

March 19, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Ordinance approving the vacation of a portion of NE 12th Street, lying just westerly of 120th Avenue NE.

FISCAL IMPACT

This action requires staff preparation and research time, which can be accommodated within the existing operating budget. The petitioner has paid to the City 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 Bellevue City Code (BCC) 14.35.120, and compensation will therefore be at 100 percent of the property's fair market value, per BCC 14.35.130. The appraised fair market value of the right-of-way proposed to vacate is \$2,365,700, which will be deposited into the Land Purchase Revolving Fund should Council approve the vacation.

STAFF CONTACTS

Laurie Leland, Interim Director, 452-4366
Ira McDaniel, 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 ("BCC") 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

This section of right-of-way varies in width, being 110 feet near the intersection with 120th Avenue NE and widening northwesterly to 165 feet in width where it meets with the Burlington-Northern Railroad Right-of-Way. The paved traveled roadway of NE 12th Street is generally centered within the right-of-way and is approximately 60 feet in width. The proposed vacated area has been surveyed and is 23,657 square feet and adjoins the petitioner's property (Pine Forest Properties) at 1215 120th Avenue NE which is proposed to be part of a new 4-lot short plat.

On January 5, 2015, Council approved Resolution No. 8858 setting February 17, 2015 as the date for a public hearing to take public comment on the requested vacation. At the public hearing, no public comments were received and following the hearing, Council directed staff to return to Council at a

future meeting with an ordinance to approve the proposed street vacation. Pursuant to BCC 14.35.070 Council determined that the following criteria were met to approve this proposed street vacation: b) the street or portion thereof is no longer required for public use, and f) no objections to the proposed vacation were made by owners of private property abutting the same.

After the public hearing, the petitioner requested to place this street vacation on hold until the conclusion of negotiations with the City for the 120th Avenue NE Capital Improvement Program project and Sound Transit's Eastlink Project. In 2017 these project negotiations concluded and the petitioner requested to move forward with the street vacation process. Due to the two-and-a-half-year lapse in time since the public hearing, staff had the appraisal for the proposed vacated area updated to reflect the increased current market value and Puget Sound Energy has obtained an easement from the petitioner for their existing facilities.

EFFECTIVE DATE

If approved, this Ordinance becomes effective on March 29, 2018.

OPTIONS

1. Adopt the Ordinance approving the vacation of a portion of NE 12th Street, lying just westerly of 120th Avenue NE.
2. Do not adopt the Ordinance and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Move to adopt Ordinance No. 6408 approving the vacation of a portion of NE 12th Street, lying just westerly of 120th Avenue NE.

ATTACHMENTS

A. Vicinity Map
Proposed Ordinance No. 6408

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Copy of Petition to Vacate Streets