

NON-CODE

**CITY OF REDMOND
ORDINANCE NO. 2814**

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, VACATING A 30-FOOT BY 312-FOOT
STRIP OF UNOPENED RIGHT-OF-WAY LOCATED AT
16410 NE 47TH STREET, PURSUANT TO RCW 35.79

WHEREAS, the City has received an application for a preliminary plat commonly known as Duke's Landing and located at 16410 NE 47th Street; and

WHEREAS, under the Redmond Zoning Code the authority to approve or deny preliminary plat applications lies with the Redmond Hearing Examiner, who must conduct a public hearing prior to making a decision; and

WHEREAS, the land which is the subject of the preliminary plat application abuts a public street right-of-way, which is unopened and which the owners of the land desire to have it vacated; and

WHEREAS, under RCW 35.79.030, a public hearing is required to consider a street right-of-way vacation, and the Redmond City Council delegated the authority to conduct the hearing to the Hearing Examiner. The Hearing Examiner would report her recommendations on the street vacation to the City Council; and

WHEREAS, the notice of the right-of-way vacation hearing was posted at the City Hall, the Redmond City Library, and at the intersection of Bel-Red Road/NE 47th Street. The notice was also published in the Seattle Times and mailed to the owners of all lots, tracts, or parcels abutting the right-of-way for which vacation is sought, as required by RCW 35.79.020; and

WHEREAS, the hearing was held as scheduled on November 9, 2015, and all persons who wished to testify were provided an opportunity to do so; and

WHEREAS, the Hearing Examiner shall, following the hearing, report her recommendations on the street right-of-way vacation to the City Council, who may accept or reject the recommendations; and

WHEREAS, the Hearing Examiner has concluded that, based on the findings in the November 25, 2015, Duke's Landing Preliminary Plat Decision and the records submitted, the vacation of the right-of-way is consistent with the procedural and other requirements of RCW 35.79.030. Notice was provided as required by state law. The street right-of-way is unopened and landlocked and should be reverted to the owner of the subject property without compensation as the City expended no public funds in acquiring or maintain it. The required road improvements from the Applicant adequately address road and

utility infrastructure to serve the proposed plat and surrounding development; 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 Engineer and Director of Public Works have both recommended that the requested street right-of-way vacation be granted, subject to certain terms and conditions; and

WHEREAS, after consideration of the Hearing Examiner's finding and no public testimony given at the public hearing, the City Council determined that the vacation should be approved.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This is a non-code ordinance.

Section 2. Vacation of Right-of-Way. The 30-foot right-of-way located at 16420 NE 47th Street and more particularly described on Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full, is hereby vacated.

Section 3. Compensation. This street right-of-way vacation is undertaken with the understanding that the City will not require reimbursement because the City expended no public funds in acquiring or maintain it as allowed under RCW 35.79.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutionality by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other sections, sentence, clause or phrase of this ordinance.

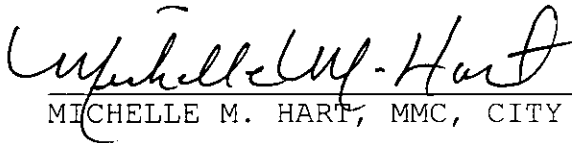
Section 5. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. However, the street right-of-way vacations shall not be effective until the final plat known as Duke's Landing is recorded and such time as this ordinance is recorded. The Planning Department is directed to record a certified copy of this Ordinance with the King County Department of Records and Elections, thereby making the vacation effective.

ADOPTED by the Redmond City Council this 19th day of
January, 2016.

CITY OF REDMOND

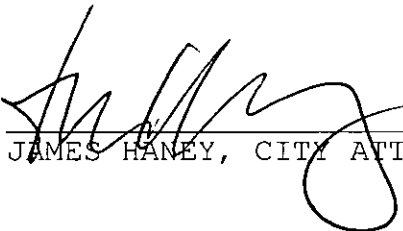

JOHN MARCHIONE, MAYOR

ATTEST:


MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:


JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	January 5, 2016
PASSED BY THE CITY COUNCIL:	January 19, 2016
SIGNED BY THE MAYOR:	January 22, 2016
PUBLISHED:	January 25, 2016
EFFECTIVE DATE:	January 30, 2016
ORDINANCE NO. 2814	

YES: ALLEN, BIRNEY, CARSON, MARGESON, MYERS, SHUTZ, STILIN



Caffey Property
Job No. 1787-001-013-0004
February 11, 2015

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
PETITION FOR VACATION OF RIGHT-OF-WAY

That portion of west 30 feet of the southwest quarter of Section 13, Township 25 North, Range 5 East, W.M., City of Redmond, King County, Washington, lying northerly of the westerly extension of the southerly line of Lot 1 of Block 2 of the plat of Miravista as recorded in Volume 28 of Plats, Page 35, Records of King County, Washington AND lying southerly of the southerly line of Lot 5 of the plat of Hampton Place as recorded in Volume 107 of Plats, Pages 58 and 59, Records of King County, Washington

Containing 9,385 square feet, more or less.

See attached Exhibit "A-1".

Written by: CAF

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02-11-2015

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