

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Public Hearing for the proposed vacation of the east-west alleyway within Block 316, Plat of Riverdale Addition

_____ Briefing
 _____ Proposed Action
 _____ Consent
 _____ Action
 _____ First Reading
 _____ Second Reading
 _____ Third Reading
 5/29/19 Public Hearing
 Budget Advisory

COUNCIL BILL # _____
 Originating Department Real Property
 Contact Person Darcie Byrd
 Phone Number 425-257-7294
 FOR AGENDA OF May 29, 2019
 Initialed by:
 Department Head _____
 CAA _____
 Council President SB

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
North of 16 th Street between Chestnut Street and E. Marine View Drive	5/1/19 City Council passed Resolution setting 5/29/19 as the date for the public hearing	1. Staff Report 2. Notice of Hearing 3. Map	All

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

On May 1, 2019, Council adopted Resolution No. 7367 accepting the petition and setting the date of May 29, 2019, at 6:30 P.M. in the Council Chambers at 3002 Wetmore Avenue as the public hearing date for the proposed vacation of the east-west alleyway within Block 316, Plat of Riverdale Addition.

The proposed vacation is to consolidate the property ownership for future development purposes.

The requirements set forth by law have been met and notice of the public hearing have been timely provided as required by RCW 35.79.

A staff report presenting findings and recommending approval of the proposed vacation is attached.

RECOMMENDATION:

Approve the proposed vacation of the east-west alleyway within Block 316, Plat of Riverdale Addition and direct staff to prepare an ordinance subject to the conditions as contained in the staff report.

**STAFF REPORT TO CITY COUNCIL
ON THE PROPOSED VACATION OF**

the east-west alleyway within Block 316, Plat of Riverdale Addition.

May 17, 2019

The proposed vacation area is legally described as:

ALL THOSE PORTIONS OF:

THE EAST-WEST ALLEY WITHIN BLOCK 316, RIVERDALE ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10 OF PLATS, PAGE 45, IN SNOHOMISH COUNTY, WASHINGTON.

The proposed vacation area contains a total area of approximately 3,000 square feet that is zoned C-1 General Commercial. The proposed use is for the consolidation of adjacent properties for future development potential.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

FINDING: R.C.W. 35.79.010 allows property owners abutting a public right-of-way to petition for the vacation of said right of way, and if said petition represents more than two-thirds of the property abutting said right of way, the legislative authority shall fix a time and date for said petition to be heard.

CONCLUSION: A valid petition representing 100% of the abutting property owners was received, and 6:30 P.M. on May 29, 2019, was set as the time and date for said petition to be heard.

FINDING: R.C.W. 35.79.020 requires the City Clerk to give a minimum of twenty (20) days notice of the pendency of said hearing on the petition by written notice posted in three (3) of the most public places in the City, and a like notice to be posted in a conspicuous place on the right of way proposed to be vacated.

CONCLUSION: Said notices were posted as required.

FINDING: R.C.W. 35.79.030, in part, allows the City the right to retain an easement, or to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

CONCLUSION: An easement is being retained for an existing drainage pipe within the alleyway being vacated. It is anticipated that the existing drainage pipe will be removed/relocated when future development of the site occurs.

FINDING: R.C.W. 35.79.030, in part, also allows the City to be compensated up to the full current appraised value for vacated right of way if the right of way has been dedicated for at least twenty-five years. Resolution 3147, as amended

by Resolution 5083, mandates that compensation of the full current appraised value can be paid, or land of equal value and suitable alignment be exchanged, in accordance with R.C.W. 35.79030 for applications received after August 1, 2001.

CONCLUSION: The application and fee was received after August 1, 2001. Payment of the full appraised value of the right of way is required.

RECOMMENDATION:

It is recommended that City Council approve the requested vacation and direct staff to draft an ordinance providing for said vacation subject to the following:

- 1) Payment for an independent appraisal;
- 2) Payment of the full appraised value; and
- 3) An easement be retained for the existing drainage pipe within the alley right of way being vacated.

No negative comments or opposition has been received to date.

NOTICE OF HEARING

WHEREAS, there has been filed with the City Clerk of the City of Everett and with the City Council, a petition for the vacation the East-West alleyway within Block 316, Plat of Riverdale Addition, as legally described as follows:

THE EAST-WEST ALLEY WITHIN BLOCK 316, RIVERDALE ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10 OF PLATS, PAGE 45, IN SNOHOMISH COUNTY, WASHINGTON.

WHEREAS, the City Council of the City of Everett did by resolution fix the **29th day of May, 2019, at 6:30 P.M.** in the City Council Chambers at 3002 Wetmore Ave in the City of Everett as the time and place for the hearing of said petition and the City Clerk of the City of Everett was directed to give notice of said hearing in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT a hearing will be held on said petition on the 29th day of May, 2019, at 6:30 P.M. in the City Council Chambers at 3002 Wetmore Ave in the City of Everett, and

NOTICE IS FURTHER GIVEN THAT any person or persons desiring to be heard with reference thereto may appear at such time and place and may be heard at said time.

Dated this 2nd day of May, 2019.



Sharon Fuller, City Clerk

