of-way for Bellevue-Redmond Road and NE 40th Street depicted upon Exhibit B, attached hereto and incorporated by this reference 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 1113, established September 5, 2000, 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 September 5, 2000, and all persons who wished to testify were provided an opportunity to do so, and

WHEREAS, the City Engineer presented a report at the hearing which detailed the facts concerning the vacation and the pros and cons thereof, 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. Findings of Fact. Based upon the testimony presented at the hearing, the Council makes the following:

A. FINDINGS OF FACT

1. The right-of-way sought to be vacated in this action is the portion of Bellevue-Redmond Road and NE 40th Street, located within the proposed Plat of Kimura Nursery, and depicted on Exhibit 'B', attached hereto.

2. The Bellevue-Redmond Road right-of-way in question was deeded to King County in 1929.

3. The NE 40th Street right of way in question was deeded to King County in 1913.

4. The right-of-way in question is not needed by the City for future improvements at the intersection.

5. The City will receive adequate consideration for the right-of-way vacated in the form of a right-of-way dedication along the plat frontage of Bellevue-Redmond Road.

6. The vacation of the right-of-way will not adversely affect street patterns nor circulation in the immediate vicinity or the community as a whole.

7. The vacation of the right-of-way will not adversely affect the public needs.

8. The right-of-way is not contemplated or needed for future public uses.

9. Ingress and egress for abutting properties are not impacted by the vacation.

10. The City has no need to retain an easement in the vacated right-of-way for construction, repair, and/or maintenance of public utilities and services.

B. CONCLUSIONS OF LAW

1. The City Council has the authority to consider street vacations pursuant to Chapter 35.79 RCW and Section 20F.20.210 of the Redmond Community Development Guide and Municipal Code.

2. The petitioners and the City have complied with the requirements of Chapter 35.79 RCW and Section 20F.20.210 of the Redmond Community Development Guide and Municipal Code.

Section 2. Vacation of Right-of-Way. Those certain portions of the dedicated street right-of-way commonly known as Bellevue-Redmond Road and NE 40th Street, in the City of Redmond, and more particularly described on Exhibit ‘A,’ attached hereto and incorporated herein by this reference as if set forth in full, are hereby vacated.

Section 3. 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 five (5) days after passage and publication of an approved summary thereof consisting of the title. However, the vacation shall not be effective until such time as this Ordinance is recorded. The City Clerk is directed to record a certified copy of this Ordinance with the King County Department of Records and Elections, thereby making the vacation effective upon confirmation from the Public Works Director that the following conditions has been satisfied:

- a. The owner of the proposed Plat of Kimura Nursery shall dedicate certain right of way for Bellevue-Redmond Road as shown on Exhibit ‘B’.

CITY OF REDMOND
/S/ MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:
/S/ CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:
/S/ JAMES E. HANEY

FILED WITH THE CITY CLERK:	August 24, 2000
PASSED BY THE CITY COUNCIL:	September 5, 2000
SIGNED BY THE MAYOR:	September 5, 2000
PUBLISHED:	September 9, 2000
EFFECTIVE DATE:	September 14, 2000
ORDINANCE NO.: <u>2078</u>	