

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. 494 Vacating Excess Midvale Right of Way at Midvale and 175 th
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director, Planning and Development Services

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. In the preliminary design for the civic center it was determined that excess and irregular right of way existed on the east side of Midvale Avenue N. that could be better used as part of the civic center development. Approximately 15 feet of excess right-of-way on Midvale Avenue North is proposed to be vacated.

The City Council initiated the street vacation by adopting Resolution No. 268 on January 14, setting the open record hearing in front of the Planning Commission for February 7. The Planning Commission conducted the open-record public hearing on February 7 and unanimously recommended approval of the street vacation. The next and final step in the street vacation process is for Council to consider the hearing record and Planning Commission recommendation, and either approve or deny the street vacation. This is a closed record hearing and no additional comment or testimony will be received.

FINANCIAL IMPACT:

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

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 494 to vacate the excess right of way on the east side of Midvale.

Approved By:

City Manager 

City Attorney 

BACKGROUND

In approving the civic center design option, the City Council adopted a civic center design that included a building site that includes a small portion of Midvale Avenue North, approximately 6,423 square feet, identified in Attachment A. In order to continue with the civic center as currently proposed, this small portion of Midvale must be vacated.

The Council initiated the street vacation by passing Resolution No. 268 on January 14, 2008, which set the time for the public hearing in front of the Planning Commission for February 7, 2008.

The Planning Commission held its open record hearing and received no public comment. The Commission considered the following criteria, as required by SMC 12.17.050:

1. The vacation will benefit the public interest;
2. The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities or other similar right-of-way purposes;
3. The proposed vacation area is not a necessary part of a long range circulation plan or pedestrian/bicycle plan; and
4. The subject vacation is consistent with the adopted Comprehensive Plan and adopted street standards.

The Commission made the following findings, as set forth in Attachment B:

1. The vacation will benefit the public interest as the portion of right-of-way to be vacated on Midvale Avenue N. is unplanned and unused and the vacation will achieve better right-of-way realignment of Midvale Avenue North. Specifically, the new right-of-way line will align with the proposed right-of-way alignment of Midvale Ave. to the north of the proposed vacation and the road re-alignment of the intersection at Midvale and 175th to south.
2. The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities or other similar right-of-way purposes.

The right-of-way proposed to be vacated is considered excess right-of-way, based on the street classification and the proposed redesign of the intersection of Midvale and 175th associated with the Aurora Corridor Project. The City Traffic Engineer assessed the traffic impacts associated with the civic center/city hall project and concluded that, after the street vacation, adequate right-of-way will remain to provide a roadway that meets the standard for a "local access street." In addition, after vacation, the remaining right-of-way will provide sufficient area for sidewalks, as well as amenity areas for landscaping and utilities.

3. The proposed vacation area is not a necessary part of a long range circulation plan or pedestrian/bicycle plan.

The proximity of Midvale Avenue N. to the Interurban Trail links Midvale to the pedestrian/bicycle circulation plan, but the specific portion of Midvale Avenue North under consideration for street vacation is not included in future expansion of the network.

4. The subject vacation is consistent with the adopted Comprehensive Plan and adopted street standards.

The street vacation is consistent with the Comprehensive Plan. The adopted Transportation Master Plan identifies this portion of Midvale Avenue as a "local access street." The proposed geometry and configuration would provide the appropriate width and turning radii for a local access street as defined in the Transportation Master Plan and Engineering Development Guide with a roadway section that will provide 36-foot paved surface and a 6 to 8-foot sidewalks and 4-foot amenity strip. A minimum 24-foot pavement width is required for a local access street.

The Planning Commission concluded that all required street vacation criteria are met by this vacation and recommended that the Council approve the street vacation.

In addition, although street vacations are categorically exempt from SEPA review, the potential impacts of the right-of-way vacation were considered in conjunction with the SEPA review of a CIP project occurring in this same vicinity: East Boeing Creek – Phase II surface water drainage system upgrades. (This project includes replacement/realignment of a piped stream segment in Midvale Avenue right-of-way, which will result in excess right-of-way along the east side of Midvale.) A threshold Determination of Non-Significance was issued on January 11, 2008.

RECOMMENDATION

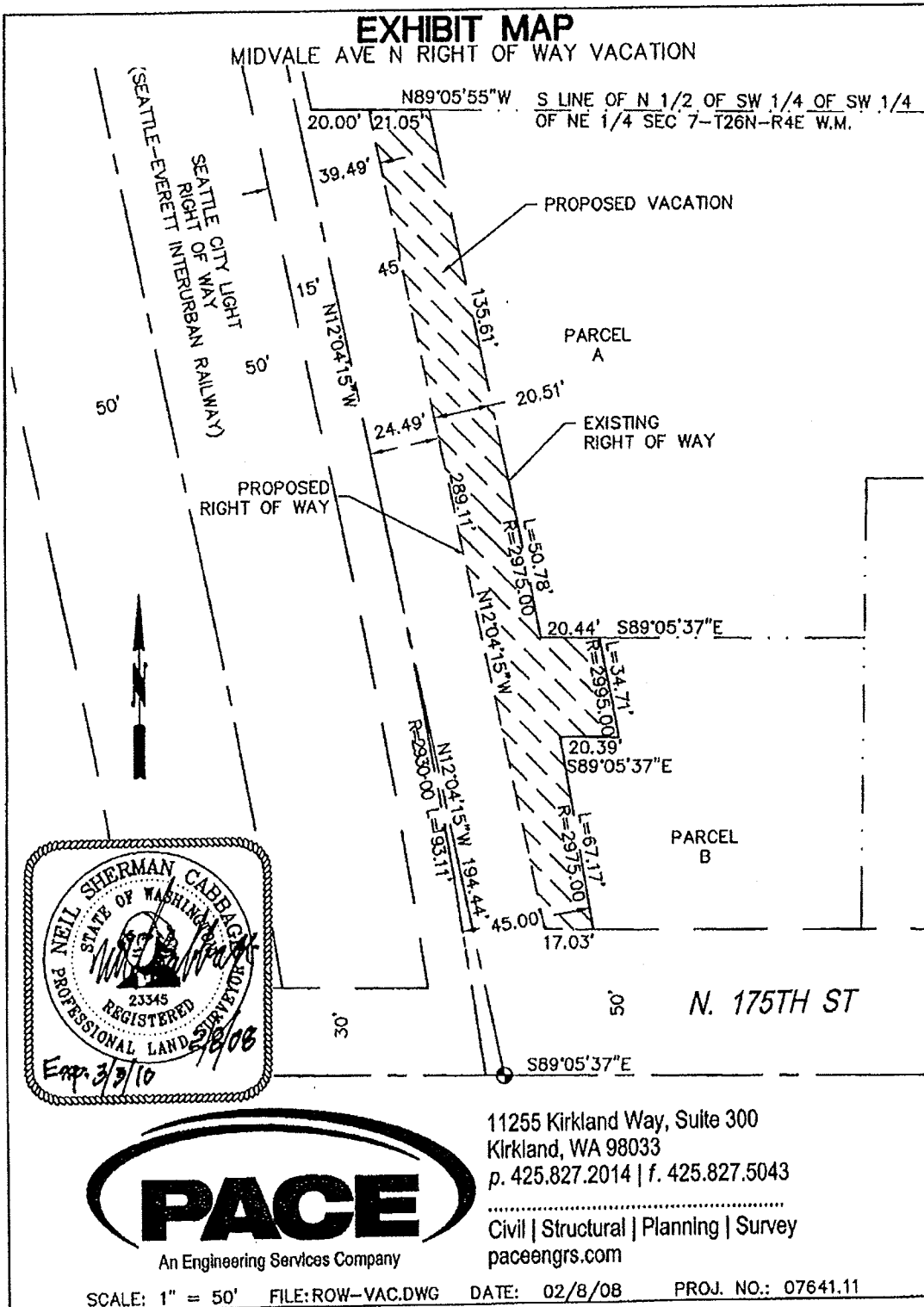
Staff recommends that Council adopt Ordinance No. 494, finding that all street vacation criteria are satisfied and approving vacation of the excess right of way on the east side of Midvale to be used for the city hall project.

ATTACHMENTS

Attachment A: Map of the proposed street vacation.

Attachment B: Planning Commission's Findings, Conclusions and Recommendation

Attachment C: Proposed Ordinance No. 494



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CITY OF SHORELINE
PLANNING COMMISSIONFINDINGS, CONCLUSIONS AND RECOMMENDATION

PROJECT INFORMATION SUMMARY

Project Description: City Council initiated street vacation of the northeast corner of Midvale Ave. and 175th for the new city hall/civic center project.
Project Address: 17544 Midvale Ave., Shoreline, WA 98133
Property Owner: City of Shoreline
SEPA Threshold: Determination of Non-Significance (DNS)
Staff Recommendation: Recommend approval of the street vacation.

FINDINGS OF FACT

1. 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, approximately 15 feet. In order to convey the full parcel for construction, the small portion of Midvale Avenue N. depicted in the map attached as Attachment A must be vacated.
2. Right-of-way vacations are categorically exempt from the Washington State Environmental Protection Act (SEPA). Though exempt, the potential impacts of the right-of-way vacation were considered in conjunction with an environmental review of the East Boeing Creek – Phase II CIP surface water drainage system upgrades. A threshold Determination of Non-Significance was issued on January 11, 2008. This project includes replacement/realignment of a piped stream segment in Midvale Avenue right-of-way. The realignment will result in excess right-of-way along the east side of Midvale.
3. On January 14, 2008: City Council approved Resolution No. 268 initiating the street vacation process and fixing the time for a public hearing in front of the Planning Commission on the vacation of the portion of Midvale Avenue N depicted in Attachment A.
4. Consistent with SMC 12.17.020 (C), public notice was provided on January 18th, 2008 by the following methods:
 - posting at the City Hall, the City Hall Annex, the Shoreline public library, and the police storefronts;
 - placement of signs in proximity of the vacation; and
 - a mailing to property owners within 500 feet.

5. On February 7, 2008, the Planning Commission held a public hearing on the proposed street vacation.

6. Under SMC 12.17.050, the Planning Commission must find each of the following criteria are met in order to recommend a street vacation:

- The vacation will benefit the public interest;
- The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes;
- The street or alley is not a necessary part of a long range circulation plan or pedestrian/bicycle plan; and
- The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

CONCLUSIONS

1. The vacation will benefit the public interest.

As it currently exists, the portion of right-of-way to be vacated on Midvale Avenue N. is unplanned and unused. The vacation will achieve better right-of-way realignment of Midvale Avenue North; the new right-of-way line will align with the proposed right-of-way dedication of Midvale Ave. to the north of the proposed vacation and the road re-alignment of the intersection at Midvale and 175th to the south.

2. The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities or other similar right-of-way purposes.

Determination of excess right-of-way is based on the street classification and the proposed redesign of the intersection of Midvale and 175th associated with the renovation of Aurora Avenue. The City Traffic Engineer assessed the traffic impacts associated with the civic center/city hall project and concluded that, after the street vacation, adequate right-of-way will remain to provide a roadway that meets the minimum standard for a "local access street". In addition, after vacation, the remaining right-of-way will provide sufficient area for sidewalks, as well as amenity areas for landscaping and utilities.

3. The proposed vacation area is not part of a long range circulation plan or pedestrian/bicycle plan.

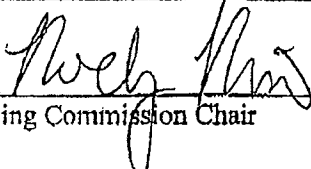
The proximity of Midvale Avenue N. to the Interurban Trail links Midvale to the pedestrian/bicycle circulation plan, but the specific portion of Midvale Avenue North under consideration for street vacation is not included in future expansion of the network.

4. The subject vacation is consistent with the adopted Comprehensive Plan and adopted street standards.

The street vacation is consistent with the Comprehensive Plan. The adopted Transportation Master Plan identifies this portion of Midvale Avenue as a "local access street". The proposed geometry and configuration would provide the appropriate width and turning radii for a local access street as defined in the Transportation Master Plan and Engineering Development Guide with a roadway section that will provide 36-foot paved surface and a 6 to 8-foot sidewalks and 4-foot amenity strip. A minimum 24-foot pavement width is required for a local access street.

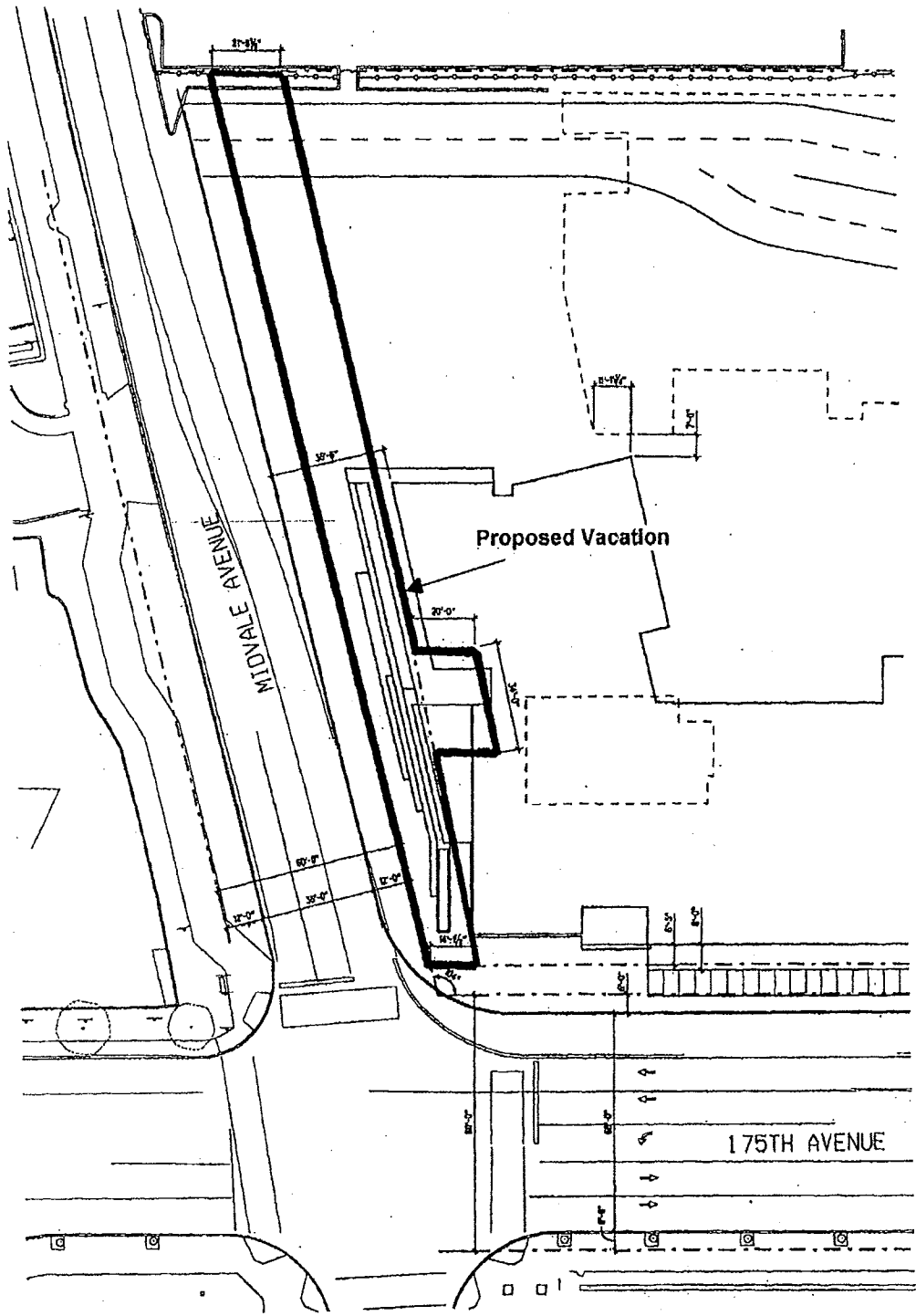
RECOMMENDATION

The Planning Commission unanimously recommends that the City Council vacate the right of way on the east side of Midvale, as depicted on the map attached as Attachment 1.

Date: 11 FEB 2008
By: 
Planning Commission Chair

ATTACHMENTS

Attachment 1 - Map of the proposed street vacation.



ORDINANCE NO. 494

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
VACATING A PORTION OF MIDVALE AVENUE NORTH BETWEEN
NORTH 175TH STREET AND NORTH 178TH STREET**

WHEREAS, the City Council adopted Resolution No. 268 on January 14, 2008 initiating a street vacation for 6,423 feet of right-of way on the eastern edge of Midvale Avenue North between North 175th Street and North 178th Street; and

WHEREAS, on February 7, 2008 the Planning Commission held a public hearing on the proposed street vacation and recommended approval of the vacation; and

WHEREAS, the City Council held a public hearing on February 25, 2008 to consider the recommendation of the Planning Commission to approve the vacation; and

WHEREAS, the City Council has determined that the public interest is served by this vacation as the vacation will achieve better alignment of Midvale Avenue North; that adequate right-of-way remains after the vacation to meet the standards for local access street and to provide sufficient area for sidewalk; that the right-of-way subject to this vacation is not part of the long range circulation plan or pedestrian/bicycle plan; and that the subject right-of-way is surplus to the present and future transportation needs of the City; NOW, THEREFORE,

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

Section 1. Findings. The City Council concurs in the findings and conclusions approved by the Planning Commission on February 11, 2008.

Section 2. Vacation. The right-of-way described below and depicted in Exhibit A attached hereto consisting of approximately 6,423 square feet is hereby vacated:

A portion of the Southwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 7, Township 26 North, Range 4 East, W.M., in the City of Shoreline, King County, Washington described as follows:

All that portion of the existing Right of Way for Midvale Avenue North lying Easterly of the following described line:

Beginning at a point on the South line of the North half of said subdivision, said point being 39.49 feet Easterly of the Easterly Margin of Old Seattle-Everett Interurban Railway Right of way as measured

perpendicular to said Easterly Margin;
Thence South 12°04'15" East, parallel with the tangent portion of said
Easterly Margin, for a distance of 289.11 feet to North Margin of North
175th Street and the end of said line description.

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 FEBRUARY 25, 2008.

Mayor Cindy Ryu

ATTEST:

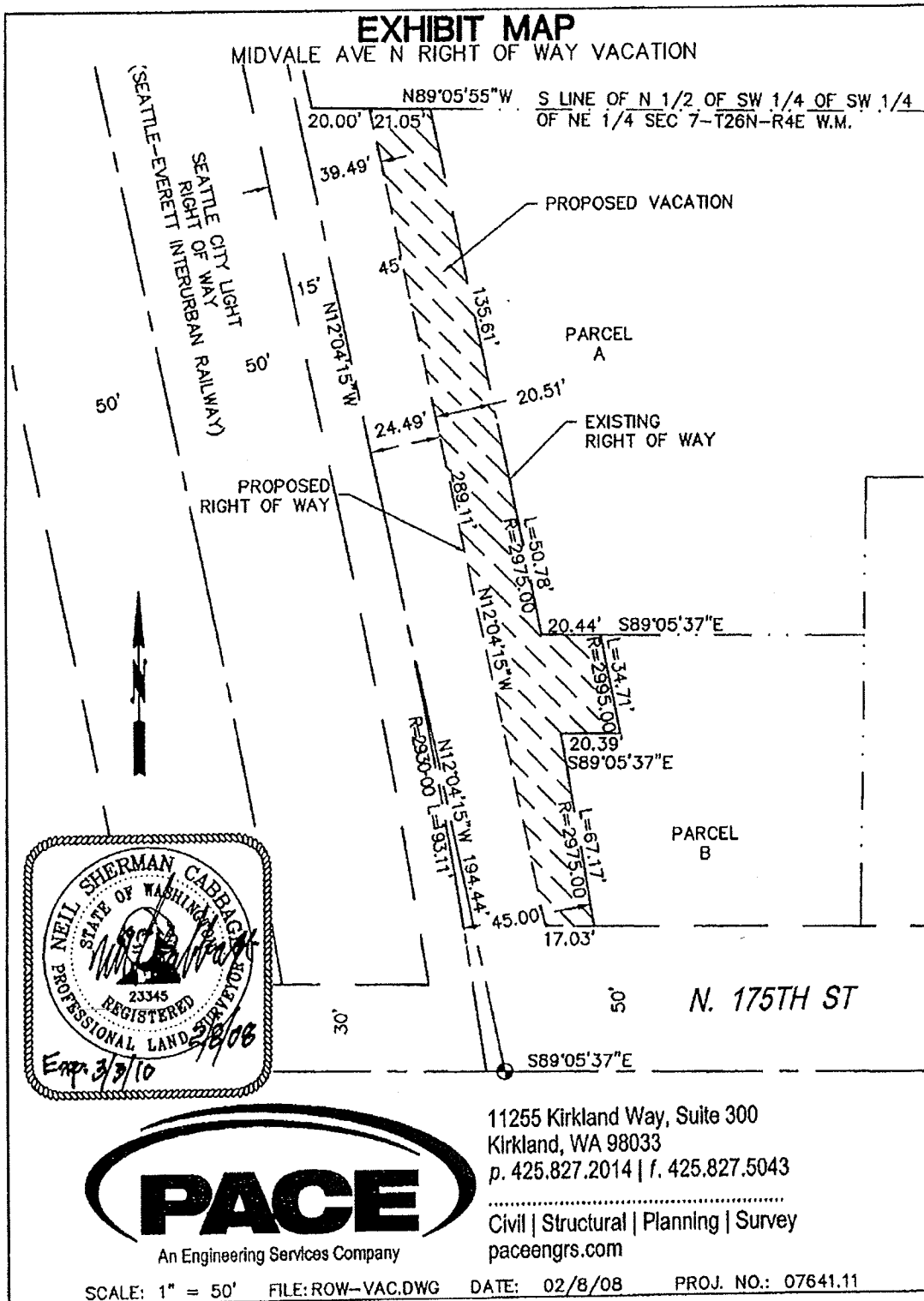
APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

EXHIBIT A



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