

CITY COUNCIL REGULAR SESSION

Ordinance approving the vacation of a dead-end portion of NE Bellevue-Redmond Road, east of 120th Avenue NE.

John Resha, Director, 452-2567
Ira McDaniel, Assistant Director, 452-4182
Loren Matlick, Real Property Manager, 452-6458
Mike Murray, Senior Real Property Agent, 452-6024
Finance & Asset Management Department

Andrew Singelakis, Director, 452-6468
Transportation Department

EXECUTIVE SUMMARY

This Ordinance is requesting Council to approve the vacation of a dead-end portion of NE Bellevue-Redmond Road, east of 120th Avenue NE.

RECOMMENDATION

Move to adopt Ordinance No. 6753

BACKGROUND/ANALYSIS

On August 27, 2018, the City received a street vacation petition signed by property owners of two-thirds of the land abutting a portion of NE Bellevue-Redmond Road. The sufficiency of the petition, as required by code, was established. The area to be vacated is adjacent to property currently owned by the petitioner, William Finkbeiner, at 12011 NE Bellevue-Redmond Road. This right-of-way is located just south of the Bel-Red Corridor in the Wilburton/NE 8th District.

This portion of NE Bellevue-Redmond Road is right-of-way that is left over from the construction of the 120th Avenue NE Stage 2 project that realigned 120th Avenue NE and NE Bellevue-Redmond Road. The dead-end portion was created when 120th Avenue NE was extended north, across NE 8th Street, and Bel-Red Road was realigned. This left over section of roadway is 60 feet in width and was dedicated as public right of way on August 12, 1908, by the Brierwood Park Plat.

Mr. Finkbeiner owns property adjacent to the south of this right-of-way and the City of Bellevue Transportation Department owns two small properties on the north side that are remnants from acquisition of larger parcels for the 120th Avenue NE Stage 2 project. If the vacation is approved, the South half of the right of way would attach to Mr. Finkbeiner's property and the North half would attach to the city-owned parcels. Reciprocal access easements would be granted between the City and Mr. Finkbeiner to allow continued use of this area as a private driveway serving both properties.

City Departments and franchise utilities reviewed the proposed street vacation for additional easements that would need to be reserved prior to vacating the right-of-way.

On September 3, 2019, Council held a public hearing on the requested street vacation. Three written

objections were submitted to Council prior to the hearing, and there were no public comments during the hearing. Following the hearing, Council approved a motion by a vote of 6-1 with one Councilmember dissenting. This motion directed staff to return to Council at a future meeting with an ordinance to approve the proposed street vacation.

Per Section 14.35.070 of the Bellevue City Code, Council's motion determined the following criteria were met to approve this proposed street vacation: a) a change of use or vacation of the described portion will better serve the public good, b) the street or portion thereof is no longer required for public use, c) the use as a public way is of such public benefit as not to justify the cost of maintenance, and d) substitution of a new and different thoroughfare would be more useful to the public.

Following the public hearing, the property owner requested that the City postpone moving forward with processing the street vacation during the early stages the COVID-19 pandemic. Once the property owner requested the City proceed, staff had the vacation area appraised to determine the amount of compensation required and worked with Mr. Finkbeiner as well as franchise utilities to identify, negotiated, prepare, and agree on all of the easements that would be required by the vacation. The proposed Ordinance includes the following conditions:

- Execution of reciprocal access easements across the street vacation area to allow driveway access to the adjoining parcels.
- Execution of easements for public utilities in the vacation area.
- Execution of easements for franchise utilities that have facilities in the vacation area.
- Execution of a sidewalk and utility easement for a small portion of a public sidewalk.
- Payment by the petitioner of the appraised fair market value of the vacation area.

There are no identified public uses for this street vacation area. It will be completely encumbered by the easements listed above. If the ordinance is approved, staff would proceed with executing and recording all of the easements and documents necessary to finalize the vacation process.

POLICY & FISCAL IMPACTS

Policy Impact

Bellevue City Code

Section 14.35 of the Bellevue City Code states that "...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."

Section 14.35.150 of the Bellevue City Code..."All funds received as compensation pursuant to this chapter shall be deposited in the city's land purchase revolving fund."

Comprehensive Finance and Asset Management Policies

Section XI. T states: Land Sale Remnants: The City is frequently left with property remnants following the completion of a project that required rights-of-way (ROW) acquisition. These remnants represent an asset to the program area that purchased them. If the project selling the land remnants is still active, the revenue from the sale shall be receipted as land sale proceeds in the project, therefore serving to partially offset the ROW acquisition costs. If the project is already completed at the time of the remnant sale, the land sale proceeds can either be used by the selling program area to help fund another of that program area's projects, or they can be deposited in the Land Purchase Revolving Fund for future use by the purchasing program area.

Fiscal Impact

This action requires staff preparation and research time, which can be accommodated within the existing operating budget. The petitioner has paid the required pre-hearing fee of \$1,650, post-hearing fee of \$1,100 and all appraisal fees. It has been determined that this right-of-way is Class I per Bellevue City Code 14.35.120 and that compensation is required at 100 percent of fair market value, in excess of filing fees (Bellevue City Code 14.35.130). The appraised current fair market value of the right-of-way proposed to be vacated is \$240,000. Petitioner has made payment as required by Bellevue City Code. These funds have been deposited into in the Land Purchase Revolving Fund pursuant to BCC 14.35.150 and will be transferred to the 120th Avenue NE – Stage 2 project (CIP Plan No. PW-R-164), which has recognized this revenue as a funding source for the project.

OPTIONS

1. Adopt the Ordinance approving the vacation of a dead-end portion of NE Bellevue-Redmond Road, east of 120th Avenue NE.
2. Do not adopt Ordinance and provide alternative direction to staff. The City would retain ownership of the aforementioned right-of-way.

ATTACHMENTS

- A. Proposed right-of-way vacation location map
- B. CIP Project Description (PW-R-164)
Proposed Ordinance No. 6753

AVAILABLE IN COUNCIL LIBRARY

- Access Easements
- Utility Easements
- Sidewalk and Utility Easement