



MEMO TO: Members of the City Council

FROM: Mayor John Marchione

DATE: March 19, 2019

SUBJECT: **Approval of Vacation of Portion of 102nd Street Right-of-Way**

I. RECOMMENDED ACTION

Conduct a public hearing and approve an ordinance to vacate a portion of NE 102nd Street right-of-way between approximately 143rd Avenue NE and 148th Avenue NE.

II. DEPARTMENT CONTACTS

Malisa Files, Finance Director	425-556-2166
Kelley Cochran, Assistant Finance Director	425-556-2748
Debby Wilson, Program Administrator	425-556-2715

III. DESCRIPTION/BACKGROUND

On May 22, 1920, a 60-foot right-of-way area for road purposes was conveyed to King County, Washington. The segment of right-of-way is referred to as NE 102nd Street and on some historical documents as James Robinson Road; it is legally described on Attachment “A” - Exhibit “A”. The right-of-way area is unimproved and situated east of Willows Road. It does not connect to Willows Road nor any other public road right-of-way, improved or unimproved. The right-of-way area is more specifically two parcels of land removed from Willows Road; one parcel being the railbanked rail corridor and one parcel being a portion of Willows Run Golf Complex. This right-of-way area for road purposes would have passed from King County to the City of Redmond by operation of law when the area was annexed into the City. For the last 20-years, the Willows Run Golf Complex has used the right-of-way area under a lease agreement. The lease’s end date is August 2019. A public water line currently crosses the right-of-way area. The City has no plans to make any road improvements to, or within, this right-of-way area.

The Revised Code of Washington (RCW) 35.79 establishes the process for which road right-of-way is vacated. The City Clerk has received a petition document and supporting information petitioning the legislative authority of the City to vacate this portion of road right-of-way. Vacating the road right-of-way would offer certainty that future development of the right-of-way would not interfere with future operation of the golf complex. The City Clerk has found the petition, submitted October 3, 2018, meets the statutory requirement for a road right-of-way vacation request.

Pursuant to RCW 35.79.010, the City Council passed a resolution on February 5, 2019, to set the public hearing date for the vacation of a road right-of-way, this portion of NE 102nd Street, as March 19, 2019. Notices of the public hearing were posted as required by RCW 35.79.020. The Redmond City Council is holding a public hearing on the requested road right-of-way vacation.

All persons who wish to testify are provided an opportunity to do so on March 19, 2019. Following the public hearing and consideration of testimony, Staff requests Council make a determination that the road right-of-way vacation should be approved or denied.

Staff recommends that the City vacate the road right-of-way area with consideration, as provided for by RCW 35.79.030, being: 1. Reservation of easements to protect existing public utilities and rights for stormwater utilities, as if the right-of-way area was not vacated and 2. Payment of a monetary amount as determined by the Mayor, that is ten (10) percent of the fee value as reported by a third-party appraiser. Additionally, City should quit claim any rights it may have to the area to clear title, as well as release or assign any of its leasehold interest.

IV. PREVIOUS DISCUSSIONS HELD

- November 27, 2018: Committee of the Whole – Finance, Administration and Communications
- February 5, 2019: City Council Resolution No. 1511
- March 19, 2019: City Council Public Hearing

V. IMPACT

A. Service/Delivery:

There is no impact to service delivery. The area to be vacated has not been improved; rights will be reserved to protect existing or future utilities.

B. Fiscal Note:

As provided for by RCW 35.79.030, compensation will be paid for the rights vacated and revenue will be dedicated to public open space or transportation capital projects.

VI. ALTERNATIVES TO STAFF RECOMMENDATION

1. The Council could choose not to approve the ordinance to vacate NE 102nd Street right-of-way.
2. The Council could approve the ordinance with modified language.

VII. TIME CONSTRAINTS

RCW 35.79.010 requires notification of a public hearing occurring at least 20 days after, but no more than 60 days from, the passage of the resolution setting such public hearing date.

There is no time constraint for the approval of the ordinance following the public hearing or the receipt of a vacation petition.

VIII. LIST OF ATTACHMENTS

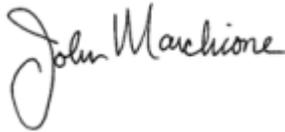
Attachment A: Ordinance

Exhibit A: Legal Description

Attachment B: Vacation Petition



Malisa Files, Finance Director



Approved for Agenda _____

John Marchione, Mayor