

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Ordinance No. 6158 approving the vacation of a portion of 139th Avenue SE (entrance to Forest Ridge School of the Sacred Heart).

FISCAL IMPACT

This action requires staff preparation and research time, which can be accommodated within the existing operating budget. The petitioner has paid the required pre-hearing fee of \$1,650 and post-hearing fee of \$1,100. Petitioner is requesting a property trade in lieu of payment (Bellevue City Code 14.35.160), therefore no compensation is required in excess of the collected administrative fees.

STAFF CONTACT

Nora Johnson, Director, 452-4167
Max Jacobs, Real Property Manager, 452-4182
Patti Ebert, Sr. Real Property Agent, 452-5203
Civic Services Department

David Berg, Director, 452-6468
Transportation Department

POLICY CONSIDERATION

City Code:

Section 14.35 of the Bellevue City Code states that "...the Council may, by ordinance and subject to provisions of this code regarding payment of compensation, vacate such street, alley or part thereof reserving to the City an easement or the right to exercise and grant easement vacated land for the construction, repair, and maintenance of public utilities and services and may impose such other conditions or limitations as it deems necessary and proper to preserve any desired public use or benefit."

BACKGROUND

On November 26, 2013 the City received a sufficient street vacation petition signed by property owners of two-thirds of the land abutting a portion of 139th Avenue. The sufficiency of the petition, as required by City Code, was established. The area to be vacated is adjacent to property currently owned by the petitioner, Forest Ridge Academy. Forest Ridge has proposed a property trade with the City to correct the location of the current right-of-way versus the actual location of the roadway. The school would deed approximately 3,720 square feet of land to the City, which our current roadway is located within. The City would, in return, deed to the school approximately 2,300 square feet of right-of-way that is not needed for the roadway. This would fully correct the alignment of the existing roadway and right-of-way.

On January 21, 2014 Council approved Resolution No. 8679 setting February 18, 2014 as the date for a public hearing. At the February 18, 2014 public hearing no public comments were received. Following

the hearing, Council directed staff to return to Council at a future meeting with an ordinance to approve the proposed street vacation.

The City will retain a Utility Easement for existing waterlines within the area to be vacated. Franchise utilities have been contacted to determine if they have facilities in the area and, if so, they will have the opportunity to retain easements prior to completion of the vacation.

EFFECTIVE DATE

If approved, this Ordinance becomes effective on April 15, 2014.

OPTIONS

1. Adopt Ordinance No. 6158 vacating a portion of 139th Avenue SE with conditions for easements.
2. Do not adopt Ordinance No. 6158. The City would retain ownership of the aforementioned right-of-way.

RECOMMENDATION

Adopt Ordinance No. 6158 vacating a portion of 139th Avenue SE with conditions for easements.

MOTION

Move to adopt Ordinance No. 6158 vacating a portion of 139th Avenue SE with conditions for easements.

ATTACHMENTS

- Vicinity Map
- Proposed Property Trade Exhibit
- Proposed Ordinance No. 6158



Street Vacation - Forest Ridge



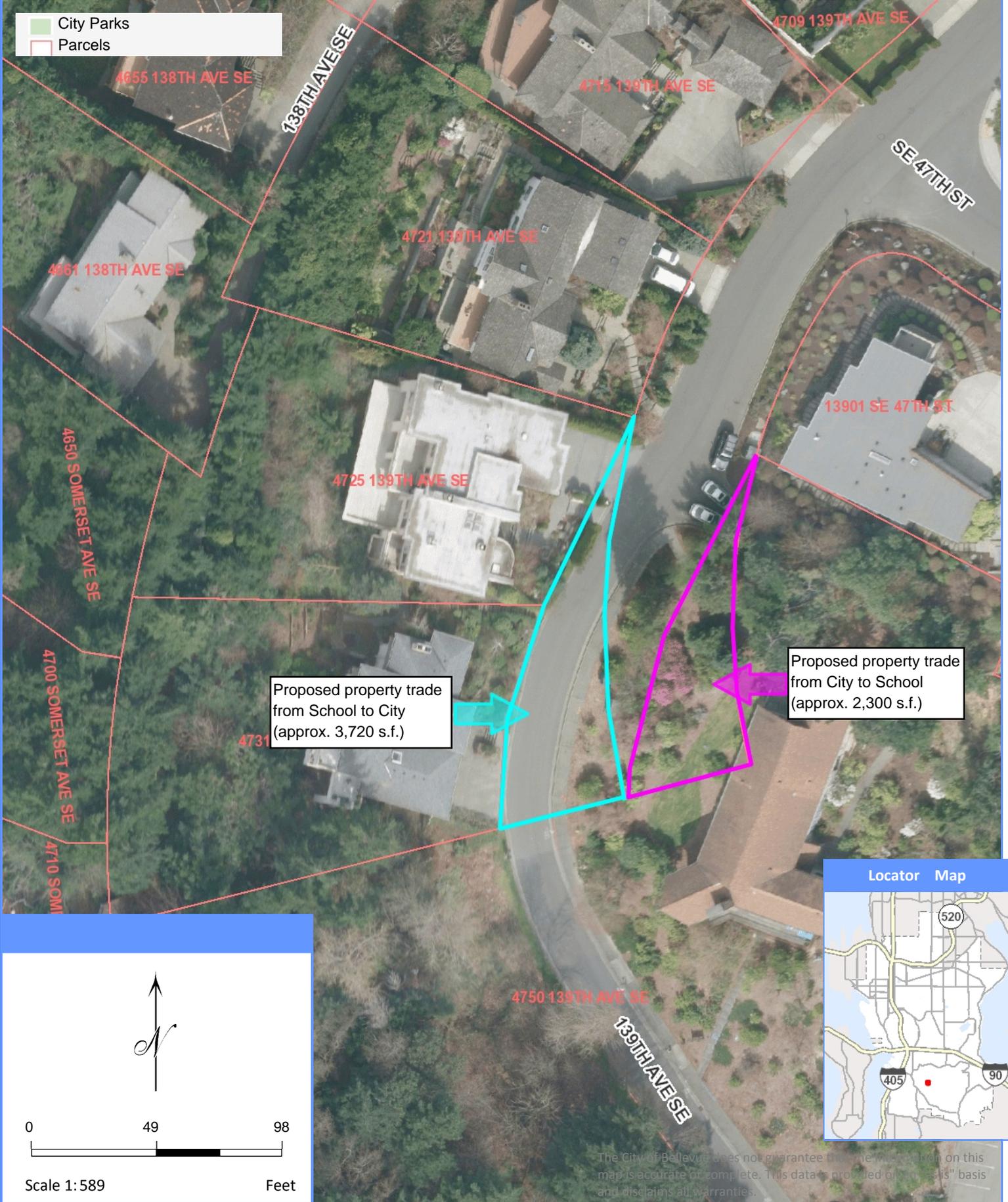
0 113 226

Scale 1: 2,711 Feet

Proposed Property Trade Exhibit



- City Parks
- Parcels



Proposed property trade from School to City (approx. 3,720 s.f.)

Proposed property trade from City to School (approx. 2,300 s.f.)



The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6158

AN ORDINANCE determining the public advantage in vacating a portion of 139th Avenue SE (entrance to Forest Ridge School of the Sacred Heart) in the City of Bellevue, Washington and vacating the same subject to certain conditions.

WHEREAS, on January 21, 2014, the City Council passed Resolution 8679 fixing the time and place for a hearing to consider the vacation of a portion of 139th Avenue SE within the City of Bellevue, Washington and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, investigation was made as to the use of said right-of-way and the public interests serviced or damaged by the change in such use by the vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 18th day of February, 2014, at the time and place fixed in said resolution and notice; and

WHEREAS, no public comments were received at the hearing; and

WHEREAS, following said hearing the City Council found that the vacation of such portion of said street will better serve the public good; that such portion of said street is no longer required for public use; and

WHEREAS, no objections to the vacation were made; and

WHEREAS, Forest Ridge has proposed a property trade with the City to correct the location of the current right-of-way versus the actual location of the roadway; and

WHEREAS, Forest Ridge would deed approximately 3,720 square feet of land to the City, which is the location of the City's current roadway; and

WHEREAS, in return the City would deed to the school approximately 2,300 square feet of right-of-way that is not needed for the roadway; and

WHEREAS, this dedication in lieu of compensation would fully correct the alignment of the existing roadway and right-of-way; and

WHEREAS, said vacation also will be subject to the reservation of necessary water line, and public and franchise utility easements, and subject either to payment of compensation by Forest Ridge, the respective abutting property owners, in

accordance with Bellevue City Code 14.35.120 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.090; and

WHEREAS, upon payment of either compensation by Forest Ridge in accordance with Bellevue City Code 14.35.130-14.35.150, or grant or dedication of real property in lieu thereof, as provided by Bellevue City Code 14.35.160 and fulfillment of all other conditions established herein for the vacation, such a portion of said street should be vacated and the City Clerk should be directed to have this ordinance recorded with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portions thereof; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The portion of 139th Avenue Southeast, as described in Attachment A hereto, which by this reference is incorporated herein, is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance;

PROVIDED, however, that the City of Bellevue reserves and establishes an easement over the vacated area for water lines and public and franchise utility purposes, and that the applicants ensure that documents are recorded for said easements.

Section 2.

- a) The City Clerk is directed to record a certified copy of this ordinance with the King County Department of Records and Elections and the City Manager or his designee is directed to take any other action necessary to vacate such street or portion thereof upon evidence of satisfactory completion of all conditions of such vacation, including but not limited to, reservation of necessary water lines and public and franchise utility easements;
- b) Either payment of compensation to the extent and in the amount required by Bellevue City Code 14.35.120, or grant or dedication of property in lieu of monetary compensation as provided in Bellevue City Code 14.35.090 or comparable compensation acceptable to the City, and payments of all costs of acquisition services needed to convey title including the costs of final survey, appraisals, recording fees, escrow, title insurance, processing fees and any other costs related to the purchase of the property, except as otherwise agreed by the parties.
- c) If Forest Ridge elects to grant or dedicate of property in lieu of monetary compensation as provided in Bellevue City Code 14.35.090, Forest Ridge shall dedicate by deed approximately 3,720 square feet of land to the City, which is the location of the City's current roadway; and, the City in return, will deed to Forest Ridge approximately 2,300 square feet of right-of-way that is

not needed for the roadway, said dedication in lieu of compensation would fully correct the alignment of the existing roadway and right-of-way.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

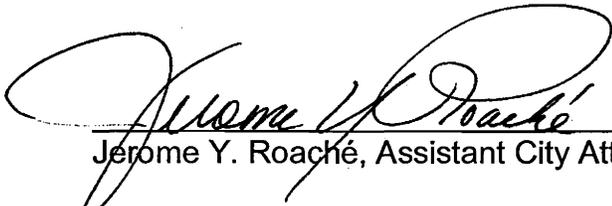
Passed by the City Council this _____ day of _____, 2014,
and signed in authentication of its passage this _____ day of _____, 2014.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Jerome Y. Roaché, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published: April 24, 2008

Attachment A

PROPOSED STREET VACATION DESCRIPTION

All that portion of 106th Avenue Southeast, as now established, lying west of Lots 3 and 4, TRINWITH ADDITION, according to the Plat thereof recorded in Volume 44 of Plats, page 96, records of King County, Washington, that would attach by operation of law, being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 4, said point being on the East margin of said 106th Avenue Southeast;
THENCE North 88°23'31" West, parallel with the south line of said Lot 4, a distance of 10.80 feet;
THENCE North 46°13'38" West 26.52 feet to the centerline of said 106th Avenue Southeast;
THENCE North 00°09'40" East, along said centerline, 102.19 feet to the southwest corner of Lot 2 of said plat;
THENCE South 88°23'31" East, along the south line thereof, a distance of 30.01 feet to the northwest corner of said Lot 3;
THENCE South 00°09'40" West, along the west line of said Lots 3 and 4 and along said margin, 120.00 feet to the POINT OF BEGINNING.

(Contains 3,429.1 square feet, 0.08 ac.)