

June 1, 2015

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing on the requested street vacation of a portion of NE 12th Street east of 108th Avenue NE (adjacent to KidsQuest Children's Museum).

FISCAL IMPACT

This right-of-way is classified as Class I right-of-way, per BCC 14.35.120 and compensation would be at 100% of its fair market value, per BCC 14.35.130. The estimated fair market value of the right-of-way proposed to be vacated is \$86,000.

The petitioner has paid the required pre-hearing fee of \$1,650 and will pay a post-hearing fee of \$1,100 if the property is to be vacated plus all appraisal fees.

STAFF CONTACT

Nora Johnson, Director, 452-4167

Max Jacobs, Real Property Manager, 452-4182

Patti Ebert, Sr. Real Property Agent, 452-5203

Civic Services Department

David Berg, Director, 452-6468

Transportation Department

POLICY CONSIDERATION

Bellevue City Code:

Section 14.35.070 of the Bellevue City Code requires that Council hold a public hearing to consider the vacation, to hear any person wanting to speak for or against the vacation, and to pass an ordinance accomplishing the vacation, if appropriate. Staff will gather information and prepare findings to assist the Council in the discussion of the vacation. Following the hearing, the Council shall determine:

- a. Whether a change of use or vacation of the described portion will better serve the public good; or
- b. Whether the street or portion thereof is no longer required for public use; or
- c. Whether the use thereof as a public way is of such benefit as not to justify the cost of maintenance;
or
- d. Whether the substitution of a new and different thoroughfare would be more useful to the public;
or
- e. Whether conditions may so change in the future as to provide a greater public use or need than presently exists; and
- f. Whether objections to the proposed vacation are made by owners of private property (exclusive of the petitioners) abutting the same.

Section 14.35.090 of the Bellevue City Code states "...the Council may, by ordinance and subject to provisions of this code regarding payment of compensation, vacate such street, alley or part thereof reserving to the City an easement or the right to exercise and grant easement vacated land for the

construction, repair and maintenance of public utilities and services and may impose such other conditions or limitations as it deems necessary and proper to preserve any desired public use or benefit.”

BACKGROUND

On February 12, 2015, the City received a sufficient street vacation petition signed by property owners of two-thirds of the land abutting a portion of NE 12th Street east of 108th Avenue NE. The sufficiency of the petition, as required by City Code, has been established. The area to be vacated is adjacent to property currently owned by the petitioner, KidsQuest Children’s Museum, whose physical address is 1116 108th Avenue NE. This right-of-way is located in the Downtown area within the Bel-Vista Addition to Bellevue Plat.

This section of right-of-way is 30 feet in width, and the petitioner owns the property adjacent to it. They have requested to vacate a portion of this right-of-way adjacent to their building (6 feet x 82 feet totaling 492 square feet) to install two new exhibits into the building which necessitate modifications/expansions of the building exterior. The current right-of-way line is located at the north edge of their building.

Six City departments reviewed and commented on the current vacation request. No impacts have been identified and all departments recommend approving the street vacation.

This hearing was advertised in the newspaper of record, posted by the City Clerk in the required places and posted at the property. Notices were sent to property owners within a 300-foot radius of the proposed vacation.

Staff seeks Council direction on whether to proceed with drafting legislation either approving or denying the requested street vacation for Council consideration at a future meeting. If Council directs staff to proceed with approval of the vacation, staff would schedule Council action in approximately 6 to 8 weeks, following appraisal of property and preparation of necessary documents.

EFFECTIVE DATE

Not applicable.

OPTIONS

1. Hold the public hearing and provide direction to staff whether to proceed with drafting legislation either approving or denying the requested street vacation of a portion of NE 12th Street east of 108th Avenue NE.
2. Do not hold the public hearing and provide alternative direction to staff.

RECOMMENDATION

Option 1.

MOTION

Move to open the public hearing.

ATTACHMENTS

- A. Vicinity Map
- B. Public Hearing Notice
- C. Proposed Exterior Expansion

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Copy of Petition to Vacate Streets