

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Resolution No. 268 initiating vacation for a portion of Midvale Avenue N. between N. 175 th and N. 178 th streets and setting a public hearing on vacation.
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Ian R. Sievers, City Attorney

PROBLEM / ISSUE STATEMENT:

In 2007 the City purchased property on the northeast corner of Midvale and 175th for the new city hall/civic center project. Adjacent to the City ownership on the east side of Midvale, there is excess right of way (approximately 15 feet) that is not needed for current or future road improvements. It has been planned to vacate this excess to provide additional space and circulation for the city hall project and landscaping. The City Council made a commitment to Opus Northwest, LLC to convey a specified parcel in the ground lease necessary to construct the civic center according to the design option selected by the City Council. In order to fully convey this parcel, a small portion of Midvale Avenue North needs to be vacated.

The City Council is authorized to initiate a street vacation under Chapter 12.17 of the Shoreline Municipal Code. The first step in the street vacation process is for Council to pass a resolution fixing the time for a public hearing on the street vacation in front of the Planning Commission. This Council resolution is before you tonight.

The proposed schedule for the street vacation process is as follows:

- January 14, 2008: City Council action on Resolution No. 268 initiating the street vacation process and fixing the time for a public hearing on vacation of a portion of Midvale Avenue N between N. 175th and N. 178th streets
- February 7, 2008: Planning Commission public hearing on the proposed street vacation.
- After the Planning Commission action, the City Council conducts a closed record hearing and either approves or denies the street vacation.

FINANCIAL IMPACT:

A street vacation initiated by the City Council has no financial impact.

ANALYSIS

In authorizing the City Manager to enter into a development agreement and a ground lease with Opus Northwest, LLC, the City Council made a commitment to Opus to design and construct the civic center on a development site that includes a small portion of Midvale Avenue North. In order to convey the full parcel for construction, this small portion of Midvale Avenue N. between N. 175th and N. 178th must be vacated.

The street vacation resolution method outlined in SMC Chapter 12.17 authorizes the City Council to propose a street vacation by resolution of intent to vacate. Under this street vacation resolution method, the City Council sets a public hearing before the Planning Commission. The public hearing must be held no sooner than 20 days but no later than 60 days after the Council resolution is passed. Public notice of the hearing is posted in three conspicuous public places and mailed to each owner of the property within 500 feet of the proposed vacation.

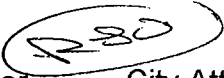
At the conclusion of the public hearing in front of the Planning Commission, the Commission makes a recommendation to the City Council. The City Council then holds a closed record hearing to determine whether to approve the street vacation.

The resolution before you tonight initiates the street vacation process and sets a public hearing in front of the Planning Commission for February 7, 2008.

Council's actual decision on the street vacation will not take place until the Commission has forwarded their recommendation and the Council holds their closed record hearing.

RECOMMENDATION

Staff recommends the Council approve Resolution No. 268 initiating the vacation of a portion of Midvale Avenue N. between N. 175th and N. 178th and fixing the time for a public hearing on vacation.

Approved By:  City Manager _____ City Attorney _____

ATTACHMENTS

A. Proposed Resolution No. 268

RESOLUTION NO. 268

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, INITIATING REVIEW OF A STREET VACATION FOR A SMALL PORTION OF MIDVALE AVE. N. RIGHT-OF-WAY BETWEEN N. 175TH STREET and N. 178TH STREET; AND FIXING A PUBLIC HEARING DATE FOR THE VACATION

WHEREAS, the City Council may initiate a street vacation review by a resolution of intent under SMC 12.17.040 in lieu of a petition from two-thirds of abutting owners; and

WHEREAS, the City has identified a need to vacate this portion of Midvale Avenue N. to fulfill the City's commitment to convey the parcel in the ground lease necessary for Opus Northwest, LLC to construct the Civic Center; and

WHEREAS, the Council finds that a public hearing prior to consideration of final action should be placed on the agenda of the Planning Commission for February 7, 2008; NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. Vacation Proposed. The City Council declares its intent to consider the vacation of a portion of Midvale Avenue N. north between N. 175th Street and N. 178th Street following notice to the public and abutting owners as required by law and a public hearing.

Section 2. Hearing Date. A public hearing to take public comment on the vacation described in Section 1 is hereby set before the Shoreline Planning Commission for February 7, 2008, to commence at 7:00 p.m. or as soon thereafter as the hearing may be held, in the Rainer Room, 18560 1st Avenue NE, Shoreline, WA 98133. Following the public hearing, the City Council shall consider the hearing record and the recommendation of the Planning Commission at a closed record hearing and take such action in regard to the vacation as may be deemed appropriate.

Section 3. Notice of Hearing. The City Clerk shall cause to be posted a notice containing a statement that the vacation has been initiated by the City Council describing the right-of-way proposed to be vacated, and the time and place of the hearing to consider the vacation at the times and locations set forth in SMC 12.17.020. The Notice shall further state that if 50 percent of the abutting property owners file written objection to the proposed vacation with the City Clerk prior to the Planning Commission hearing, the vacation proceeding will terminate.

ADOPTED BY THE CITY COUNCIL ON JANUARY 14, 2008.

Mayor

ATTEST:

Scott Passey
City Clerk