REDMOND CITY COUNCIL ORDINANCE NO. 2604

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF A CERTAIN ALLEY RIGHT-OF-WAY LOCATED SOUTH OF NE 80th STREET BETWEEN 169th AVE NE AND 170th AVE NE, PURSUANT TO RCW 35.79 SUBJECT TO CONDITIONS AND THE RESERVATION OF CERTAIN EASEMENTS, CITY FILE NO. L110168

WHEREAS, the City Council has received a petition requesting that a portion of the alley right-of-way, which is adjacent to the proposed Redmond Square Apartments development located south of NE 80th Street between 169th Ave NE and 170th Ave NE, depicted upon Exhibit B, attached hereto and incorporated by this reference, be vacated; and

WHEREAS, the petition contains the signatures of the owners of more than two-thirds of the abutting property; and

WHEREAS, the action of vacating a street or roadway is categorically exempt from environmental review per WAC 197-11-800(2)(h) and is therefore not subject to SEPA rules and determinations; and

WHEREAS, the City Council, by passage of Resolution No. 1357, established July 12, 2011, as the date for a public hearing to consider the requested alley vacation; and

WHEREAS, the City staff posted and published appropriate notices of the public hearing as required by RCW 35.79.020; and

WHEREAS, the hearing was held as scheduled on July 12, 2011, and all persons who wished to testify were provided an opportunity to do so; and

WHEREAS, the City Engineer and Director of Public Works have both recommended that the vacation request be granted, subject to certain terms and conditions; and

WHEREAS, after consideration of the testimony, the City Council determined that the vacation should be approved.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This is a non-code ordinance.

Section 2. <u>Vacation of Right-of-Way</u>. The portion of public alley right-of-way, located south of NE 80th Street between 169th Ave NE and 170th Ave NE, within the proposed Redmond Square Apartments project, and more particularly described on Exhibit 'A', attached hereto and incorporated herein by this reference as if set forth in full, is hereby vacated.

Section 3. Reservation of Easement. The City hereby reserves a permanent public easement for public access and the construction, reconstruction, maintenance, operation, replacement and repair of public and franchise utilities over, in, upon, across, through and along the vacated area described in Exhibit 'A'.

Section 4. Compensation. This vacation is undertaken with the understanding that the City will receive compensation in an amount of Twenty-five Thousand Five Hundred Dollars (\$25,500.00), the full appraised value of the vacated area.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. However, the vacation shall not be effective until such time as this Ordinance is recorded. The City Clerk is directed to record a certified copy of this Ordinance with the King County Department of Records and Elections, thereby making the vacation effective upon confirmation from the Public Works Director that the following conditions have been satisfied:

a. The City has received compensation in an amount of Twenty-five Thousand Five Hundred Dollars (\$25,500.00).

ADOPTED by the Redmond City Council this 12th day of July, 2011.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: July 6, 2011

PASSED BY THE CITY COUNCIL: July 12, 2011

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2604

SIGNED BY THE MAYOR:

July 12, 2011

July 18, 2011

July 23, 2011

ADOPTED 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache

ALLEY VACATION

THAT PORTION OF THE 16 FOOT WIDE ALLEY RIGHT OF WAY LYING BETWEEN LOTS 6 THROUGH 8 AND LOT 19, BLOCK 3, SIKES' THIRD ADDITION TO REDMOND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21 OF PLATS, PAGE(S) 37, IN KING COUNTY, WASHINGTON.

CONTAINING AN AREA OF 2,018 SQ. FT



04/19/11 GEODIMENSIONS, INC. LAND SURVEYOR

