

ORDINANCE NO. 2329

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING CERTAIN RIGHTS-OF-WAY WITHIN THE CITY OF REDMOND, WASHINGTON, PURSUANT TO RCW 35.79 AND RMC 20F.40.110, SUBJECT TO COMPENSATION AND THE RESERVATION OF CERTAIN EASEMENTS, CITY FILE NO. L060113.

WHEREAS, the City entered into a Development Agreement with Microsoft Corporation on June 25, 2005; and

WHEREAS, said Development Agreement contemplates an application by Microsoft Corporation to vacate the public rights-of-way within Microsoft's Main Campus; and

WHEREAS, the City Council has received a petition requesting that: NE 36th Street located between 156th Ave NE and 159th Ave NE; 157th Avenue NE located between NE 39th Street and its terminus at NE 36th Street; NE 39th Street located between 157th Ave NE and 159th Ave NE; 159th Avenue NE located between NE 36th Street and NE 40th Street; NE 36th Way located between 159th Ave NE and 163rd Ave NE; 163rd Avenue NE located between NE 36th Way and NE 40th Street; and NE 36th Street from 163rd Ave NE to its terminus approximately 216 feet to the east, depicted upon Exhibit B, attached hereto and incorporated by this reference, be vacated; and

WHEREAS, the City Council has determined that a public hearing should be held for the purpose of considering said petition for a rights-of-way vacation, NOW, THEREFORE,

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 1244, established March 6, 2007 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 March 6, 2007 and all persons who wished to testify were provided an opportunity to do so; and

WHEREAS, the City Engineer and 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 Rights-of-Way. The dedicated street rights-of-way commonly known as NE 36th Street located between 156th Ave NE and 159th Ave NE; 157th Avenue NE located between NE 39th Street and its terminus at NE 36th Street; NE 39th Street located between 157th Ave NE and 159th Ave NE; 159th Avenue NE located

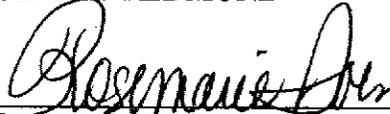
between NE 36th Street and NE 40th Street; NE 36th Way located between 159th Ave NE and 163rd Ave NE; 163rd Avenue NE located between NE 36th Way and NE 40th Street; and NE 36th Street from 163rd Ave NE to its terminus approximately 216 feet to the east, in the City of Redmond, and more particularly described on Exhibit 'A', attached hereto and incorporated herein by this reference as if set forth in full, are hereby vacated.

Section 2. Reservation of Easements. Microsoft is required to submit a drainage basin map showing points where public water enters the system affected by this vacation and identify easements required for that portion of the storm water system that remains public. The City hereby reserves a permanent easement for the construction, reconstruction, maintenance, operation, replacement and repair of public utilities, including water, sewer, storm water, traffic signal systems, natural gas, cable, telephone and electricity, in, upon, across, through and along the vacated areas described in Exhibit 'A'. Also, per Redmond Municipal Code (15.06.13 item 16) all required emergency vehicle access, not in a public right-of-way, shall be maintained in an approved and recorded emergency vehicle access easement. As such, the City hereby reserves a permanent easement for emergency vehicle access over all rights-of-way which are being vacated. Further, the City hereby reserves a permanent access easement for public transit over all rights-of-way which are being vacated. Such easements shall be effective coincident with the vacation.

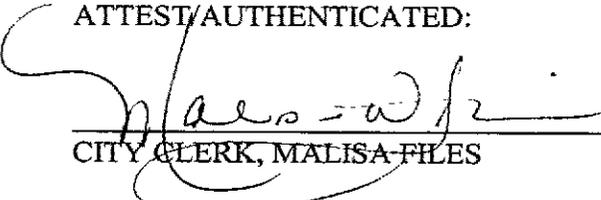
Section 3. Compensation. This vacation is undertaken with the understanding that the City will receive compensation in an amount of \$3,164,850, which is half of the appraised value of the vacated areas.

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 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 Recorder, thereby making the vacation effective, upon confirmation that compensation of \$3,164,850 has been received by the City and that adequate provisions have been made for the necessary public utility and emergency vehicle access easements.

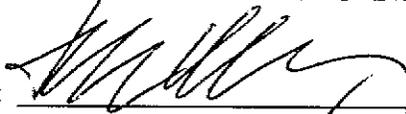
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, MALISA FILES

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

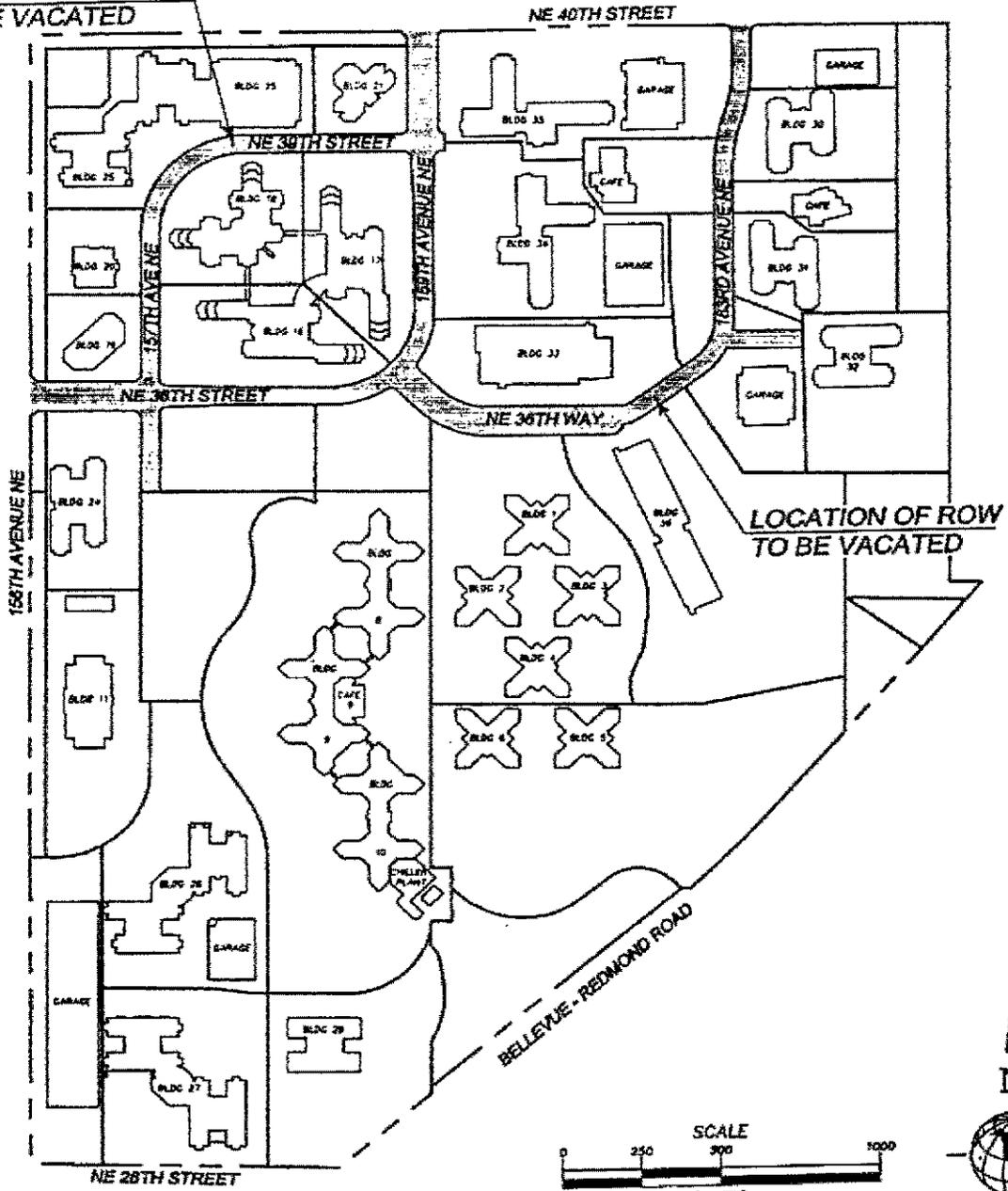
By: 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 2329

March 2, 2007
March 6, 2007
March 7, 2007
March 12, 2007
March 17, 2007

EXHIBIT A

LOCATION OF ROW
TO BE VACATED



**COUGHLIN
PORTER
LUNDEEN**

Microsoft

Ordinance No. 2329

Vicinity Map
May 30th, 2004

**EXHIBIT B TO ORDINANCE NO. 2329
LEGAL DESCRIPTION FOR MICROSOFT
MAIN CAMPUS ROAD VACATION**

ALL THAT CERTAIN PROPERTY SITUATE IN THE CITY OF REDMOND, COUNTY OF KING, STATE OF WASHINGTON, LYING WITHIN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23, THENCE N89°10'30"W ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, ALSO BEING THE CENTERLINE OF NE 40TH ST., A DISTANCE OF 271.59 FEET; THENCE S00°49'30"W A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH MARGIN OF NE 40TH ST. AND THE **POINT OF BEGINNING**;

THENCE FROM SAID **POINT OF BEGINNING** SOUTHERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS S00°49'30"W, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 39.27 FEET; THENCE TANGENT TO THE PRECEDING CURVE S00°49'30"W A DISTANCE OF 125.00 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET AND A CENTRAL ANGLE OF 19°32'07", AN ARC LENGTH OF 180.71 FEET TO A POINT OF REVERSE CURVATURE; THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 470.00 FEET AND A CENTRAL ANGLE OF 19°14'55", AN ARC LENGTH OF 157.90 FEET; THENCE TANGENT TO THE PRECEDING CURVE S01°06'42"W A DISTANCE OF 530.31 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 3°46'25", AN ARC LENGTH OF 15.15 FEET TO A POINT OF REVERSE CURVATURE; THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 94°03'24", AN ARC LENGTH OF 41.04 FEET; THENCE TANGENT TO THE PRECEDING CURVE S89°10'17"E A DISTANCE OF 187.90 FEET; THENCE S01°04'41"W A DISTANCE OF 50.00 FEET; THENCE N89°10'17"W A DISTANCE OF 216.01 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 62°25'33", AN ARC LENGTH OF 27.24 FEET TO A POINT OF REVERSE CURVATURE; THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 25°45'59", AN ARC LENGTH OF 103.43 FEET;

THENCE TANGENT TO THE PRECEDING CURVE S54°10'09"W A DISTANCE OF 222.01 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 303.00 FEET AND A CENTRAL ANGLE OF 16°55'16", AN ARC LENGTH OF 89.48 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS N73°47'31"W;
THENCE SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 46.00 FEET AND A CENTRAL ANGLE OF 74°37'06", AN ARC LENGTH OF 59.91 FEET;
THENCE TANGENT TO THE PRECEDING CURVE N89°10'25"W A DISTANCE OF 423.68 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS N09°29'49"E;
THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 36°29'48", AN ARC LENGTH OF 222.95 FEET;
THENCE TANGENT TO THE PRECEDING CURVE N44°00'23"W A DISTANCE OF 88.26 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 78°04'56", AN ARC LENGTH OF 31.34 FEET TO A POINT OF REVERSE CURVATURE;
THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 330.50 FEET AND A CENTRAL ANGLE OF 33°14'56", AN ARC LENGTH OF 191.79 FEET;
THENCE TANGENT TO THE PRECEDING CURVE N88°50'23"W A DISTANCE OF 341.78 FEET;
THENCE S88°29'19"W A DISTANCE OF 150.18 FEET;
THENCE N88°50'23"W A DISTANCE OF 25.00 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 36.13 FEET;
THENCE TANGENT TO THE PRECEDING CURVE S01°09'37"W A DISTANCE OF 12.50 FEET;
THENCE N88°50'23"W A DISTANCE OF 60.00 FEET TO THE BEGINNING OF A RADIAL CURVE TO THE LEFT;
THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 36.13 FEET;
THENCE TANGENT TO THE PRECEDING CURVE N88°50'23"W A DISTANCE OF 303.95 FEET;
THENCE S50°07'34"W A DISTANCE OF 30.48 FEET TO A POINT ON THE EAST MARGIN OF 156TH AVE. NE;
THENCE N01°09'29"E ALONG SAID EAST MARGIN A DISTANCE OF 140.02 FEET;
THENCE S47°49'07"E A DISTANCE OF 30.49 FEET;
THENCE S88°50'23"E A DISTANCE OF 303.95 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 36.13 FEET;

THENCE TANGENT TO THE PRECEDING CURVE N01°09'37"E A DISTANCE OF 495.21 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET AND A CENTRAL ANGLE OF 89°39'53", AN ARC LENGTH OF 516.43 FEET;
THENCE TANGENT TO THE PRECEDING CURVE S89°10'30"E A DISTANCE OF 495.22 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 36.13 FEET;
THENCE TANGENT TO THE PRECEDING CURVE N00°49'30"E A DISTANCE OF 303.99 FEET;
THENCE N40°11'02"W A DISTANCE OF 30.49 FEET TO A POINT ON THE SOUTH MARGIN OF NE 40TH ST;
THENCE S89°10'30"E ALONG SAID SOUTHERLY MARGIN A DISTANCE OF 130.01 FEET;
THENCE S43°05'56"W A DISTANCE OF 14.86 FEET;
THENCE S00°49'30"W A DISTANCE OF 316.82 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 86°05'12", AN ARC LENGTH OF 34.56 FEET;
THENCE NON-TANGENT TO THE PRECEDING CURVE S00°49'30"W A DISTANCE OF 60.17 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS S05°35'31"W;
THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 270.00 FEET AND A CENTRAL ANGLE OF 2°33'40", AN ARC LENGTH OF 12.07 FEET TO A POINT OF COMPOUND CURVATURE;
THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 92°12'21", AN ARC LENGTH OF 37.01 FEET;
THENCE TANGENT TO THE PRECEDING CURVE S00°49'30"W A DISTANCE OF 31.37 FEET;
THENCE S02°44'03"W A DISTANCE OF 150.08 FEET;
THENCE S00°49'30"W A DISTANCE OF 395.78 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS N78°47'38"W;
THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 336.00 FEET AND A CENTRAL ANGLE OF 23°03'18", AN ARC LENGTH OF 135.20 FEET TO A POINT OF REVERSE CURVATURE;
THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 78°16'03", AN ARC LENGTH OF 31.42 FEET;
THENCE TANGENT TO THE PRECEDING CURVE S44°00'23"E A DISTANCE OF 82.64 FEET;

THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF $34^{\circ}54'15''$, AN ARC LENGTH OF 152.30 FEET;
THENCE NON-TANGENT TO THE PRECEDING CURVE $S89^{\circ}10'25''E$ A DISTANCE OF 462.79 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS $N24^{\circ}51'10''W$;
THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 243.00 FEET AND A CENTRAL ANGLE OF $10^{\circ}58'41''$, AN ARC LENGTH OF 46.56 FEET;
THENCE TANGENT TO THE PRECEDING CURVE $N54^{\circ}10'09''E$ A DISTANCE OF 222.01 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF $53^{\circ}03'27''$, AN ARC LENGTH OF 157.42 FEET;
THENCE TANGENT TO THE PRECEDING CURVE $N01^{\circ}06'42''E$ A DISTANCE OF 530.31 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET AND A CENTRAL ANGLE OF $19^{\circ}14'55''$, AN ARC LENGTH OF 178.05 FEET TO A POINT OF REVERSE CURVATURE;
THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 470.00 FEET AND A CENTRAL ANGLE OF $19^{\circ}32'07''$, AN ARC LENGTH OF 160.25 FEET;
THENCE TANGENT TO THE PRECEDING CURVE $N00^{\circ}49'30''E$ A DISTANCE OF 125.00 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF $90^{\circ}00'00''$, AN ARC LENGTH OF 39.27 FEET TO A POINT OF CUSP ON THE SOUTH MARGIN OF NE 40TH ST;
THENCE $S89^{\circ}10'30''E$ A DISTANCE OF 110.00 FEET TO THE **POINT OF BEGINNING**.

EXCEPT ALL THAT CERTAIN PROPERTY LYING WITHIN THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23, THENCE $N89^{\circ}10'30''W$ ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, ALSO BEING THE CENTERLINE OF NE 40TH ST., A DISTANCE OF 1,340.27 FEET;
THENCE $S00^{\circ}49'30''W$ A DISTANCE OF 475.00 FEET;
THENCE $N89^{\circ}10'30''W$ A DISTANCE OF 37.50 FEET TO THE **POINT OF BEGINNING**;

THENCE FROM SAID **POINT OF BEGINNING** $S00^{\circ}49'30''W$ A DISTANCE OF 31.55 FEET;
THENCE $S01^{\circ}50'48''E$ A DISTANCE OF 150.16 FEET;
THENCE $S00^{\circ}49'30''W$ A DISTANCE OF 335.24 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 269.50 FEET AND A CENTRAL ANGLE OF $90^{\circ}20'07''$, AN ARC LENGTH OF 424.91 FEET;

THENCE TANGENT TO THE PRECEDING CURVE N88°50'23"W A DISTANCE OF 341.79 FEET;
THENCE N86°55'50"W A DISTANCE OF 150.08 FEET;
THENCE N88°50'23"W A DISTANCE OF 25.00 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 36.13 FEET;
THENCE TANGENT TO THE PRECEDING CURVE N01°09'37"E A DISTANCE OF 509.71 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET AND A CENTRAL ANGLE OF 89°39'53", AN ARC LENGTH OF 422.54 FEET;
THENCE TANGENT TO THE PRECEDING CURVE S89°10'30"E A DISTANCE OF 507.72 FEET;
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 36.13 FEET TO THE **POINT OF BEGINNING.**

CONTAINS 452,118 SQ. FT. +/- (10.379 ACRES)

