



PLANNING DEPARTMENT
Development Engineering
(425) 556-2876

**STREET RIGHT-OF-WAY VACATION REPORT
TO THE HEARING EXAMINER**

Project Name: Street Vacation of the Remaining “Island” Strip of 164th Avenue

Location: 16410 NE 47th Street, Redmond, WA 98052

Project Description: The subject street right-of-way (Strip) measured in 30 foot wide and 312 foot long is associated with a preliminary plat commonly known as Duke’s Landing that is located at 16410 NE 47th Street.

File Numbers: LAND-2015-01716

Applicant: Kellie Lynn Caffey
16410 NE 47th Street,
Redmond, WA 98052

Applicant’s Representative: Mr. David Halinen, P.E., Attorney at Law
1019 Regent Blvd, Ste 202
Fircrest, WA 98466-6037

Staff Coordinator: Paulette Norman, Development Engineering and Construction Manager

Recommendation: Recommend to the City Council to APPROVE the street right-of-way vacation

Key Dates

Application Date: 5/22/2015
Street Vacation Process Initiated by the City Council: 10/6/2015
Public Hearing Date: At 7:00 PM on 11/9/2015



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Staff Report Analysis

I. Proposal Summary

The subject street right-of-way (Strip) measured in 30 foot wide and 312 foot long is associated with a preliminary plat commonly known as Duke's Landing that is located at 16410 NE 47th Street. Duke's Landing, the current owner of the abutting property to the east of the Strip, desires to have the Strip vacated.

The subject street right-of-way proposed to be vacated is legally described on **Exhibit A** and depicted on **Exhibit B** and **Exhibit C**.

II. Background

The Strip is undeveloped, unopened, and dedicated for public use by the owner of the abutting property to the east of the Strip under the Plat of Miravista in February 1926. See **Exhibit D** Subject Right-of-Way Strip. In 1978, the land to the west and north of Lot 1 was subdivided as part of the Plat of Hampton Place. The design of the plat located houses on the north and west side of the of Lot 1 of Miravista and was within the proposed Plat of Duke's Landing. Immediately to the south of the site is the Plat of Ridgemont East. The Ridgemont East Plat was a subdivision of Lots 2 and 3 of the Plat of Miravista. In November 1973, the City vacated the right-of-way south of the proposed Plat of Duke's Landing for the current subdivision of parcels for the plat of **Ridgemont East** and as shown in **Exhibit E**.

III. Authority and Procedures

Under RCW 35.79.030, a public hearing is required to consider a street right-of-way vacation. On October 6, 2015 and as authorized by RCW 35.79.010, the Redmond City Council initiated the street vacation process and delegated the authority to conduct the hearing to the Hearing Examiner so that the hearings on the preliminary plat and the street right-of-way vacation can be consolidated and the issues can be considered together.

Written notices of the hearing were posted at City Hall, Redmond City Library and in the Seattle Times at the intersection of **Bel-Red Road/NE 47th Street entrance** to the proposed plat of Duke's Landing. Notice were also mailed to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting on any part of the street right-of-way for which vacation is sought, as shown by the rolls of the county treasurer, directed to the address shown thereon.

During the public hearing, the Hearing Examiner shall receive and consider all public testimony relevant to the vacation of the right-of-way described in this resolution at the public hearing and adopt written findings of fact and conclusions of law in support of her recommendation. Following the hearing, the Hearing Examiner will report the recommendation on the street vacation to the City Council, which may accept or reject the recommendation. The hearing and decision on the preliminary plat hearing will follow the standard process and will not go back to Council.



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Upon receipt of the Hearing Examiner's street vacation recommendation, the Redmond City Council shall consider the same. The City Council shall not be required to hold its own hearing, but may consider the recommendation in a closed record proceeding. If the City Council determines to vacate the street right-of-way, the Council shall do so by ordinance.

IV. Summary of Justification Provided By Applicant

Based on the history and background of the Strip, the applicant concludes that if the Redmond City Council vacates the Subject Right-of-Way Strip, title to the entirety of the Strip will by operation of law remain vested in Kellie Lynn Caffey (the Applicant).

V. Concerns the Community May Have and Response to How They Are Addressed

Adjacent residents have expressed concerns that current stands of trees located within the proposed vacation area will be removed. The majority of all trees currently located within the proposed area for vacation will be retained and protected in an open space tract to be held in common by the future HOA.

VI. Impacts to Safety, Health or Welfare of Community

There are no adverse impacts to public safety, health or welfare of the nearby community if the Strip is vacated because the Strip is undeveloped and unopened and will remain as is today after vacated.

VII. Impacts to Transportation Master Plan and Infrastructure

The Strip is unopened and undeveloped. The Strip does not provide a need for public infrastructure installation such as sewer, water, storm drainage facility to abutting property and is not necessary for road or utility purposes.

VIII. Compensation

Under RCW 35.79.03 "If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated... One-half of the revenue received by the city or town as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city or town." The subject right-of-way was dedication in 1926 at no cost to the City and no maintenance cost of the unopened right-of-way has been incurred by the City. To compensate for the vacation, the preliminary plat of Duke Landing will construct and dedicate on-site street improvements to NE 47th Street and 164th



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Connector NE providing access to for residents of Duke's Landing and **the plats of Marymoor Vista, and Marymoor Meadows** as well as, an open space Track A within the subject right-of-way will be provided as shown in **Exhibit F**.

IX. Conclusion and Overall Recommendation and Conditions if Any.

The Strip is unopened and undeveloped. The Strip does not provide a need for public infrastructure installation such as sewer, water, storm drainage facility to abutting property and is not necessary for road or utility purposes. In addition, There are no adverse impacts to public safety, health or welfare of the nearby community if the Strip is vacated because the Strip will stay as is today.

It is recommended to the City Council to **APPROVE** the street vacations street right-of-way vacation, associated with a preliminary plat commonly known as Duke's Landing and located at 16410 NE 47th Street.

Attachments:

1. Exhibit A Plat Vacation Legal Description
2. Exhibit B Vicinity Map
3. Exhibit C ROW Proposed for Vacation
4. Exhibit D Subject Right-of-Way Strip
5. Exhibit E Ridgemont East
6. Exhibit F Open Space Track A
7. Exhibit G Final Plat Vacation Request