**City Council Meeting Date:** January 3, 2005 **Agenda Item:** 7(c)

**CITY COUNCIL AGENDA ITEM**
CITY OF SHORELINE, WASHINGTON

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| **AGENDA TITLE:** | Ordinance Amending condition for the Ronald Place N. Street Vacation |
| **DEPARTMENT:** | City Attorney/ Planning and Development Services |
| **PRESENTED BY:** | Ian Sievers, City Attorney<br>Paul Cohen, Planner III |

**PROBLEM/ISSUE STATEMENT:**

On October 11, 2004, City Council approved Ordinance 363 which vacated approximately 421 feet of Ronald Place N. north of N. 175th, except the easterly 10 feet. All but two of the conditions for vacation listed in Section 3 of the Ordinance were required to be met within 90 days of passage, and prior to recording a Declaration of Street Vacation with the King County records division.

The developer of property abutting the street vacation has requested an amendment to condition number 4 of Ordinance No. 363 relating to the construction of the Interurban trail. There are two difficulties with the current condition. Construction of the trail before vacation was unlikely given the short time for satisfying the condition, so a financial guarantee could be posted as an alternative. The bond for a short period of time is reportedly impractical, virtually doubling the cost of the improvement. The developer also needs the vacated street and final permits to get financing for his redevelopment project. Therefore, the construction financing or bonding is not available prior to vacation to meet this trail condition.

The second problem is the delay in providing the applicant with the trail design and alignment either for construction or to set the level of financial guarantee. The City is still in the process of developing a 30% design, but this is not expected to be completed until well after the January 7th deadline for meeting the condition. The condition is, therefore, not possible to meet by the deadline through no fault of the developer.

It should also be noted that the City Council approved a similar condition for trail construction on the vacation of a portion of Midvale in September, 2004. The condition on the Midvale vacation could be met by posting security or completing the trail prior to certificate of occupancy on the redevelopment of the adjacent property. Not only is this condition timed to allow efficient construction of the trail along with the private redevelopment, but it more clearly ties the need for the trail to an in lieu of satisfaction of pedestrian frontage improvements required by the municipal code. The Planning Commission and staff had the same intent for this condition on the vacation of Ronald Place. The trail construction was not intended as part of the consideration for the

property transferred with the vacation. As stated in the original staff report of the Ronald Place vacation:

> " ... the Commission discussed how the need for dedicated Aurora frontage and its future costs to the City can be exchanged with the payment for the vacated portions of Ronald Place N. Though no recommendation was made staff agreed with the Commission's intent and proposes Conditions 7 and 8 to address the issue."

**FINANCIAL IMPACT:**

Approval of the proposed amendment will prevent the vacation from failing. Without the vacated street the current redevelopment application will terminate or, at best, be delayed. Termination of this private redevelopment would likely increase the City's cost for completing the Interurban Trail by approximately $80,000.

**RECOMMENDATION**

Staff recommends that City Council adopt Ordinance No. 370 approving an amendment to the interurban trail condition for the vacation of Ronald Place N.

**ATTACHMENTS:**

Attachment A: Ordinance No. 370

Approved By: City Manager City Attorney

## ORDINANCE NO. 370

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CONDITIONS OF STREET VACATION FOR A PORTION OF RONALD PLACE N. APPROXIMATELY 421 FEET NORTH OF N. 175TH STREET.**

WHEREAS, the City Council vacated a portion of Ronald Place N. approximately 421 feet North of N. 175th by Ordinance N. 363 subject to certain conditions including construction or posting financial security for construction of a portion of the Interurban Trail approximately 421 feet north from North 175th St.; and

WHEREAS, the City Council finds that unanticipated delays in providing a design for the trail section needed to establish financial security, and coordination of trail construction with the applicant's project construction within the vacated right of way provide good cause for amending this conditions of street vacation; NOW, THEREFORE,

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

**Section 1. Findings.** The City Council finds that the amendment to condition number 4 set forth in section 2 of this ordinance meets the intent of the intent of the Planning Commission recommendation of September 16, 2004 and the criteria for street vacation under SMC 12.17.050.

**Section 2. Amendment.** Section 3 of Ordinance No. 363 is amended to read as follows:

. Conditions. The vacation of the right-of-way described above shall be subject to the following conditions:

1. All uses currently in the Seattle City Light Rights-of-Way for the entire length of Ronald Place N. shall have the existing vehicular access or alternative access easement or agreement provided by the property owners of the vacated portions of Ronald Place N. until those uses are vacated by order of Seattle City Light.
2. Any redevelopment that proposes to reclaim the vacated land and thereby remove the red brick road shall coordinate with the City and the Shoreline Historic Museum prior to demolition to assess and agree upon the reasonable number or percentage of bricks which can be salvaged and donated to the City. The bricks are to be reused to commemorate the history of the red brick road.
3. All existing encroachments and environmental encumbrances in City of Shoreline Rights-of-Way shall be removed by the developer when properties are redeveloped.
4. Construction of the Interurban Trail must be completed from N. 175th approximately 421 feet north per City approved design and alignment prior to certificate of occupancy for redevelopment of Owner's property or this~~This~~ work may be secured by bond, assignment of

funds, or payment in lieu of construction in an amount equivalent to this trail construction for use on the Interurban Trail and related improvements.

5. Easements for each utility currently using the vacated Rights-of-Way, including the City of Shoreline stormwater utility, shall be recorded in a form acceptable to the utility providers prior to redevelopment.
6. Utility easements shall require that relocation or changes to service will be done at the cost of the developer. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.
7. The Owners shall compensate the City for the full value of the vacated Right-of-Way by granting to the City a ten-year option to purchase the easterly 31 feet 6 inches of Owners property abutting Aurora Avenue N. The option shall include a requirement that Owners remove all structures prior to closing. There shall be no additional consideration in addition to this vacation to be paid by the City upon exercising the option to purchase. The Council finds that Owner's improved property subject to this option is clearly in excess of the street vacation, therefor appraisals for the properties are waived.
8. The east 10 feet of the Right-of-Way shall not be vacated but shall be retained by the City, pending resolution of the issues with Seattle City Light.

The conditions of vacation listed in this section except conditions 2, 3 and 4 shall be satisfied prior to recording a Declaration of Right-of-way vacation with the King County Department of Records and Elections by the City Clerk. If conditions are not satisfied and the Declaration is not recorded by the City Clerk within ninety (90) days of passage, this ordinance shall become null and void.

**Section 3. Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force 5 days from publication.

**PASSED BY THE CITY COUNCIL ON January 3, 2005.**

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Mayor Ronald B. Hansen

ATTEST:

_____
Sharon Mattioli
City Clerk

APPROVED AS TO FORM:

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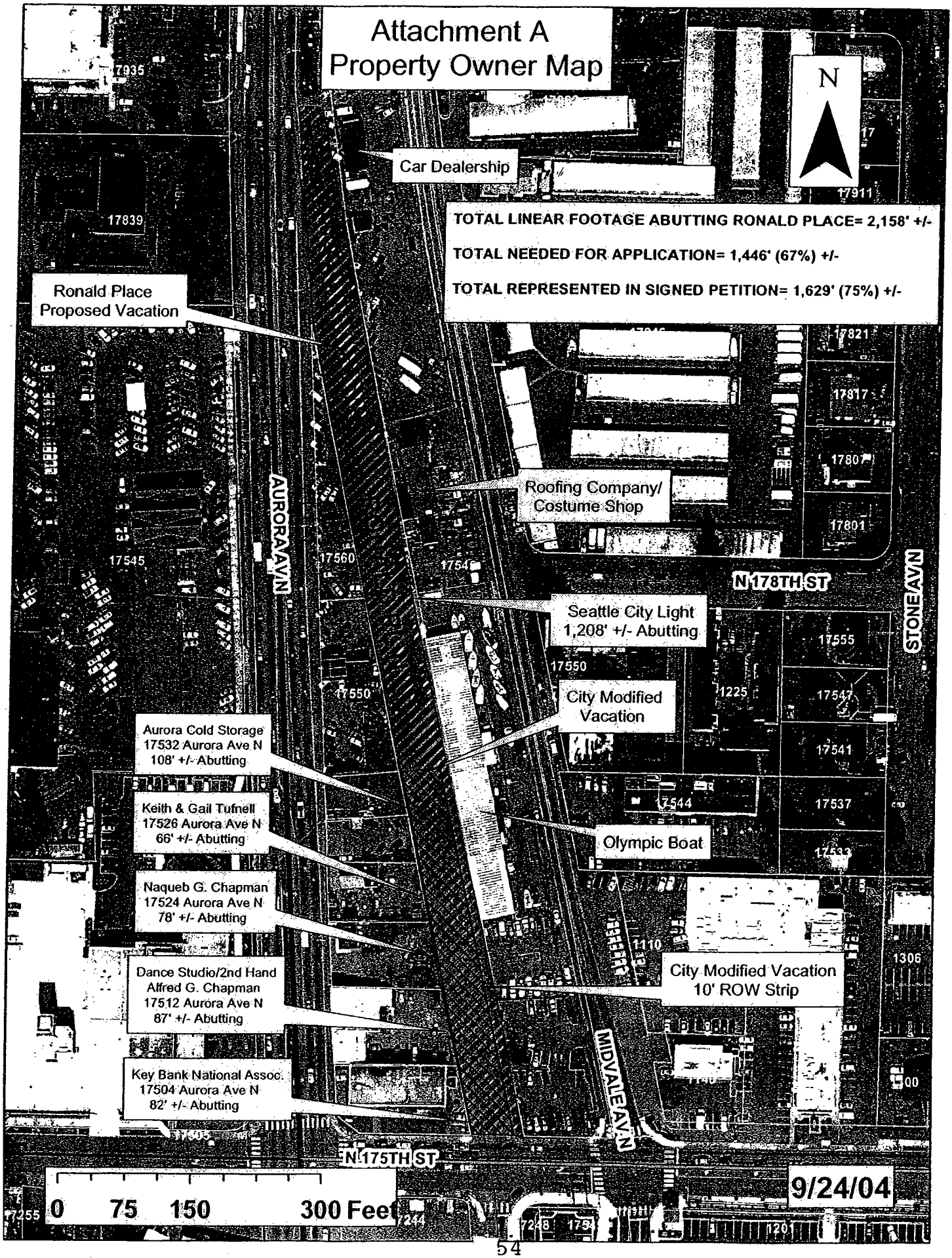
Ian Sievers
City Attorney

Exhibits:

A. Vacation/Dedication area map

Date of Publication: January 6, 2005
Effective Date: January 11, 2005


Attachment A
Property Owner Map
N
Car Dealership
TOTAL LINEAR FOOTAGE ABUTTING RONALD PLACE= 2,158' +/-
TOTAL NEEDED FOR APPLICATION= 1,446' (67%) +/-
TOTAL REPRESENTED IN SIGNED PETITION= 1,629' (75%) +/-
Ronald Place
Proposed Vacation
Roofing Company/
Costume Shop
AURORA AVN
N 178TH ST
STONE AVN
Seattle City Light
1,208' +/- Abutting
City Modified
Vacation
Aurora Cold Storage
17532 Aurora Ave N
108' +/- Abutting
Keith & Gail Tufnell
17526 Aurora Ave N
66' +/- Abutting
Olympic Boat
Naqueb G. Chapman
17524 Aurora Ave N
78' +/- Abutting
Dance Studio/2nd Hand
Alfred G. Chapman
17512 Aurora Ave N
87' +/- Abutting
City Modified Vacation
10' ROW Strip
MIDVALE AVN
Key Bank National Assoc.
17504 Aurora Ave N
82' +/- Abutting
N 175TH ST
0 75 150 300 Feet
9/24/04