

DKA
02/8/2001

ORDINANCE NO. 2100

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING 160TH PLACE NE RIGHT-OF-WAY BETWEEN CLEVELAND STREET AND THE BNSF RAILROAD 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 the 160th Place NE right-of-way, located between the Cleveland Street and BNSF Railroad rights of way, 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 1125, established March 6, 2001, 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, 2001, 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 160th Place NE, located between the Cleveland Street and BNSF Railroad rights of way, and depicted on Exhibit 'B', attached hereto.

2. The 160th Place NE right-of-way in question, formerly known as Gravel Road, was dedicated to the Town of Redmond in 1906.

3. The City will receive adequate consideration for the right-of-way vacated in the form of a right-of-way dedication for the proposed extension of 161st Avenue NE.

4. 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.

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

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

8. Ingress and egress for abutting properties are not impacted by the vacation.

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.

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 160th Place 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.

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:

a. The owners of Lots 5, 6 and 7 of Block 2 of the Sikes Second Addition, recorded in volume 14 of Plats, page 4, Records of King County, shall dedicate certain right of way for 161st Avenue NE as shown on Exhibit ‘B’. The proposed right of way shall be cleared of all easements and other restrictions prior to the dedication.

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

FILED WITH THE CITY CLERK:	March 1, 2001
PASSED BY THE CITY COUNCIL:	March 6, 2001
SIGNED BY THE MAYOR:	March 6, 2001
PUBLISHED:	March 10, 2001
EFFECTIVE DATE:	March 15, 2001
ORDINANCE NO. <u>2100</u>	

EXHIBIT A

Legal Description for 160th Place NE Vacation

That portion of 160th Place NE lying between Block 2 and Block 3 in Sikes Second Addition to the Town of Redmond, according to the Plat thereof recorded in volume 14 of Plats, page 4, records of King County, Washington, lying southerly of the southerly margin of Cleveland Street and lying northerly of the northerly margin of the Northern Pacific Railway.

Containing 6,326 feet ±