

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 446 – Setting a Public Hearing Date Before the City of Shoreline Hearing Examiner to Consider Vacation of a Portion of the Right-of-way on 7th Avenue NE and NE 185 th Street
DEPARTMENT:	City Manager’s Office/ Public Works
PRESENTED BY:	Juniper Nammi, Light Rail Project Manager Tricia Juhnke, City Engineer
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Staff is requesting that the City Council adopt Resolution No. 446 (Attachment A) setting the date, time, and location for an open record public hearing before the City of Shoreline Hearing Examiner on File No. PLN19-0154, which is a petition from Sound Transit seeking to vacate a portion of 7th Avenue NE on the north side of NE 185th Street to the north end of the street and a contiguous triangular portion of the north side of NE 185th Street between 7th Avenue NE and 8th Avenue NE. This street vacation is proposed to facilitate construction of the Shoreline North/185th Street Station, Garage and Transit Center as currently designed for the Lynnwood Link Extension (LLE) Light Rail Project. The date, time, and location of the Public Hearing being set are as follows:

- Wednesday, October 9, 2019 at 6:00 p.m.
- Shoreline City Council Chambers, 17500 Midvale Ave NE, Shoreline, WA 98133

Shoreline Municipal Code (SMC) Chapter 12.17 provides for property owners to petition the City Council for vacation of City Right-of-Way. This petition has been filed with the City by Ms. Stephannie Karlsson representing Sound Transit. The Washington State Department of Transportation (WSDOT) has joined in support of this petition as the other adjacent property owner and will eventually transfer the abutting portion of I-5 Limited Access Area to Sound Transit for the LLE Project. Together the property owned by WSDOT and Sound Transit constitutes 100 percent of the ownership of the property abutting the proposed area of Right-of-Way vacation. Staff has verified the petition is sufficient as defined in Chapter 35A.01.040 RCW.

RESOURCE/FINANCIAL IMPACT:

No financial impact is directly associated with adoption of this resolution. However, if the resolution is adopted and the Council eventually approves the Right-of-Way vacation ordinance as proposed, SMC 12.17 requires the petitioner to compensate the City for the vacated right-of-way. Sound Transit and the City have tentatively agreed to compensation through transfer of surplus property and easements to be held in escrow until final legal descriptions and property rights transfers can be recorded. Appraisal

values for the area to be vacated and identified compensation property are pending. Sound Transit and City staff are also still drafting the terms of the street vacation agreement for compensation.

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 446 setting the date, time, and location of 6:00 p.m. on Wednesday, October 9, 2019, in the Shoreline City Council Chambers, 17500 Midvale Ave NE, Shoreline, WA 98133, for an open record public hearing before the City of Shoreline Hearing Examiner on File No. PLN19-0154 seeking to vacate a portion of 7th Avenue NE on the north side of NE 185th Street to the north end of the street and a contiguous triangular portion of the north side of NE 185th Street between 7th Avenue NE and 8th Avenue NE.

Approved By: City Manager ***DT*** City Attorney ***MK***

BACKGROUND

Sound Transit is moving forward with permitting and construction of the Lynnwood Link Extension (LLE) Light Rail Project, including two light rail stations and over three miles of guideway within the Shoreline city limits. The proposed Shoreline South/185th Station is designed to be located parallel to the I-5 corridor and immediately north of NE 185th Street and west of 8th Avenue NE. The station is proposed to be located over portions of the I-5 Limited Access Area and the City Right-of-Way for 7th Avenue NE and the northern margin of NE 185th Street.

Due to the building type and applicable building standards in the International Building Code, the City Right-of-Way lines must be relocated or eliminated prior to issuance of the building permits for the Shoreline North station and garage/transit center structures. Sound Transit has agreed to submit a street vacation petition for this and other locations of City Right-of-Way that are proposed to be fully occupied by the new light rail facilities and no longer usable or easily accessible to the City. This is the first of ten locations where Sound Transit will seek to vacate portions of the City's Right-of-Way and the only one where the Right-of-Way lines conflict with applicable building codes.

DISCUSSION

Sound Transit, owner of 11 tax parcels located on 7th Avenue NE or 8th Avenue NE north NE 185th Street (listed below), filed a petition (File No. PLN19-0154) seeking to vacate a triangular portion of the north side of NE 185th Street and 7th Avenue NE from the intersection with NE 185th Street to the north end of the street (approximately 489 feet) as depicted and legally described in Exhibit A to Attachment A. WSDOT has joined in support of this petition as the other adjacent property owner. WSDOT has also agreed to eventually transfer the abutting portion of I-5 Limited Access Area to Sound Transit for the LLE Project. Together the property owned by WSDOT and Sound Transit constitutes 100 percent of the ownership of the property abutting the proposed area of ROW vacation.

King County Parcel Number	Address	Owner
0526049030	18509 8 th Ave NE	Central Puget Sound Regional Transit Authority (Sound Transit)
0526049052	18511 8 th Ave NE	Sound Transit
0526049029	18510 7 th Ave NE	Sound Transit
0526049060	18516 7 th Ave NE	Sound Transit
0526049027	18520 7 th Ave NE	Sound Transit
0526049044	18528 7 th Ave NE	Sound Transit
0526049015	18534 7 th Ave NE	Sound Transit
0526049056	18540 7 th Ave NE	Sound Transit
0526049061	18546 7 th Ave NE	Sound Transit
0526049032	18552 7 th Ave NE	Sound Transit
Interstate 5 Limited Access Area	I-5 at NE 185 th Street and north ~489 feet	State of Washington – Dept. of Transportation (WSDOT)

SMC 12.17.020 requires that the City Council, by resolution, fix a time when the petition will be heard by the City of Shoreline Hearing Examiner, not more than 60 days and not less than 20 days after the date of passage of the proposed resolution. Proposed Resolution No. 446 sets the date, time and location for an open record public hearing before the City of Shoreline Hearing Examiner on File No. PLN19-0154. The date, time and location being set are as follows:

- Wednesday, October 9, 2019 at 6:00 p.m.
- Shoreline City Council Chambers, 17500 Midvale Ave NE, Shoreline, WA 98133

Following the public hearing, the City's Hearing Examiner will forward his recommendation regarding the proposed right-of-way vacation. Staff will then prepare a staff report detailing the Hearing Examiner's recommendation and requesting that the Council either pass or reject and ordinance granting the vacation.

STAKEHOLDER OUTREACH

Sound Transit has held three open house public meetings for the design for the portion of LLE Project to be located in Shoreline. The Shoreline North/185th Station Area site plans consistently showed the proposed station site as occupying a portion of the 7th Avenue NE and NE 185th Street Right-of-Way area. Additional public outreach will be in the form of the public hearing to be set before the City's Hearing Examiner by Resolution No. 446 and related notice and comment periods.

COUNCIL GOAL(S) ADDRESSED

Adoption of proposed Resolution No. 446 to advance City consideration of this Street Vacation Petition from Sound Transit supports the 2019-2021 *Council Goal 3 – Continued preparation for regional mass transit in Shoreline.*

RESOURCE/FINANCIAL IMPACT

No financial impact is directly associated with adoption of this resolution. However, if the resolution is adopted and the Council eventually approves the right-of-way vacation ordinance as proposed, SMC 12.17 requires the petitioner to compensate the City for the vacated right-of-way. Sound Transit and the City have tentatively agreed to compensation through transfer of surplus property and easements to be held in escrow until final legal descriptions and property rights transfers can be recorded. Appraisal values for the area to be vacated and identified compensation property are pending. Sound Transit and City staff are also still drafting the terms of the street vacation agreement for compensation.

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end of the street and a contiguous triangular portion of the north side of NE 185th Street between 7th Avenue NE and 8th Avenue NE.

ATTACHMENTS

Attachment A: Proposed Resolution No. 446

Attachment A – Exhibit A: Proposed Street Vacation Area Map and Legal Description

EXHIBIT "B"

R/W No. LL-509
7TH AVE NE
CITY OF SHORELINE



VACATION AREA:

ALL OF 7TH AVE NE AND PORTION OF NE 185TH STREET IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 25 NORTH, RANGE 4 EAST, LYING **NORTHERLY** OF THE FOLLOWING DESCRIBED **LINE**:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 5, TOWNSHIP 26 NORTH, RANGE 4 EAST;
THENCE S87°58'49"E ALONG THE SOUTH LINE OF SAID SECTION, BEING THE CENTERLINE OF NE 185TH STREET, A DISTANCE OF 589.21 TO HIGHWAY ENGINEER'S STATION 10+70 ON THE 185TH STREET LINE SURVEY OF WSDOT R/W PLAN "SR5, SEATTLE FREEWAY, EAST 145TH STREET TO EAST 200TH STREET";
THENCE AT RIGHT ANGLES N02°01'11"E A DISTANCE OF 40 FEET TO THE EXISTING ANGLE POINT IN THE NORTH MARGIN OF SAID STREET, BEING THE **POINT OF BEGINNING**;
THENCE N87°29'59"W A DISTANCE OF 278.56 FEET TO THE EAST MARGIN OF SR 5, BEING THE END OF THE HEREIN DESCRIBED **LINE**.

CONTAINING 24,429 SQUARE FEET

RESOLUTION NO. 446

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, SETTING A PUBLIC HEARING DATE BEFORE THE CITY OF SHORELINE HEARING EXAMINER TO CONSIDER VACATION OF THE RIGHT-OF-WAY COMMONLY REFERRED TO AS 7TH AVENUE NE AND A PORTION OF NE 185TH STREET.

WHEREAS, Shoreline Municipal Code Chapter 12.17 provides the owners of two-thirds interest in any real estate abutting a City Right-of-Way to petition the City Council for vacation of the City Right-of-Way; and

WHEREAS, a petition to vacate public right-of-way, being 7th Avenue NE and a portion of NE 185th Street, as shown on Exhibit A attached hereto and incorporated in full by this reference, was filed with the City of Shoreline on August 20, 2019; and

WHEREAS, this petition, referenced as File No. PLN19-0154, was filed by the Central Puget Sound Regional Transit Authority (Sound Transit), the owner of nine (9) tax parcels abutting the eastern edge of 7th Avenue NE and the northern edge of NE 185th Street; and

WHEREAS, Sound Transit is also the owner of two (2) tax parcels for which 7th Avenue NE provides ingress and egress with one parcel partially abutting the northern edge of 7th Avenue NE;

WHEREAS, Sound Transit secured ownership of these tax parcels to facilitate construction of the Lynnwood Link Light Rail System under the threat of condemnation; these tax parcels are identified by King County Tax Parcel Nos. 0526049031, 0526049032, 0526049061, 0526049056, 0526049015, 0526049044, 0526049027, 0526049060, 0526049029, 0526049052, and 0526049030, which represents the ownership of at least two-thirds interest in the abutting property; and

WHEREAS, property on the western border of 7th Avenue NE is owned by the State of Washington for state highway purposes; and

WHEREAS, in 1961, the State of Washington (Department of Transportation) obtained land for state highway purposes; namely the construction of State Highway 1, what is now Interstate 5, and, in 1984 conveyed to King County by quick claim deed all of the State's right, title, and interest for certain lands that were not required for state highway purposes, provided that these lands were for road purposes and that any vacation, sale or rental of such road shall be placed in a fund used exclusively for road purposes; and

WHEREAS, City staff has verified the petition as sufficient; and

WHEREAS, SMC 12.17.020 requires that the City Council, by resolution, fix a time when the petition will be heard by the City of Shoreline Hearing Examiner not more than 60 days and not less than 20 days after the date of passage of this resolution;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The time and place for an open record public hearing before the City of Shoreline Hearing Examiner on File No. PLN19-0154, seeking to vacate 7th Avenue NE, is fixed as Wednesday, October 9, 2019, at 6:00 pm and shall be held in City Council Chambers, Shoreline City Hall located at 17500 Midvale Avenue N, Shoreline, WA 98133.

Section 2. The City Clerk shall cause notice of the public hearing to be provided as set forth in SMC 12.17.020.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 16, 2019.

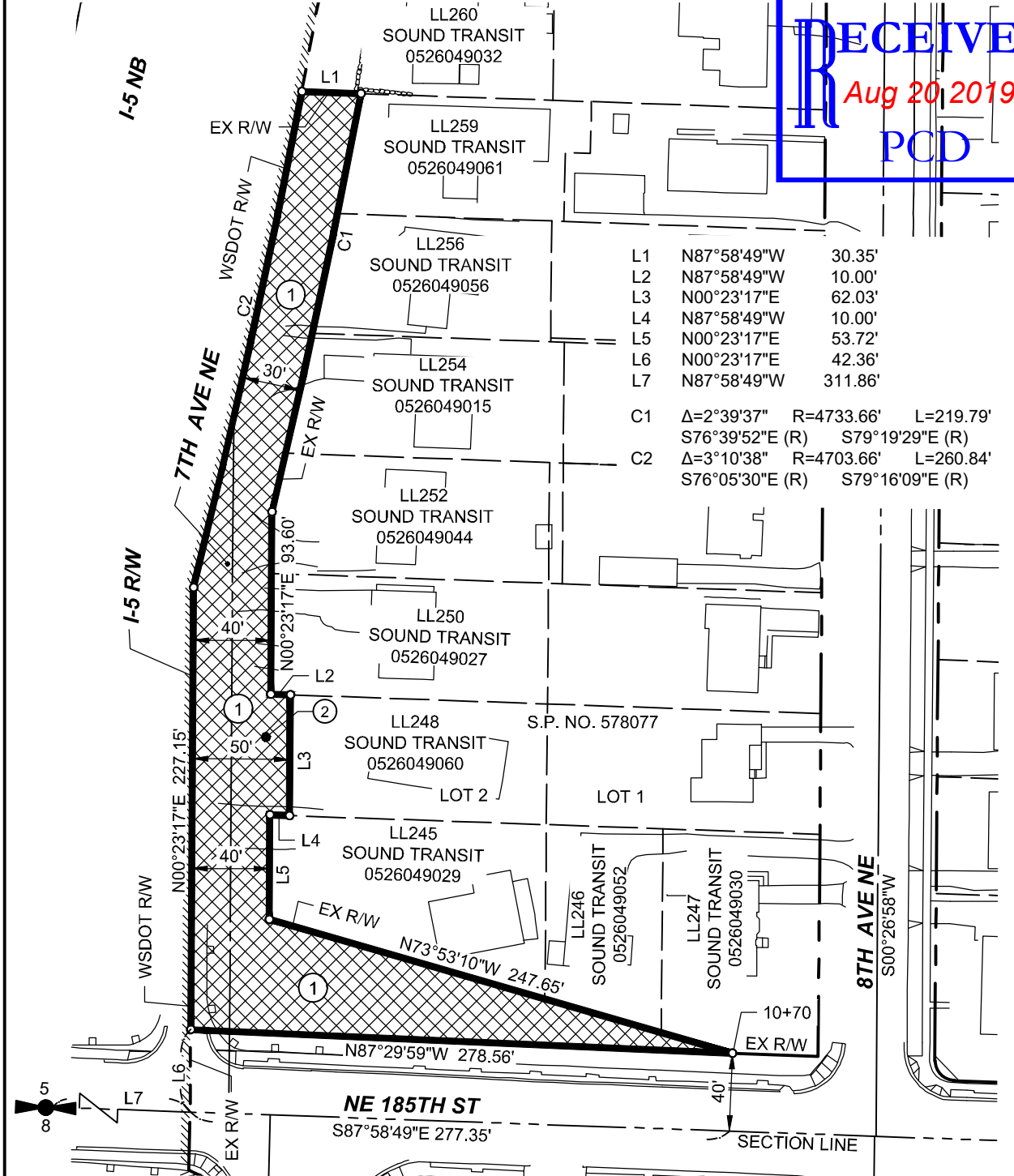
Mayor Will Hall

ATTEST:

Jessica Simulcik Smith, City Clerk

7TH AVE NE & NE 185TH STREET VACATION

SW 1/4 SE 1/4 SEC 5, T 26 N, R 4 E, W.M.



- ① R/W CONVEYED TO KING COUNTY BY DEED, RECORDING NO. 8603110515.
- ② R/W CONVEYED TO KING COUNTY BY SHORT PLAT, RECORDING NO. 7901170721.

LEGEND

- RIGHT-OF-WAY LINE
- EXISTING RIGHT-OF-WAY LINE
- STREET CENTER LINE
- PROPERTY LINE
- VACATED PARCEL

40 20 0 40 80 NAD 83 (2011)

SCALE IN FEET

R/W VACATION AREA

SOUNDTRANSIT

HNTB Jacobs trusted design partners

L & A LIN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM

VACATION AREA: 24,429 SF DATE: 7/10/2019

EXHIBIT "C"
R/W NO. LL509

SHORELINE STREET VACATION

CITY OF SHORELINE KING COUNTY, WA