

NON-CODE

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

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF NE 70<sup>TH</sup> STREET LOCATED WEST OF 176<sup>TH</sup> AVENUE NE AND EAST OF THE WEST TERMINUS OF NE 70<sup>TH</sup> STREET, 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 SETTING 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 70<sup>th</sup> Street west of 176<sup>th</sup> Avenue NE and east of the west terminus of NE 70<sup>th</sup> Street; and

WHEREAS, the petition was signed by owners of more than two-thirds of the properties abutting the portion of the right-of-way sought to be vacated; and

WHEREAS, pursuant to RCW 35.79.010 the Redmond City Council passed Resolution No. 1542 on January 19, 2021, setting a public hearing on the road right-of-way vacation for February 16, 2021, which is not more than sixty days nor less than twenty days after passage of the Resolution; 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 petitioner and the City executed the Downtown Redmond Link Extension Development Agreement on August 21, 2019, which commits the petitioner to realign and construct NE 70<sup>th</sup> Street as part of the Downtown Redmond Link Extension project, and further to grant the City temporary easements for utilities and public access as a condition of right-of-way vacation; 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 February 16, 2021, 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. That portion of NE 70<sup>th</sup> Street west of 176<sup>th</sup> Avenue NE and east of the west terminus of NE 70<sup>th</sup> Street, more particularly described on Exhibit "A" to this Ordinance, is hereby vacated, subject to reserving of:

- a. A temporary, non-exclusive 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 existing utilities, and
- b. A temporary, non-exclusive easement over, under, in, upon, along, and across a portion of the land described on

Exhibit "A" for purpose of public access to properties abutting the right-of-way to be vacated.

Section 2.      Compensation. Pursuant to the Downtown Redmond Link Extension Development Agreement, the petitioner will dedicate and improve approximately 52,452 square feet of right-of-way for a realigned NE 70<sup>th</sup> Street, as shown in Exhibit "B". The City Council finds that the value of the right-of-way to be dedicated and improved for a realigned NE 70<sup>th</sup> Street is ample compensation for the vacation. No additional compensation will be required as allowed under chapter 35.79 RCW.

Section 3.      Recording. The Finance Department is hereby authorized and directed to cause the recording of a certified copy of this ordinance, with reservation of easements, at the King County Recorder's Office.

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, or whenever all of the following conditions are met, whichever is later: 1) easements are established as required by Section 1, 2) a court of competent jurisdiction enters a judgment in condemnation, awarding title of a portion of King County tax parcel number 122505-9183 to the petitioner, and 3) a copy of this ordinance is recorded as provided in Section 3.

ADOPTED by the Redmond City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF REDMOND

\_\_\_\_\_  
ANGELA BIRNEY, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

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