ORDINANCE NO. 2314

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING 160 AVENUE NE RIGHT-OF-WAY BETWEEN CLEVELAND STREET AND THE BNSF RAILROAD PURSUANT TO RCW 35.79 AND RMC 20F.20.210 AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has received a petition requesting that the 160 Avenue NE right-of-way, located between the Cleveland Street and BNSF Railroad rights-of-way, depicted upon Exhibit A, 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 1239, established November 21, 2006, as the date for a public hearing to consider the requested street vacation; and

WHEREAS, the City Clerk 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 November 21, 2006, and all persons who wished to testify were provided an opportunity to do so, and

WHEREAS, the City Engineer presented a report at the hearing which detailed the facts concerning the vacation and the pros and cons thereof, 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, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings of Fact. Based upon the testimony presented at the hearing, the Council makes the following:

A. FINDINGS OF FACT

- 1. The right-of-way sought to be vacated in this action is 160 Place NE, located between the Cleveland Street and BNSF Railroad rights of way, and depicted on Exhibit 'B', attached hereto.
- 2. The 160 Avenue NE right-of-way in question, formerly known as Boundary Road, was dedicated to the Town of Redmond in 1906.
- The City will receive adequate consideration for the rightof-way vacated in the form of a right-of-way dedication for the proposed extension of 161 Avenue NE.
- 4. The vacation of the right-of-way will not adversely affect street patterns nor circulation in the immediate vicinity or the community as a whole.
- 5. The vacation of the right-of-way will not adversely affect the public needs.

- 6. The right-of-way is not contemplated or needed for future public uses.
- 7. Ingress and egress for abutting properties are not impacted by the vacation.
- 8. The City will retain an easement in the vacated right-of-way for construction, repair, and/or maintenance of public utilities and services.

B. CONCLUSIONS OF LAW

- The City Council has the authority to consider street vacations pursuant to Chapter 35.79 RCW and Section 20F.20.210 of the Redmond Community Development Guide and Municipal Code.
- 2. The petitioners and the City have complied with the requirements of Chapter 35.79 RCW and Section 20F.20.210 of the Redmond Community Development Guide and Municipal Code.

Section 2. Vacation of Right-of-Way. The dedicated street right-of-way commonly known as 160 Avenue NE, in the City of Redmond, 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. 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 condition has been satisfied:

- a. The owner of Parcel 3, City of Redmond BLA #L010096 shall dedicate certain right-of-way for 161 Avenue NE as shown on Exhibit B. The proposed right-of-way shall be cleared of all easements and other encumbrances prior to dedication.
- b. The owners of all parcels abutting the vacated right-of-way shall, through easements or other instruments satisfactory to the Public Works Director, provide that access to all parcels shall continue to be provided over, in, along, upon, and across the vacated right-of-way until such time as the parcels are redeveloped as a single development as provided in the site plan entitlements granted by the City under File Nos. L060448 and L060284.

CITY_OF REDMOND

MÄYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

CITY CKERK, MALISA FILES

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

FILED WITH THE CITY CLERK

PASSED BY THE CITY SOUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2314

November 15, 2006

November 21, 2006

November 21, 2006

November 27, 2006 December 2, 2006

EXHIBIT A to Ordinance No. 2314 RIGHT-OF-WAY VACATION

THAT PORTION OF EXISTING 160TH AVENUE NORTHEAST, LYING SOUTHERLY OF CLEVELAND STREET, AND NORTHERLY OF THE BNSF RAILROAD RIGHT-OF-WAY, LYING WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF BLOCK 3, SIKES SECOND ADDITION TO THE TOWN OF REDMOND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 14 OF PLATS, PAGE 4, RECORDS OF KING COUNTY, WASHINGTON;

THENCE SOUTH 01°24'23" WEST, ALONG THE WESTERLY LINE OF SAID BLOCK 3, AND THE EASTERLY RIGHT-OF-WAY LINE OF 160TH AVENUE NE, 240.44 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BNSF RAILROAD RIGHT-OF-WAY;

THENCE NORTH 69°08'22" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 31.82 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 160^{TH} AVENUE NE:

THENCE NORTH 01°24'23" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 258.89 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CLEVELAND STREET;

THENCE SOUTH 44°30'36" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 41.76 FEET TO THE POINT OF BEGINNING.

SAID PORTION CONTAINS 7,490 SQUARE FEET, MORE OR LESS.

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



EXHIBIT B to Ordinance No. 2314 RIGHT-OF-WAY DEDICATION

THE EASTERLY 13.55 FEET OF THE FOLLOWING DESCRIBED PROPERTY, LYING WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

PARCEL 3, AS DELINEATED ON THE CITY OF REDMOND BOUNDARY LINE ADJUSTMENT NO. L010096, RECORDED UNDER KING COUNTY RECORDING NO. 20020910900010, TOGETHER WITH THAT PORTION OF VACATED 160TH PLACE NE LOCATED BETWEEN CLEVELAND STREET AND BNSF RAILROAD RIGHTS OF WAY AS VACATED UNDER ORDINANCE NO. 2100 BEING RECORDED UNDER KING COUNTY RECORDING NO. 20050715002204 AS WOULD ATTACH BY OPERATION OF LAW, RECORDS OF KING COUNTY, WASHINGTON.

SAID PORTION CONTAINS 1,627 SQUARE FEET, MORE OR LESS.
SITUATE IN THE CITY OF REDMOND, COUNTY OF KING, STATE OF WASHINGTON.

