

March 19, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing on the requested street vacation of a portion of SE 20th Street adjacent to 1858 128th Avenue SE.

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 to the City and will pay a post-hearing fee of \$1,100 if the property is to be vacated, plus 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 the fair market value, in excess of filing fees (Bellevue City Code 14.35.130). The estimated fair market value of the right-of-way proposed to be vacated is approximately \$113,000.

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

Bellevue City Code:

Section 14.35.070 of the Bellevue City Code requires that the City 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 Council in the discussion of the vacation. Following the hearing, 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 September 14, 2017, the City received a sufficient street vacation petition signed by property owners of two-thirds of the land abutting a portion of SE 20th Street adjacent to 1858 128th Avenue SE. 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 whose physical address is 1858 128th Avenue SE. This right-of-way is located in a residential area in the Woodridge Division No. 1 Plat.

The adjacent right-of-way is 30 feet in width and the petitioner has requested to vacate 15 feet of right-of-way adjacent to their property. They have requested to vacate a portion of this right-of-way adjacent to their property to increase the potential for a short plat in the future.

Seven City departments reviewed and commented on the current vacation request. The Planning and Community Development Department noted that a trail marker currently located on the property needs to remain, the Parks and Community Services Department wanted to make sure the neighborhood connection is maintained and the Utilities Department needs to make sure the existing water main is not located in the area to be vacated. If it is, the City will need to retain a Waterline Easement.

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 500-foot radius of the proposed vacation.

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

EFFECTIVE DATE

N/A

OPTIONS

1. Hold the public hearing and provide direction to staff on whether to proceed with drafting legislation either approving or denying the requested street vacation of a portion of SE 20th Street adjacent to 1858 128th Avenue SE.
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 right-of-way vacation depiction

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Copy of Petition to Vacate Streets