

CITY COUNCIL REGULAR SESSION

Public Hearing on the requested vacation of a dead-end portion of SE 1st Street between Bellevue Way SE and 105th Avenue SE.

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EXECUTIVE SUMMARY

This public hearing is to solicit input on the proposed street vacation requested by the property owner of 100 Bellevue Way SE and 12 Bellevue Way SE, property owners of the north and south sides of the site. If approved, staff will return to Council in approximately 8-12 weeks with an Ordinance, following appraisal of the property, preparation and execution of necessary documents and payment for the property.

RECOMMENDATION

Move to 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 SE 1st between Bellevue Way SE and 105th Ave SE based on the criteria in Bellevue City Code 14.35.070.

BACKGROUND/ANALYSIS

On August 5, 2020, the City received a sufficient street vacation petition signed by property owners of two-thirds of the land abutting a portion of what was formerly SE 1st Street, which lies easterly of and adjacent to Bellevue Way SE, south of the property at 12 Bellevue Way SE and north of the property at 100 Bellevue Way. The sufficiency of the petition, as required by Bellevue City Code, has been established. The property owners on both sides of this segment of SE 1st Street support the proposed vacation and have signed onto the petition. This section of SE 1st Street was dedicated for public use in the Maxwellton Braes Addition, as recorded in Volume 21 of Plats, Page 80, Records of King County, Washington. The easterly adjacent portion of SE 1st Street was vacated January 5, 1965 through Bellevue City Ordinance No. 713. The remaining dead-end section of the right-of-way proposed for vacation is 40 feet by 134.23 feet, with a total area of 5,369 square feet.

City Departments have reviewed the proposed street vacation and do not object as this section of SE 1st Street has no planned future use and the City would have ongoing maintenance costs if it is maintained as public right of way. The vacation area will be reviewed by franchise utilities for easements that would need to be reserved prior to vacating the right-of-way. At the City's request, the applicant has agreed to provide a trash services agreement and an access easement for the property to the east of SE 1st Street, currently occupied by Bellevue Animal Hospital.

On May 5, 2021, Council adopted Resolution No. 9930, which set a public hearing for the proposed street vacation on June 28th. 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 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 will return to Council in approximately 8-12 weeks with an Ordinance, following appraisal of the property, preparation and execution of necessary documents and payment of remaining fees and property.

POLICY & FISCAL IMPACTS

Policy Impact

Bellevue City Code

BCC 14.35.070 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.

BCC 14.35.050 requires the public hearing be held at a time not more than 60 days, nor less than 20 days, after the date of passage of a resolution establishing the hearing date.

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 and will pay a post-hearing fee of \$1,100 and all appraisal fees if the property is to be vacated. 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 (BCC 14.35.130). The estimated fair market value of the right-of-way proposed to be vacated to the petitioner is approximately \$2,400,000.

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 SE 1st between Bellevue

Way SE and 105th Ave SE based on the criteria in Bellevue City Code 14.35.070.

2. Do not hold the public hearing and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Proposed right-of-way vacation location map
- B. Public Hearing Notice

AVAILABLE IN COUNCIL LIBRARY

N/A