

## Attachment A: NE 70<sup>th</sup> Street Right-of-Way Vacation Supplemental Materials

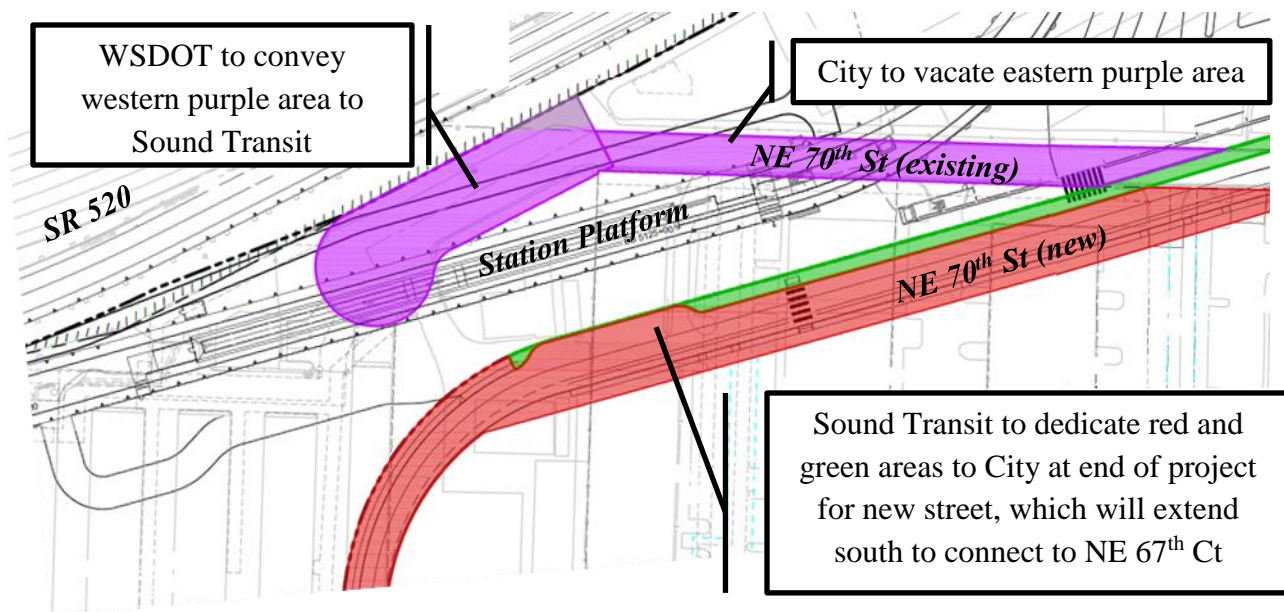
### Background

Sound Transit is extending light rail 3.4 miles from the future Redmond Technology Station in Overlake to Downtown Redmond. The extension has two stations: one in the Marymoor Village area of Southeast Redmond with an associated 1,400-stall parking structure, and a terminus station in Downtown Redmond.

As part of the extension, Sound Transit will realign a portion of NE 70<sup>th</sup> Street in Marymoor Village to accommodate the Southeast Redmond Station and parking structure. One of the required steps in realigning the street is for the City to vacate a portion of the existing ROW.

### NE 70<sup>th</sup> Street Vacation, Temporary Rights, and Future Street Dedication

As part of the Downtown Redmond Link Extension (DRLE), Sound Transit will realign NE 70<sup>th</sup> Street and extend a new street to the south, 173<sup>rd</sup> Avenue NE, to facilitate construction of the Southeast Redmond Station and improve circulation in Marymoor Village. The areas of street vacation and dedication are shown in the graphic below.



The vacation of a portion of NE 70<sup>th</sup> Street ROW is the first in a series of property rights transactions that will ultimately result in Sound Transit dedicating a new segment of NE 70<sup>th</sup> Street fronting the Southeast Redmond Station. The general sequence of events follows and is further detailed in project Letter of Concurrence (LOC) 22, incorporated by reference into the DRLE Development Agreement approved by the City Council.

1. City vacates portion of NE 70<sup>th</sup> Street ROW
2. Sound Transit grants temporary utility and public access rights in the existing NE 70<sup>th</sup> Street alignment to ensure continued provision of utility services and property access during construction
3. Sound Transit grants temporary utility and public access rights in the new NE 70<sup>th</sup> Street alignment when the new alignment of NE 70<sup>th</sup> Street and associated utilities are ready for public use

#### 4. Sound Transit deeds the new alignment of NE 70<sup>th</sup> Street to the City as ROW

The western end of NE 70<sup>th</sup> Street is operated by the City as a public street but is owned by the Washington State Department of Transportation (WSDOT). Therefore, WSDOT will convey its portion of NE 70<sup>th</sup> Street to Sound Transit separately. As part of LOC 22, City staff have agreed to send a letter to WSDOT indicating that the City no longer needs the cul-de-sac for public street purposes.

#### **Right-of-Way Vacation Process**

Chapter 35.79 RCW requires a municipality's legislative body to make decisions on ROW vacations. The summary process for a ROW vacation is as follows:

1. Adjacent property owners petition the City to vacate the ROW
2. City Council sets hearing date by resolution
3. City provides notice of public hearing
4. City Council holds public hearing
5. City Council acts on vacation ordinance

Sound Transit submitted a petition to vacate a portion of NE 70<sup>th</sup> Street ROW on May 19, 2020. The petition contains the signatures of more than two-thirds of the adjacent owners as measured in lineal feet. In fact, Sound Transit has acquired property rights for 100 percent of the abutting land. Because the petition meets the two-thirds threshold, under state law, the City Council must, at a future business meeting, adopt a resolution setting a date for a public hearing to consider the petition.

#### **Compensation**

State law provides that the City may require adjacent owners to compensate the City in an amount not to exceed one-half of the appraised value of the vacated area. In this instance, Sound Transit will be replacing the existing street ROW with a new, larger street ROW, and improving the ROW according to City standards. Therefore, staff recommends that the new street ROW and improvements be considered compensation for the ROW vacation.

#### **Right-of-Way Vacation Ordinance**

The City Council can expect to see the following elements in the NE 70<sup>th</sup> Street right-of-way vacation ordinance:

- Authorization for the Mayor to vacate the subject right-of-way
- Requirement for Sound Transit to dedicate temporary utility and public access rights
- Statement that the City will accept the new NE 70<sup>th</sup> Street right-of-way and improvements as compensation
- Authorization for the Finance Department to record the ordinance and quit claim deed
- Setting an effective date tied to the resolution of the eminent domain action for one of the abutting properties

#### **Next Steps**

The proposed timeline for the right-of-way vacation is as follows:

- January 12, 2021: Committee of the Whole briefing
- January 19, 2021: Council adopts resolution setting public hearing date
- February 16, 2021: Council holds public hearing

The Council may decide on the right-of-way vacation as soon as the public hearing concludes.