

July 6, 2015

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Ordinance No. 6234 approving the vacation of a portion of NE 12<sup>th</sup> Street east of 108<sup>th</sup> Avenue NE (adjacent to KidsQuest Children's Museum).

### **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 appraisal fee of \$1,500.

This right-of-way is Class I right-of-way, per BCC 14.35.120, and compensation will therefore be at 100% of the property's fair market value, per BCC 14.35.130. The appraised fair market value of the right-of-way proposed to be vacated is \$85,300, which will be deposited into the Land Purchase Revolving Fund should Council approve the vacation.

### **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**

#### **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."

### **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 12<sup>th</sup> Street east of 108<sup>th</sup> 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 108<sup>th</sup> 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.

On May 4, 2015, Council approved Resolution No. 8905 setting June 1, 2015 as the date for a public hearing to take public comment on the requested vacation. At the June 1, 2015 public hearing no public comments were received. Following the hearing, Council directed staff to return to Council at a future meeting with an ordinance to approve the proposed street vacation.

No City utilities are located within the area to be vacated. Franchise utilities have been contacted to determine if they have facilities in the area and, if so, they will have the opportunity to retain easements prior to completion of the vacation.

**EFFECTIVE DATE**

If approved, this Ordinance becomes effective on July 14, 2015.

**OPTIONS**

1. Adopt the Ordinance vacating a portion of NE 12<sup>th</sup> Street east of 108<sup>th</sup> Ave NE (adjacent to KidsQuest Children's Museum).
2. Do not adopt the Ordinance. The City would retain ownership of the aforementioned right-of-way.

**RECOMMENDATION**

Option 1.

**MOTION**

Move to adopt Ordinance No. 6234 vacating a portion of NE 12<sup>th</sup> Street east of 108<sup>th</sup> Ave NE (adjacent to KidsQuest Children's Museum).

**ATTACHMENTS**

Vicinity Map  
Proposed Ordinance