

ORDINANCE NO. 2082

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF THE RIGHT-OF-WAY LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION AT 161ST AVENUE AND NE 85TH ST. FOR THE REDMOND MID-RISE DEVELOPMENT 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 the Redmond Mid-Rise Development 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 No. 1115, established October 17, 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 October 17, 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 located at the southwest corner of the intersection at 161st Ave NE and NE 85th St., and depicted on Exhibit B, attached hereto.
2. The right-of-way in question was dedicated to the City as part of the dedication on December 23, 1999, under Auditor's Recording #1991223001554 by the owners of the Redmond Mid-Rise Development.
3. The right-of-way in question is not needed by the City because this vacation is a small triangular area of approximately four (4) square feet in area.
4. The City will not seek consideration for the right-of-way as a recent property survey determined that this small area is part of the building overhang into the above noted dedication..
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 City will need to retain an easement in the vacated right-of-way for construction, repair, and/or maintenance of sidewalks, public utilities and services.

9. 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. That certain portion of the dedicated street right-of-way located near the southwest corner at the intersection of 161st Ave NE and NE 85th St. for the Redmond Mid-Rise Development, 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 condition has been satisfied:

The owner of the adjacent property to be vacated shall obtain for the City the recording of a permanent sidewalk and utility easement across this vacated property.

CITY OF REDMOND
/S/ MAYOR ROSEMARIE IVES

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

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:
/S/ JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	October 12, 2000
PASSED BY THE CITY COUNCIL:	October 17, 2000
SIGNED BY THE MAYOR:	October 17, 2000
PUBLISHED:	October 21, 2000*
EFFECTIVE DATE:	October 26, 2000
ORDINANCE NO. <u>2082</u>	

*Clerk's Note: The Ordinance Summary was republished in the Eastside Journal on December 7, 2000. The Seattle Times could not offer proof of publication, so we republished to be sure all requirements were met. The effective date with publication on December 7, 2000 would be December 12, 2000.