

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 334, N. 188 th Street Vacation Amendment
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Andrea L. Spencer, Planner II Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

Staff has brought forward for City Council consideration Ord. No. 334. This ordinance amends the previously adopted Ord. No. 327, that vacated a portion of the N. 188th St. right-of-way (ROW) between the Seattle City Light ROW and Midvale Ave. N.

The purpose for this new ordinance is to provide clarification as to the areas that the petitioner is required to vacate as the map and written descriptions in the previous ordinance were not sufficiently detailed enough to determine which part of the parcels would be affected by dedication. In addition, the previous ordinance established a 90-day timeline to complete all of the conditions. Staff has been diligently working with the affected utilities to satisfy each of the conditions and it appears that some additional time (30 days) will be required. Therefore, in the new ordinance staff is proposing to extend the 90 days to 120.

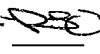
The proposed ordinance is included in Attachment A. The ordinance has been presented in legislative format to show the difference between the new ordinance (No. 334) and the original (No. 327). The text that would be eliminated is shown with strikethrough and the text that is proposed for addition is shown underlined.

FINANCIAL IMPACT:

No change from Ordinance 327.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 334 which makes minor amendments to Ordinance 324 for the vacation of a portion of the N. 188th St right-of-way.

Approved By: City Manager  City Attorney 

ATTACHMENTS:

Attachment A: Proposed Ordinance No. 334

This page intentionally left blank.

ORDINANCE NO. 334

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
AMENDING ORDINANCE 327 VACATING N. 188TH STREET
BETWEEN MIDVALE AVE AND THE SEATTLE CITY LIGHT
TRANSMISSION RIGHT-OF-WAY TO CORRECT RIGHT OF WAY
AREAS TO BE ADDED TO MIDVALE AVE N.**

WHEREAS, the City Council vacated a portion of N .188th St. between Midvale Ave. N. and the Seattle City Light transmission right of way by Ordinance No. 327 passed May 27, 2003; and

WHEREAS, The exhibit adopted by the vacation ordinance was not detailed enough to depict certain right of way areas to be vacated and dedicated and the ordinance text should be amended to to be more clear in describing the exact location of areas to be dedicated;
NOW, THEREFORE,

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

Section 1. Amendment. Section 3 of Ordinance 327 is amended to read as follows:

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

1. ~~A total 8103.18 square feet~~ Property owned by Petitioner adjacent to the Aurora Ave. right-of-way and Midvale Ave. N. is required for future circulation needs and shall be dedicated by Petitioner as partial compensation of the vacation. These portions of property to be dedicated are depicted in Exhibit A-1 and described as:

~~Portion Lt 3 and 4 Blk 3 Clive Add to Echo Lake — 2442.62~~

~~Portion Lt 2 Blk 1 Blk 3 Clive Add to Echo Lake — 1315.93~~

~~Portion Lt 1 2 Blk 3 Clive Add to Echo Lake — 119.63~~

~~Portion Lt 2 and 3 Blk 4 Clive Add to Echo Lake — 3300.00~~

~~Portion Tract A Clives Add To Echo lake — 925.00~~

Eastern 11 Feet of the South 70 Feet Lt 2 Blk 4 Clive Add to Echo Lake

Eastern 11 Feet of Lt 3 Blk 4 Clive Add to Echo Lake

Eastern 11 Feet of Lt 1 Blk 3 Clive Add to Echo Lake

Eastern 1 Foot of Lt 2 Blk 3 Clive Add to Echo Lake

Eastern 11 Feet of Lot 3 Blk 3 Clive Add to Echo Lake

Eastern 11 Feet of Portion of Lt 4 Blk 3 Clive Add to Echo Lake
Portion Tract A Clive Add to Echo Lake

2. All existing encroachments of the Petitioners property into City of Shoreline right-of-way shall be removed upon redevelopment of Petitioner's property or request of the City whichever is earlier.
3. Usage of Seattle City Light right-of-way shall be discontinued for truck access to North 192nd Street, or a license obtained from SCL to allow use and to provide storm water management of this area to meet current codes.
4. All Petitioner's properties using this right-of-way for access must either be merged to create one property, or access easements must be recorded over the vacated street property in a form acceptable to the City Attorney.
5. Easements for each utility currently using the vacated right-of-way, including the City of Shoreline stormwater utility, shall be recorded in a form acceptable to the utility providers. Utility easements must allow for extension of mains and allow for underground service.
6. Petitioner shall pay the sum of \$48,504 to the City Clerk consisting of the fair market value of approximately 2,500 2425.22-square feet of property gained by the petitioner that consists of the net right-of-way vacated after offsetting additional right-of-way required to be dedicated under condition 1.

The conditions of vacation listed in this section, except condition number 2, shall be satisfied prior to recording of this ordinance with the King County Department of Records and Elections by the City Clerk. If conditions are not satisfied and the ordinance is not recorded by the City Clerk within ~~ninety (90)~~ one hundred twenty (120) days of passage, this ordinance shall become null and void.

Section 2. Amendment. Exhibit A to Ordinance 327 depicting vacation and dedicated right of way areas is amended according to Exhibit A-1 attached hereto and incorporated by reference herein.

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 August 25, 2003.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli
City Clerk

Ian Sievers
City Attorney

Exhibits:

A-1. Vacation/Dedication area map

Date of Publication: August 28, 2003

Effective Date: September 2, 2003

THAT PORTION OF NORTH 188TH STREET RIGHT-OF WAY BEGINNING AT A POINT; AT THE CENTERLINE OF NORTH 188TH STREET AND 31 FEET WEST OF CENTERLINE OF MIDVALE AVENUE NORTH AND EXTENDING APPROXIMATELY 264 FEET WEST TO THE EASTERLY MARGIN OF THE SEATTLE CITY LIGHT RIGHT-OF WAY, ALL LOCATED IN CLIVE ADDITION TO ECHO LAKE ACCORDING TO THE PLAT RECORDED IN VOLUME 15 OF PLATS, PAGE 5, RECORDS OF KING COUNTY, WASHINGTON

8

1

1

**Area To Be Vacated
(See Legal Description Above)**

Lot 1 Block 3
Clive Addition to Echo Lake

Lot 2 Block 3
Clive Addition to Echo Lake

Lot 3 Block 3
Clive Addition to Echo Lake

Portion of Lot 4 Block 3
Clive Addition to Echo Lake

Parcel To Dedicate Eastern 11' to Midvale ROW

Parcel To Dedicate Eastern 1' to Midvale ROW

Parcels To Dedicate Eastern 11' to Midvale ROW

TO

ECHO

NOT TO SCALE