

ORDINANCE NO. 2313

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING THE EASTERN LEG OF 150 AVENUE NE BETWEEN APPROXIMATELY 550 FEET NORTH OF NE 36 STREET AND NE 40 STREET, PURSUANT TO RCW 35.79 AND RMC 20F.20.210 AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City Council has received a petition requesting that the eastern leg of 150 Avenue NE between approximately 550 feet north of NE 36 Street and NE 40 Street, depicted in Exhibit A, 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 1238, established November 21, 2006, 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 November 21, 2006, 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 City of Redmond entered into a Development Agreement with Microsoft Corporation on June 25, 2005 which contemplates an application by Microsoft Corporation to vacate portions of the public right-of-way for 150 Avenue NE as part of the redevelopment of the Block C area of the Microsoft campus.

2. As part of the development agreement, Microsoft Corporation has agreed to reconstruct 150 Avenue NE along a new alignment that connects the eastern leg and the western leg of the roadway, including relocation of the City of Redmond utilities from the old right-of-way to the new right-of-way.

3. The right-of-way sought to be vacated in this action is the eastern leg of 150 Avenue NE between approximately 550 feet north of NE 36 Street and NE 40 Street. and depicted on Exhibit A, attached hereto.

4. The 150 Avenue NE right-of-way in question was dedicated to the Town of Redmond in 1961.

5. The City will receive adequate consideration for the right-of-way vacated in the form of a right-of-way dedication for the proposed realignment of 150 Avenue NE.

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. Easements have been retained 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. The dedicated street right-of-way commonly known as 150 Avenue NE 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, is hereby vacated, provided, that

a. The City hereby reserves a temporary easement in the right-of-way to allow public use of the existing roadway until such time as the City of Redmond accepts the realigned 150 Avenue NE to be constructed by Microsoft under the Development Agreement for public use, and

b. The City hereby also reserves a temporary easement in the vacated right-of-way for the operation and maintenance of the existing City of Redmond water, sewer, and stormwater utility lines and facilities, as well as the existing franchised utilities currently in the vacated right-of-way, until such time as service from these utilities to the surrounding properties is no longer necessary and relocated utilities to be constructed by Microsoft in the realigned 150<sup>th</sup> Avenue NE have been constructed, are operational, and have been accepted by the City of Redmond.

Section 3. Compensation. This vacation is undertaken with the understanding that the City will receive a temporary easement in the vacated right-of-way to allow the operation and maintenance of the existing City of Redmond water and sewer utility lines, as well as the franchise utilities currently in the right-of-way, until such time as the relocated utilities are constructed and operational and accepted by the City of Redmond.

In addition, the City of Redmond will receive sufficient right-of-way and easements to accommodate the realigned street, sidewalk, utilities, and other related appurtenances, as described in Exhibit B.

In consideration for Microsoft Corporation's agreement to reconstruct the street and utilities, convey the temporary easement, and the right-of-way and permanent easements, no additional compensation is required for the vacation of right-of-way approved by this ordinance.

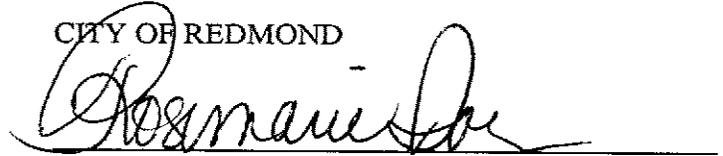
Section 4. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. However, the vacation shall 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 condition has been satisfied:

- a. Microsoft Corporation, owner of King County tax parcels 644830-0111, 644830-0112, 644830-0100, 644830-0105, and 644830-0040, shall dedicate all necessary right-of-way for the realignment of 150 Avenue NE as shown on Exhibit B prior to recording of this ordinance. The proposed right-of-way shall be cleared of all easements and other encumbrances prior to dedication.
- b. Microsoft Corporation shall submit an application for a demolition permit for the structure commonly known as Microsoft Building 401 prior to dedication of the right-of-way for the realigned 150 Avenue NE, and shall post a bond for an amount equal to the estimated cost of demolition.

In addition, an exiting plan for the occupants of Building 401 must be submitted by Microsoft and approved by the City of Redmond Building Division and Fire Department prior to dedication of the right-of-way for the realigned 150 Avenue NE.

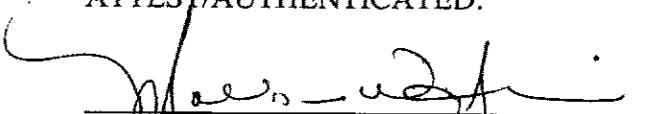
c. The City of Redmond shall have the right to require adjustment of the boundaries of the realigned 150 Avenue NE and/or utility easement locations if necessary to accommodate public facilities after construction of the realigned roadway and utilities is complete.

CITY OF REDMOND

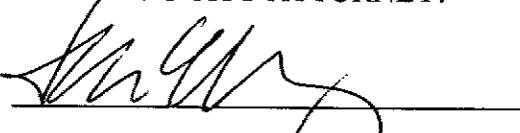


MAYOR ROSEMARIE IVES

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. 2313

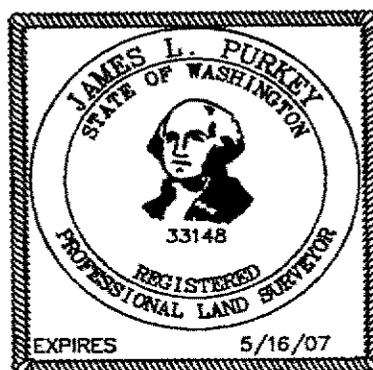
November 15, 2006  
November 21, 2006  
November 21, 2006  
November 27, 2006  
December 2, 2006

**EXHIBIT A to Ordinance No. 2313  
ROAD VACATION, 150<sup>TH</sup> AVE. NE**

**TEMPORARY ACCESS AND UTILITY EASEMENT**

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

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23, BEING A MONUMENT IN CASE AT THE INTERSECTION OF NE 40<sup>TH</sup> ST. AND 148<sup>TH</sup> AVE. NE, THENCE S89°58'20"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, ALSO BEING THE CENTERLINE OF NE 40<sup>TH</sup> ST., A DISTANCE OF 944.53 FEET; THENCE S00°01'40"W A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH MARGIN OF NE 40<sup>TH</sup> ST AND THE **POINT OF BEGINNING**;  
THENCE FROM SAID **POINT OF BEGINNING** S89°58'20"E ALONG SAID SOUTH MARGIN A DISTANCE OF 150.29 FEET TO A POINT OF CUSP AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS S00°01'40"W;  
THENCE SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 86°27'52", AN ARC LENGTH OF 60.36 FEET;  
THENCE TANGENT TO THE PRECEDING CURVE S03°33'48"W A DISTANCE OF 1,180.87 FEET;  
THENCE N86°26'12"W A DISTANCE OF 60.00 FEET;  
THENCE N03°33'48"E A DISTANCE OF 1,171.60 FEET;  
THENCE N86°26'12"W A DISTANCE OF 10.00 FEET;  
THENCE RADIAL TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 93°32'08", AN ARC LENGTH OF 65.30 FEET TO THE **POINT OF BEGINNING**.  
CONTAINS 74,119 SQ. FT., MORE OR LESS (1.70 ACRES)



**EXHIBIT B to Ordinance No. 2313**  
**ROAD DEDICATION, 150<sup>TH</sup> AVE. NE, NE 40<sup>TH</sup> ST., NE 36<sup>TH</sup> ST.**  
**TEMPORARY UTILITY EASEMENT**

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

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23, BEING A MONUMENT IN CASE AT THE INTERSECTION OF NE 40<sup>TH</sup> ST. AND 148<sup>TH</sup> AVE. NE, THENCE S89°58'20"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, ALSO BEING THE CENTERLINE OF NE 40<sup>TH</sup> ST., A DISTANCE OF 595.50 FEET; THENCE S00°01'40"W A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH MARGIN OF NE 40<sup>TH</sup> ST AND THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING S89°58'20"E ALONG SAID SOUTH MARGIN A DISTANCE OF 882.36 FEET; THENCE N01°11'54"E A DISTANCE OF 10.00 FEET; THENCE S89°58'20"E A DISTANCE OF 5.65 FEET; THENCE S00°01'40"W A DISTANCE OF 14.63 FEET; THENCE N83°20'15"W A DISTANCE OF 9.82 FEET TO A POINT 3.50 FEET SOUTHERLY OF THE SAID SOUTH MARGIN; THENCE N89°58'20"W A DISTANCE OF 746.41 FEET; THENCE S44°40'12"W A DISTANCE OF 35.58 FEET; THENCE S00°41'17"E A DISTANCE OF 272.16 FEET; THENCE S06°21'52"W A DISTANCE OF 97.74 FEET; THENCE S00°41'17"E A DISTANCE OF 130.99 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 475.00 FEET AND A CENTRAL ANGLE OF 34°17'00", AN ARC LENGTH OF 284.22 FEET; THENCE TANGENT TO THE PRECEDING CURVE S34°58'17"E A DISTANCE OF 200.00 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 545.00 FEET AND A CENTRAL ANGLE OF 48°19'25", AN ARC LENGTH OF 459.66 FEET; THENCE TANGENT TO THE PRECEDING CURVE S13°21'08"W A DISTANCE OF 303.85 FEET; THENCE S21°39'43"E A DISTANCE OF 42.11 FEET; THENCE S74°43'36"E A DISTANCE OF 153.23 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2,000.00 FEET AND A CENTRAL ANGLE OF 5°18'02", AN ARC LENGTH OF 185.02 FEET; THENCE TANGENT TO THE PRECEDING CURVE S69°25'34"E A DISTANCE OF 55.98 FEET TO A POINT ON THE NORTH MARGIN OF NE 36<sup>TH</sup> ST. AND THE BEGINNING OF A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS S20°34'26"W; THENCE NORTHWESTERLY ALONG SAID NORTH MARGIN AND SAID CURVE, HAVING A RADIUS OF 2,040.00 FEET AND A CENTRAL ANGLE OF 5°18'02", AN ARC LENGTH OF 188.72 FEET;

THENCE TANGENT TO THE PRECEDING CURVE N74°43'36"W A DISTANCE OF 190.60 FEET;  
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 88°04'44", AN ARC LENGTH OF 61.49 FEET;  
THENCE RADIAL TO THE PRECEDING CURVE N76°38'52"W A DISTANCE OF 10.00 FEET TO A POINT ON THE EAST MARGIN OF 150<sup>TH</sup> AVE. NE;  
THENCE N13°21'08"E ALONG SAID EAST MARGIN A DISTANCE OF 212.53 FEET;  
THENCE TANGENT TO THE PRECEDING COURSE ALONG SAID EAST MARGIN AND THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,030.00 FEET AND A CENTRAL ANGLE OF 9°47'20", AN ARC LENGTH OF 175.97 FEET;  
THENCE TANGENT TO THE PRECEDING CURVE N03°33'48"E ALONG SAID EAST MARGIN A DISTANCE OF 94.32 FEET;  
THENCE N86°26'12"W A DISTANCE OF 60.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS S82°49'33"W.  
THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 475.00 FEET AND A CENTRAL ANGLE OF 27°47'50", AN ARC LENGTH OF 230.45 FEET;  
THENCE TANGENT TO THE PRECEDING CURVE N34°58'17"W A DISTANCE OF 200.00 FEET;  
THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 545.00 FEET AND A CENTRAL ANGLE OF 34°17'00", AN ARC LENGTH OF 326.10 FEET;  
THENCE TANGENT TO THE PRECEDING CURVE N00°41'17"W A DISTANCE OF 330.62 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL CONVEYED TO THE CITY OF REDMOND BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 20000608001292;  
THENCE N88°44'58"W ALONG SAID SOUTH LINE A DISTANCE OF 1.81 FEET;  
THENCE N01°15'02"E ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 53.57 FEET;  
THENCE N00°41'17"W A DISTANCE OF 121.08 FEET;  
THENCE N45°19'48"W A DISTANCE OF 35.13 FEET TO THE POINT OF BEGINNING.  
**EXCEPT** THAT PORTION THEREOF DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER RECORDING NO. 20000608001292, RECORDS OF KING COUNTY, WASHINGTON.  
**ALSO EXCEPT** THAT PORTION THEREOF DESCRIBED IN DEED OF DEDICATION RECORDED UNDER RECORDING NO. 20000816000867, RECORDS OF KING COUNTY, WASHINGTON.  
**TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:**  
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23, BEING A MONUMENT IN CASE AT THE INTERSECTION OF NE 40<sup>TH</sup> ST. AND 148<sup>TH</sup> AVE. NE,  
THENCE S89°58'20"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, ALSO BEING THE CENTERLINE OF NE 40<sup>TH</sup> ST., A DISTANCE OF 1,554.10 FEET;  
THENCE S00°01'40"W A DISTANCE OF 52.82 FEET TO A POINT ON THE SOUTH MARGIN OF NE 40<sup>TH</sup> ST AND THE POINT OF BEGINNING;  
THENCE FROM SAID POINT OF BEGINNING S87°40'38"E ALONG SAID NORTH MARGIN A DISTANCE OF 11.98 FEET;  
THENCE S84°42'24"E A DISTANCE OF 51.22 FEET;  
THENCE S87°36'03"E A DISTANCE OF 120.80 FEET;  
THENCE S53°30'25"E A DISTANCE OF 8.47 FEET;  
THENCE N87°33'21"W A DISTANCE OF 93.74 FEET;  
THENCE N83°20'15"W A DISTANCE OF 97.47 FEET TO THE POINT OF BEGINNING.

FIRST PARCEL CONTAINS 96,398 SQ. FT., MORE OR LESS (2.21 ACRES)  
SECOND PARCEL CONTAINS 625 SQ. FT., MORE OR LESS (0.01 ACRES)  
TOTAL DEDICATION: 97,023 SQ. FT., MORE OR LESS (2.22 ACRES)

