

NON-CODE

**CITY OF REDMOND  
ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING AND AUTHORIZING THE QUIT CLAIM OF A PORTION OF NE 102<sup>ND</sup> STREET LOCATED BETWEEN 143<sup>RD</sup> AVENUE NE AND 148<sup>TH</sup> AVENUE NE, SUBJECT TO RESERVATION OF EASEMENTS; ESTABLISHING THE COMPENSATION TO BE PAID FOR SUCH VACATION; DIRECTING THAT A COPY OF THIS ORDINANCE BE RECORDED WITH THE KING COUNTY RECORDER'S OFFICE; AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, the City of Redmond has received a petition for vacation of certain road right-of-way being NE 102<sup>nd</sup> Street between 143<sup>rd</sup> Avenue NE and 148<sup>th</sup> Avenue NE, if these streets were extended, also known as James Robinson Road; and

WHEREAS, the petition was signed by the owners of more than two-thirds of the property abutting the road right-of-way proposed for vacation; and

WHEREAS, as required by RCW 35.79.010, the Redmond City Council passed Resolution No. 1511 on February 5, 2019, setting a public hearing on the road right-of-way vacation for March 19, 2019, which is not more than sixty days nor less than twenty days after passage of the Resolution; and

WHEREAS, notice of the hearing was given as required by RCW 35.79.020; and

WHEREAS, the action of vacating a road right-of-way is categorically exempt from environmental review per WAC 197-11-800(2)(i) and is therefore not subject to SEPA rules and determinations; and

WHEREAS, the City Engineer has recommended that the vacation request be granted subject to certain terms and conditions; and

WHEREAS, as required by RCW 35.79.030, the Redmond City Council held a public hearing on the road right-of-way vacation on March 19, 2019, and, after considering testimony received, determined to approve the vacation through adoption of this ordinance subject to certain conditions.

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

Section 1. Right-of-Way Vacated - Authorization to Quit Claim. That portion of NE 102<sup>nd</sup> Street between 143<sup>rd</sup> Avenue NE and 148<sup>th</sup> Avenue NE, if these streets were extended, also known as James Robinson Road, and more particularly described on Exhibit "A" to this Ordinance, is hereby vacated and the Mayor is authorized to quit claim said legally described property to the petitioner, subject to reserving of:

- a. A permanent, nonexclusive easement over, under, in, upon, along, and across a portion of the land described

on Exhibit "A" for the construction, installation, reconstruction, reinstallation, repair, operation, and maintenance of an existing underground water piping system, easement area shall be twenty (20) feet in width, more specifically ten (10) feet on either side of the existing water pipe, and

- b. A permanent, nonexclusive easement over, under, in, upon, along, and across the land described on Exhibit "A" for the construction, installation, reconstruction, reinstallation, repair, operation, and maintenance of public stormwater utility facilities.

Section 2.      Compensation. Pursuant to RCW 35.79.030 the owners of the property petitioning for vacation of the road right-of-of way shall be required to compensate the City in the amount of ten (10) percent of the fee market value of the right-of-way, as determined by the Mayor based upon an appraisal. The compensation shall be paid before the vacation of the road right-of-way shall become effective.

Section 3.      Recording. The Finance Department is hereby authorized and directed to cause the recording of a certified copy of this ordinance, and quit claim deed with reservation of easements, at the King County Recorder's Office upon payment of the compensation described in Section 2.

Section 4. Severability. If any section, 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 5. 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 hereof consisting of the title and publication in the official newspaper of the City. However, the vacation shall not be effective and the quit claim shall not be recorded until the compensation required by Section 2 is paid, permanent easements are established as required by Section 1 and a copy of this ordinance is recorded as provided in Section 4.

ADOPTED by the Redmond City Council this \_\_\_\_ day of March,  
2019.

CITY OF REDMOND

\_\_\_\_\_  
JOHN MARCHIONE, MAYOR

ATTEST:

\_\_\_\_\_  
MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

\_\_\_\_\_  
JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.

EXHIBIT "A"

THE SOUTH 697.0 FEET OF THE SOUTHEAST QUARTER OF SECTION 34,  
TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY,  
WASHINGTON, LYING EASTERLY OF THE BURLINGTON NORTHERN RAILROAD  
RIGHT-OF-WAY;

EXCEPT THE SOUTH 637.0 FEET THEREOF;

CONTAINING AN AREA OF 105,756 SQUARE FEET OR 2.4278 ACRES, MORE  
OR LESS;

SITUATE IN THE CITY OF REDMOND, KING COUNTY, WASHINGTON STATE.



ACCESS GOLF  
WILLOWS RUN GOLF COURSE  
OLIVER Q. ROBAR, P.L.S.  
BRH JOB NO. 2018048.01  
DATE 10/01/2018

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