

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 875 – Vacation of a Portion of the Rights-of-Way on 7 th Avenue NE
DEPARTMENT:	City Manager’s Office Public Works
PRESENTED BY:	Juniper Nammi, Light Rail Project Manager Noel Hupprich, Development Review and Construction Manager
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Sound Transit, as the owner of all the abutting parcels, filed a petition on August 19, 2019, seeking to vacate 7th Avenue NE and a triangular portion of the north side of NE 185th Street. This portion of City right-of-way (ROW) property is proposed as part of a larger site for the construction of the Shoreline North/185th Light Rail Station, Garage, and Transit Center as currently designed for the Lynnwood Link Extension (LLE) Project.

Proposed Ordinance No. 875 (Attachment A) would vacate a portion of 7th Avenue NE that is 620 square feet that was dedicated to public ROW. The balance of the area that was originally included in Sound Transit petition for street vacation is not subject to a ROW easement and is the subject of Intergovernmental Property Transfer Resolution No. 453, which is also on the agenda for adoption at tonight’s Council meeting. Council discussed proposed Ordinance No. 875 on March 2, 2020, and directed staff to bring it back for adoption at tonight’s meeting.

RESOURCE/FINANCIAL IMPACT:

The 7th Avenue NE and NE 185th Street City ROW property is appraised at approximately \$30.087 per square foot, for a total value of approximately \$18,653.94. Through the proposed Property Agreement, Sound Transit would convey portions of property, acquired for the Light Rail Project, but that do not need to be owned by Sound Transit after construction, of equivalent fair market value to the City. The Sound Transit property proposed for exchange would be used for multimodal transportation projects such as the 148th Street Non-motorized Bridge, the Trail Along the Rail, or new local street end connections within the light rail station areas depending on their location.

The operations and maintenance costs for the area of Sound Transit property is roughly equivalent to those costs for the City ROW to be transferred to Sound Transit. Any additional costs for future City improvements in these areas have been or will be considered through the City’s Capital Improvement Plan authorizing those projects.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 875.

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

BACKGROUND

The Sound Transit Lynnwood Link Extension (LLE) Project includes the proposed Shoreline South/185th Station. This 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 (ROW) 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 ROW lines must be relocated or eliminated prior to issuance of the building permits for the Shoreline North station and garage/transit center structures.

In August of 2019, Sound Transit submitted a street vacation petition (File No. PLN19-0154) seeking to vacate portions of City ROW including 7th Avenue NE, north of NE 185th Street, and a triangular portion of NE 185th Street north of the existing sidewalk and between I-5 and the 8th Avenue NE ROW. Consistent with Shoreline Municipal Code (SMC) Chapter 12.17, Resolution No. 446 to put the petition before the City's Hearing Examiner was adopted at the September 16, 2019 Council meeting. The public hearing on this petition was held before the Hearing Examiner on October 9, 2019 and then on October 23, 2019, the Hearing Examiner issued a recommendation that Council approve this street vacation.

Discussion of the 7th Avenue NE Street Vacation was held with the City Council on March 2, 2020. The staff report (including links to the above mentioned meetings and hearing records) for the March 2, 2020, discussion item can be found online at: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport030220-9a.pdf>.

DISCUSSION

Proposed Ordinance No. 875 (Attachment A) would vacate the only portion of 7th Avenue NE that is ROW Easement; the west 10 feet by 62.03 feet (620 square feet) of parcel number 0526049080 that was dedicated as ROW through King County Short Plat No. 578077 in 1979. The 620 square feet of City ROW proposed for street vacation is in the middle of the larger proposed site for the construction of the Shoreline North/185th Light Rail Station, Garage, and Transit Center as currently designed for the LLE Project.

SMC 12.17.030 requires that if the area to be vacated has been part of a dedicated public right-of-way for 25 years or more, then the amount of compensation shall equal the full appraised value of the area to be vacated. Based on the appraisal completed by Sound Transit, the ROW to be vacated is worth approximately \$30.087 per square foot, putting the value of the 620 square feet of dedicated City ROW area at approximately \$18,653.94.

Sound Transit and City staff propose a Property Agreement to facilitate compensation for this City ROW property through transfer of certain parcels of equal fair market value that were acquired by Sound Transit in connection with its development of the Project that do not need to be owned by Sound Transit, after construction is complete. The Sound Transit property proposed for exchange would be used for multimodal transportation projects such as the 148th Street Non-motorized Bridge, the Trail Along

the Rail, or new local street end connections within the light rail station areas depending on their location.

This Property Agreement was also discussed at the March 2, 2020, Council meeting and was originally scheduled to be included on the Consent Agenda tonight. Through the Sound Transit internal review process for this Agreement, just this past week, Sound Transit staff determined that with additional time to adjust the agreement, additional certainty could be added within the agreement on the final disposition process and timeline for the land transfer to the City. Sound Transit has requested an additional five to six months to complete their due diligence on the proposed compensation property to determine them as available to the City and to complete as much of their internal process as possible before finalizing the proposed property agreement and seeking authorization to execute the agreement.

The City benefits from agreeing to this delay and additional time for process because instead of waiting till after Sound Transit completes the LLE Project and light rail is in service to have compensation properties transferred to the City, these properties could be determined available and transferred to the City much sooner. This should provide more certainty for City projects such as the 148th Non-motorized Bridge which will need to demonstrate that the property rights needed for the project have been secured sometime next year.

In light of this request from Sound Transit, City staff revised proposed Ordinance No. 875 to replace “property exchange agreement” with “Property Agreement” and the dates for execution of a Property Agreement or alternate monetary compensation have been extended to December 31, 2020, and January 31, 2021, respectively, to allow more time for process and agreement finalization.

Staff will bring the Property Agreement back to Council for authorization to execute the agreement after it is revised and finalized later this year.

STAKEHOLDER OUTREACH

A public hearing was held for the original street vacation petition PLN19-0154 on October 9, 2019, before the Shoreline Hearing Examiner. Some public comment was made at the Public Hearing, but no written public comments were submitted. Public comment included support of the street vacation petition by North City Water District and questions regarding access to the staging yard via 7th Ave NE during construction.

COUNCIL GOAL(S) ADDRESSED

Adoption of proposed Ordinance 875 granting this Street Vacation Petition from Sound Transit would support the 2019-2021 *Council Goal 3 – Continued preparation for regional mass transit in Shoreline.*

RESOURCE/FINANCIAL IMPACT

The 7th Avenue NE and NE 185th Street City ROW property is appraised at approximately \$30.087 per square foot, for a total value of approximately \$18,653.94.

Through the proposed Property Agreement, Sound Transit would convey portions of property, acquired for the Light Rail Project, but that do not need to be owned by Sound Transit after construction, of equivalent fair market value to the City. The Sound Transit property proposed for exchange would be used for multimodal transportation projects such as the 148th Street Non-motorized Bridge, the Trail Along the Rail, or new local street end connections within the light rail station areas depending on their location.

The operations and maintenance costs for the area of Sound Transit property is roughly equivalent to those costs for the City ROW to be transferred to Sound Transit. Any additional costs for future City improvements in these areas have been or will be considered through the City's Capital Improvement Plan authorizing those projects.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 875.

ATTACHMENTS

Attachment A – Ordinance No. 875

ORDINANCE NO. 875

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON GRANTING THE VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY GENERALLY DESCRIBED AS 7TH AVENUE NE TO THE CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY (SOUND TRANSIT) IN EXCHANGE FOR SURPLUS PROPERTY.

WHEREAS, pursuant to RCW 35.79.010, the City Council has the legislative authority to vacate a portion of the public right-of-way and SMC 12.17 sets forth the applicable procedures; and

WHEREAS, the act of vacating a street is categorically exempt from environmental review per WAC 197-11-800(2)(h); 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 1986 conveyed to King County by quit claim deed, recorded under King County Recording No. 8603110515, 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 the proceeds from any vacation, sale or rental of such road shall be placed in a fund used exclusively for road purposes; and

WHEREAS, upon incorporation, the City received from King County, in fee, these surplus lands; one such public right-of-way is commonly referred to as 7th Avenue NE; and

WHEREAS, in addition to the fee simple portion of 7th Avenue NE, an approximately 620 square foot portion of 7th Avenue NE was dedicated to the public in 1979 with the recording of King County Short Plat 578077, King County Recording No. 7901170721; and

WHEREAS, the City received a petition from the Central Puget Sound Regional Transit Authority (Sound Transit), the owner of more than two-thirds of the abutting property, to vacate rights-of-way for the future Lynnwood Link - Shoreline North/185th Light Rail Station; this includes that portion of the 620 square feet of dedicated right-of-way; and

WHEREAS, the fee simple portion of 7th Avenue NE is the subject of an intergovernmental transfer pursuant to Resolution No. 453; and

WHEREAS, on September 16, 2019, the City Council adopted Resolution No. 446 fixing the date and time for an open record public hearing; and

WHEREAS, the City Clerk posted and published appropriate notice of the public hearing as required by SMC 12.17.020; and

WHEREAS, on October 9, 2019, the Shoreline Hearing Examiner held an open record public hearing on the vacation petition; and

WHEREAS, on October 23, 2019, the Shoreline Hearing Examiner issued a recommendation for approval subject to conditions of the vacation petition; and

WHEREAS, an appraisal for that portion of the right-of-way to be vacated was prepared and accepted by the City, showing the fair market value of the property is \$18,653.94; and

WHEREAS, the City and Sound Transit have been working to develop an agreement in which, at the conclusion of the construction of the Lynnwood Link Light Rail, Sound Transit would convey portions of surplus property of equivalent fair market value to the City in lieu of cash payment for the vacated property; and

WHEREAS, the property anticipated to be conveyed by Sound Transit would be used for multimodal transportation projects such as the 148th Street Non-motorized Bridge and the Trail Along The Rail; and

WHEREAS, on March 2, 2020, the City Council considered the recommendation of the Shoreline Hearing Examiner, the recommendation of staff, and all public comment received on the vacation petition at its regularly scheduled meeting; and

WHEREAS, the City Council has determined that vacating a portion of 7th Avenue NE, given the intergovernmental transfer of the fee simple portion along with the facilitation of the light rail project, is in the public interest and satisfies the criteria set forth in SMC 12.17.050; and

WHEREAS, the City Council has determined that the vacation should be subject to certain conditions of approval;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. The City Council concurs in the findings and conclusions set forth in the recommendation of the Shoreline Hearing Examiner issued on October 23, 2019 and adopts the same by reference.

Section 2. Vacation of Public Right-of-Way. That portion of 7th Avenue NE as described below and depicted on Exhibit A is vacated subject to the conditions set forth in Section 3:

THE EAST 10 FEET OF THE WEST 30 FEET OF THE NORTH 62 FEET OF THE SOUTH 216 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY WASHINGTON, AS DEDICATED TO KING COUNTY UPON RECORDING OF SHORT PLAT NUMBER 578077, RECORDED UNDER RECORDING NUMBER 7901170721, IN KING COUNTY, WASHINGTON.

Section 3. Conditions of Public Right-of-Way Vacation. This Ordinance and the vacation authorized herein shall not become effective until the following conditions are satisfied:

- A. Sound Transit shall enter into a Property Agreement with the City to provide for just compensation of the vacated right-of-way on or before December 31, 2020. If Sound Transit does not execute the Agreement by December 31, 2020, then Sound Transit shall pay the City \$18,653.94 no later than January 31, 2021.
- B. Sound Transit shall, in addition to all other duties and expenses of vacation as set forth in Chapter 12.17 SMC, provide at its sole cost and expense for a boundary survey of that portion of 7th Avenue NE that is vacated. The survey shall be performed by a land surveyor licensed to practice in the State of Washington. A copy of the survey shall be provided to the City on or before December 31, 2020, for recording.
- C. The vacation shall be subject to the reservation of any and all easements for City-owned utilities, including surface water drainage, with the extent and location to be determined and executed based on the as-built surveys of these utilities to be completed for the Lynnwood Link Project. Once executed, the easements shall be recorded with the King County Recorder's Office at Sound Transit's sole cost and expense.

Section 4. Directions to the City Clerk. Except for Condition No. 3(C), after the conditions set forth in Section 3 above have been satisfied, the City Clerk shall certify this Ordinance and forward it, along with the boundary survey, to the King County Recorder's Office for recording upon the property records. Prior to certifying and recording, the City Clerk is authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 5. Directions to Director of Public Works. Upon the satisfaction of the conditions in Section 3 and the recording of this Ordinance as provided in Section 4, the Director of Public Works shall cause to amend the official maps to reflect the vacation of that portion of 7th Avenue NE.

Section 6. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 7. Publication and Effective Date. The effectiveness of this Ordinance is subject to satisfaction of the conditions set forth in Section 3. If such conditions are not satisfied on or before the dates set forth in Section 3, this Ordinance shall become null and void and be of no further effect. If such conditions are satisfied on or before the dates set forth in Section 3, a summary of this Ordinance consisting of the title shall be published in the official newspaper and become effective five days thereafter.

PASSED BY THE CITY COUNCIL ON MARCH 16, 2020

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

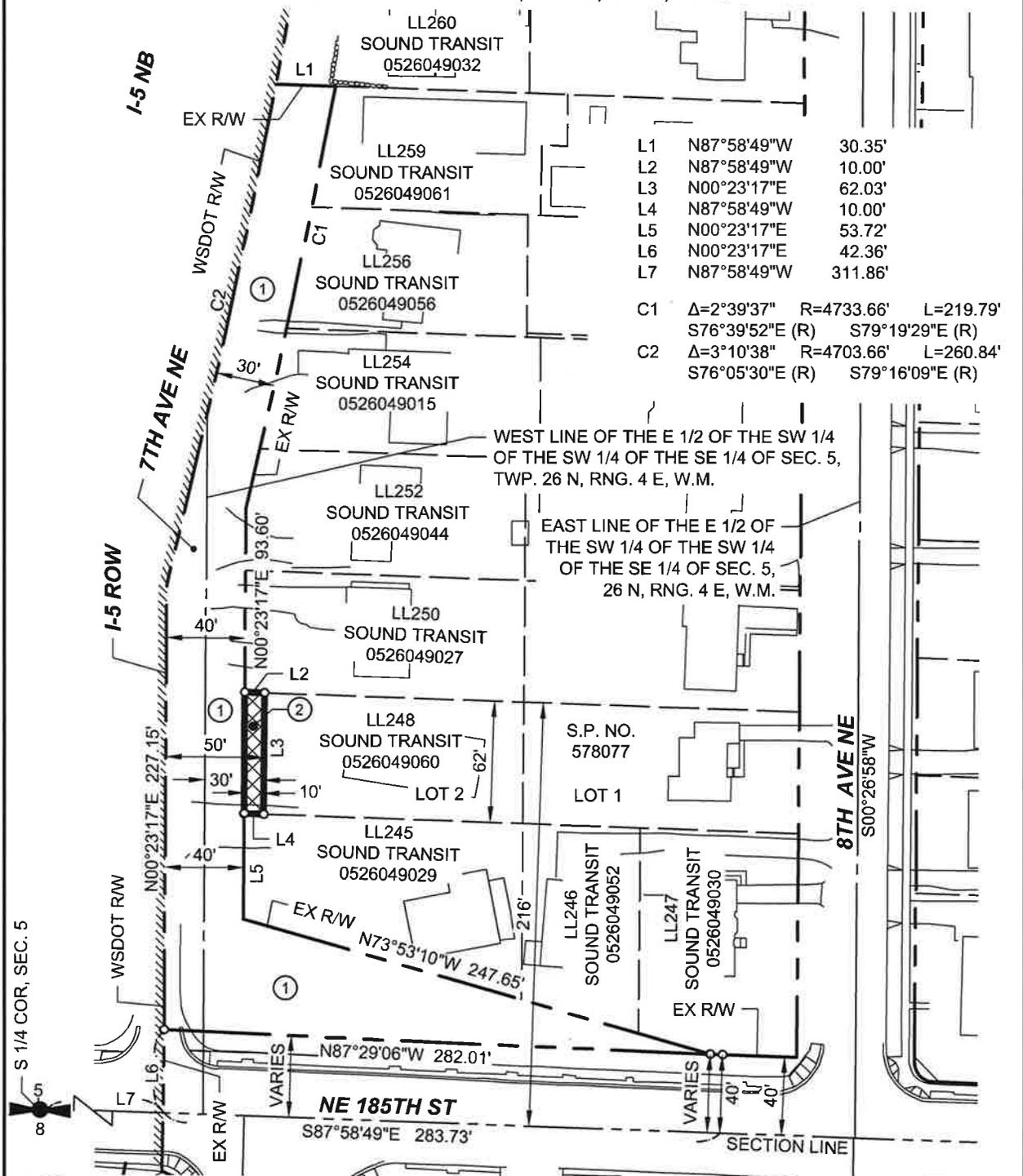
Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2020
Effective Date: , 2020

7TH AVE NE VACATION

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

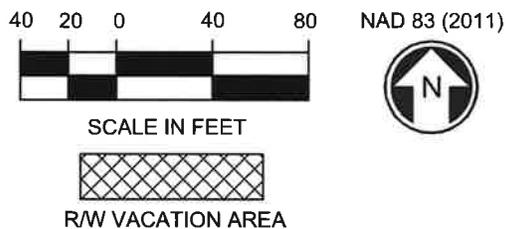


L1	N87°58'49"W	30.35'
L2	N87°58'49"W	10.00'
L3	N00°23'17"E	62.03'
L4	N87°58'49"W	10.00'
L5	N00°23'17"E	53.72'
L6	N00°23'17"E	42.36'
L7	N87°58'49"W	311.86'
C1	Δ=2°39'37" R=4733.66' L=219.79' S76°39'52"E (R) S79°19'29"E (R)	
C2	Δ=3°10'38" R=4703.66' L=260.84' S76°05'30"E (R) S79°16'09"E (R)	

S 1/4 COR, SEC. 5

- ① R/W CONVEYED TO KING COUNTY BY DEED, RECORDING NO. 8603110515.
- ② 10' ADDITIONAL R/W CONVEYED TO KING COUNTY BY SHORT PLAT NO. 578077, RECORDING NO. 7901170721.
- ③ CURRENT R/W ANGLE POINT OPPOSITE ENGINEERS STATION 10+70 ON THE "E. 185TH U.C." LINE SURVEY OF WSDOT R/W PLAN "SR5, SEATTLE FREEWAY, EAST 145TH ST TO EAST 200TH ST."

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



SOUND TRANSIT

HNTB Jacobs trusted design partners

L & A LIN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM



VACATION AREA: 620 SF DATE: 2/21/2020

EXHIBIT "C"
R/W NO. LL509.2
(SHORT PLAT DEDICATION)

SHORELINE STREET VACATION

CITY OF SHORELINE KING COUNTY, WA