

ORDINANCE NO. 2068

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF THE RIGHT-OF-WAY FOR 174TH COURT NORTHEAST WITHIN THE PLAT OF LOOKOUT RIDGE 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 174th Court Northeast 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 1109, established March 6, 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 March 6, 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 a portion of 174th Court Northeast, located within the Plat of Lookout Ridge, and depicted on Exhibit B, attached hereto.

2. The right-of-way in question was dedicated to the City within the Plat of Lookout Ridge in 1997.

3. The right-of-way in question is not needed by the City because the proposed extension of 174th Court Northeast to the Plat of Perrigo Heights vitiates the need for a cul-de-sac at the end of 174th Court Northeast.

4. The City will receive adequate consideration for the right-of-way vacated because it will received additional right-of-way dedications in conjunction wit the Plat of Perrigo Heights.

5. The vacation of the right-of-way will not adversely affect street patterns or circulation in the immediate vicinity or the community as a whole.

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

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

8. The all abutting properties have at least one alternative mode of ingress and egress.

9. 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.

10. The right-of-way was not in any way acquired with public funds or at public expense.

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 174th Court Northeast, 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 owners of the abutting properties shall dedicate certain right of way for the continuation of 174th Court NE to the plat boundary line as shown on Exhibit B;

- b. The owners of the abutting properties shall be required to prepare and receive approval from the City for the lot line revision and other easements that are necessary to reconfigure the right-of-way of 174th Avenue NE as shown on Exhibit B;
- c. The owners of the abutting properties shall revise and receive approval of the Public Works Construction Plans of Lookout Ridge as outlined in the conditions of approval of the lot line revision of said lots identified in item (b) above; and
- d. The owners of the abutting properties shall obtain for the City the recording of a permanent roadway easement on the site of Perrigo Heights for the necessary turnaround.

CITY OF REDMOND
/S/ MAYOR ROSEMARIE IVES

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

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:
/S/ W. SCOTT SNYDER, CITY ATTORNEY

FILED WITH THE CITY CLERK:	March 3, 2000
PASSED BY THE CITY COUNCIL:	March 6, 2000
SIGNED BY THE MAYOR:	March 6, 2000
PUBLISHED:	March 11, 2000
EFFECTIVE DATE:	March 16, 2000
ORDINANCE NO. <u>2068</u>	