

ORDINANCE NO. 875

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON GRANTING THE VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY GENERALLY DESCRIBED AS 7<sup>TH</sup> AVENUE NE TO THE CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY (SOUND TRANSIT) IN EXCHANGE FOR SURPLUS PROPERTY.**

WHEREAS, pursuant to RCW 35.79.010, the City Council has the legislative authority to vacate a portion of the public right-of-way and SMC 12.17 sets forth the applicable procedures; and

WHEREAS, the act of vacating a street is categorically exempt from environmental review per WAC 197-11-800(2)(h); and

WHEREAS, in 1961, the State of Washington (Department of Transportation) obtained land for state highway purposes; namely the construction of State Highway 1, what is now Interstate 5, and, in 1986 conveyed to King County by quit claim deed, recorded under King County Recording No. 8603110515, all of the State's right, title, and interest for certain lands that were not required for state highway purposes, provided that these lands were for road purposes and that the proceeds from any vacation, sale or rental of such road shall be placed in a fund used exclusively for road purposes; and

WHEREAS, upon incorporation, the City received from King County, in fee, these surplus lands; one such public right-of-way is commonly referred to as 7<sup>th</sup> Avenue NE; and

WHEREAS, in addition to the fee simple portion of 7<sup>th</sup> Avenue NE, an approximately 620 square foot portion of 7<sup>th</sup> Avenue NE was dedicated to the public in 1979 with the recording of King County Short Plat 578077, King County Recording No. 7901170721; and

WHEREAS, the City received a petition from the Central Puget Sound Regional Transit Authority (Sound Transit), the owner of more than two-thirds of the abutting property, to vacate rights-of-way for the future Lynnwood Link - Shoreline North/185<sup>th</sup> Light Rail Station; this includes that portion of the 620 square feet of dedicated right-of-way; and

WHEREAS, the fee simple portion of 7<sup>th</sup> Avenue NE is the subject of an intergovernmental transfer pursuant to Resolution No. 453; and

WHEREAS, on September 16, 2019, the City Council adopted Resolution No. 446 fixing the date and time for an open record public hearing; and

WHEREAS, the City Clerk posted and published appropriate notice of the public hearing as required by SMC 12.17.020; and

WHEREAS, on October 9, 2019, the Shoreline Hearing Examiner held an open record public hearing on the vacation petition; and

WHEREAS, on October 23, 2019, the Shoreline Hearing Examiner issued a recommendation for approval subject to conditions of the vacation petition; and

WHEREAS, an appraisal for that portion of the right-of-way to be vacated was prepared and accepted by the City, showing the fair market value of the property is \$18,653.94; and

WHEREAS, the City and Sound Transit have been working to develop an agreement in which, at the conclusion of the construction of the Lynnwood Link Light Rail, Sound Transit would convey portions of surplus property of equivalent fair market value to the City in lieu of cash payment for the vacated property; and

WHEREAS, the property anticipated to be conveyed by Sound Transit would be used for multimodal transportation projects such as the 148<sup>th</sup> Street Non-motorized Bridge and the Trail Along The Rail; and

WHEREAS, on March 2, 2020, the City Council considered the recommendation of the Shoreline Hearing Examiner, the recommendation of staff, and all public comment received on the vacation petition at its regularly scheduled meeting; and

WHEREAS, the City Council has determined that vacating a portion of 7<sup>th</sup> Avenue NE, given the intergovernmental transfer of the fee simple portion along with the facilitation of the light rail project, is in the public interest and satisfies the criteria set forth in SMC 12.17.050; and

WHEREAS, the City Council has determined that the vacation should be subject to certain conditions of approval;

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

**Section 1. Findings and Conclusions.** The City Council concurs in the findings and conclusions set forth in the recommendation of the Shoreline Hearing Examiner issued on October 23, 2019 and adopts the same by reference.

**Section 2. Vacation of Public Right-of-Way.** That portion of 7<sup>th</sup> Avenue NE as described below and depicted on Exhibit A is vacated subject to the conditions set forth in Section 3:

THE EAST 10 FEET OF THE WEST 30 FEET OF THE NORTH 62 FEET OF THE SOUTH 216 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY WASHINGTON, AS DEDICATED TO KING COUNTY UPON RECORDING OF SHORT PLAT NUMBER 578077, RECORDED UNDER RECORDING NUMBER 7901170721, IN KING COUNTY, WASHINGTON.

**Section 3. Conditions of Public Right-of-Way Vacation.** This Ordinance and the vacation authorized herein shall not become effective until the following conditions are satisfied:

- A. Sound Transit shall enter into a Property Agreement with the City to provide for just compensation of the vacated right-of-way on or before December 31, 2020. If Sound Transit does not execute the Agreement by December 31, 2020, then Sound Transit shall pay the City \$18,653.94 no later than January 31, 2021.
- B. Sound Transit shall, in addition to all other duties and expenses of vacation as set forth in Chapter 12.17 SMC, provide at its sole cost and expense for a boundary survey of that portion of 7<sup>th</sup> Avenue NE that is vacated. The survey shall be performed by a land surveyor licensed to practice in the State of Washington. A copy of the survey shall be provided to the City on or before December 31, 2020, for recording.
- C. The vacation shall be subject to the reservation of any and all easements for City-owned utilities, including surface water drainage, with the extent and location to be determined and executed based on the as-built surveys of these utilities to be completed for the Lynnwood Link Project. Once executed, the easements shall be recorded with the King County Recorder's Office at Sound Transit's sole cost and expense.

**Section 4. Directions to the City Clerk.** Except for Condition No. 3(C), after the conditions set forth in Section 3 above have been satisfied, the City Clerk shall certify this Ordinance and forward it, along with the boundary survey, to the King County Recorder's Office for recording upon the property records. Prior to certifying and recording, the City Clerk is authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 5. Directions to Director of Public Works.** Upon the satisfaction of the conditions in Section 3 and the recording of this Ordinance as provided in Section 4, the Director of Public Works shall cause to amend the official maps to reflect the vacation of that portion of 7<sup>th</sup> Avenue NE.

**Section 6. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

**Section 7. Publication and Effective Date.** The effectiveness of this Ordinance is subject to satisfaction of the conditions set forth in Section 3. If such conditions are not satisfied on or before the dates set forth in Section 3, this Ordinance shall become null and void and be of no further effect. If such conditions are satisfied on or before the dates set forth in Section 3, a summary of this Ordinance consisting of the title shall be published in the official newspaper and become effective five days thereafter.

PASSED BY THE CITY COUNCIL ON MARCH 16, 2020

  
\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

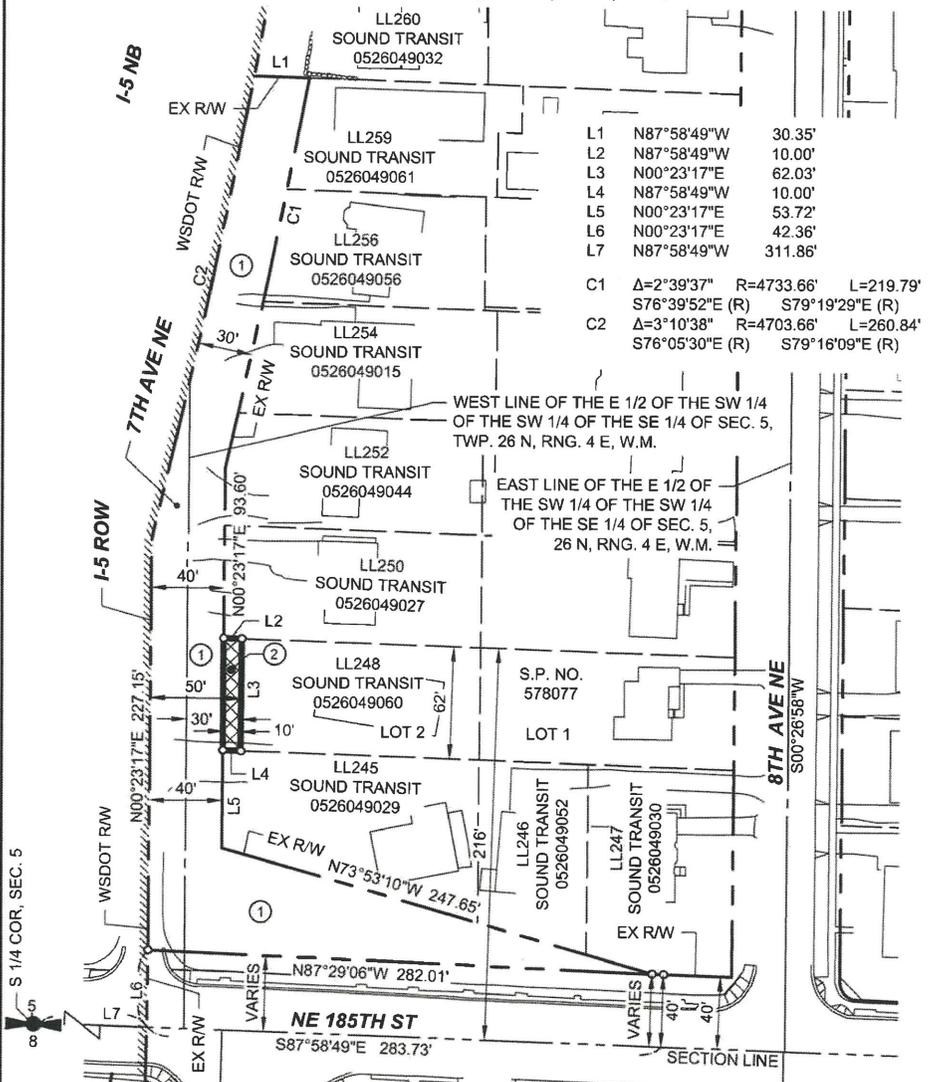
  
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Margaret King  
City Attorney

Date of Publication: , 2020  
Effective Date: , 2020

Ordinance No. 875 -  
Exhibit A

## 7TH AVE NE VACATION

SW 1/4 SE 1/4 SEC 5, T 26 N, R 4 E, W.M.



- 1 RW CONVEYED TO KING COUNTY BY DEED, RECORDING NO. 8603110515.
- 2 10' ADDITIONAL R/W CONVEYED TO KING COUNTY BY SHORT PLAT NO. 578077, RECORDING NO. 7901170721.
- 3 CURRENT R/W ANGLE POINT OPPOSITE ENGINEERS STATION 10+70 ON THE "E. 185TH U.C." LINE SURVEY OF WSDOT R/W PLAN "SR5, SEATTLE FREEWAY, EAST 145TH ST TO EAST 200TH ST."

**LEGEND**

- RIGHT-OF-WAY LINE
- - - EXISTING RIGHT-OF-WAY LINE
- STREET CENTER LINE
- - - PROPERTY LINE
- ▨ VACATED PARCEL

40 20 0 40 80 NAD 83 (2011)

SCALE IN FEET

R/W VACATION AREA

**SOUNDTRANSIT**

**HNTB Jacobs**

**L & A LIN & ASSOCIATES**

LINK LIGHT RAIL TRANSIT SYSTEM



VACATION AREA: 620 SF DATE: 2/21/2020

EXHIBIT "C"  
R/W NO. LL509.2  
(SHORT PLAT DEDICATION)

SHORELINE STREET  
VACATION

CITY OF SHORELINE KING COUNTY, WA

