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ORDINANCE NO. 358

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, VACATING MIDVALE AVENUE N. APPROXIMATELY 170 FEET SOUTH OF N. 185TH STREET.

WHEREAS, The City of Shoreline initiated a Street Vacation for Midvale Ave. N. from N. 185th Street south 170 feet; and

WHEREAS, on August 19, 2004 the Planning Commission held a public hearing on the proposed Street Vacation and recommended approval of the vacation subject to conditions; and

WHEREAS, the City Council held a closed record meeting on September 13, 2004 and considered the recommendation of the Planning Commission to approve vacation; and

WHEREAS, the City Council has determined, following an engineering study, that the right-of-way subject to this initiative is surplus to the future transportation needs of the City; vacation will relieve the City of liability and maintenance responsibility; vacation will return the property to the tax roles; and the public interest is best served by the vacation of the right-of way subject to payment of compensation and reservation of necessary utility easements; now, therefore

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

Section 1. Findings. The City Council concurs with the findings and conclusions approved by the Planning Commission on August 19, 2004 and further finds that the vacation is consistent with Criteria 4 and the Shoreline Comprehensive Plan.

Section 2. Vacation. The right-of-way described below and depicted in Exhibit A attached hereto consisting of approximately 7,650 square feet is hereby vacated to the owner of property abutting the right-of-way on the east (Owner) subject to conditions set forth in Section 3:

Midvale Ave. North from a point 170 feet south of the southerly right-of-way line of N. 185th Street to said right-of-way line in the City of Shoreline, King County, Washington.

Section 3. Conditions. The vacation of the right-of-way described above shall be subject to the following conditions:

1. Any and all construction on adjacent parcels must meet City of Shoreline requirements such as development standards, engineering guidelines, and SEPA mitigating measures.
2. An option for ten years will be granted to the City by the Owner for the City to purchase up to fifteen (15) feet of the vacated right-of-way measured from the westerly right-of-way line of the vacated portion of Midvale Ave. N, upon payment of fair market value, to allow Seattle

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City Light to move their transmission right-of-way east to accommodate realignment of Aurora Ave. N. by the City (See Exhibit A, Area 1).

3. Area 2 City Right-of-Way shall be redeveloped by the Owner to city street standards prior to certificate of occupancy for redevelopment of the Owner's property abutting this Area.
4. Vehicle and pedestrian access easements will be granted by the Owner for public use for the area depicted approximately in Exhibit A, Area 3, consisting of approximately 15,000 square feet and the sidewalk areas south and east of Area 3 as shown approximately on Exhibit A, all subject to adjustments through the City's site plan approval. The easements will be surveyed by the Owner and recorded prior to the vacation taking effect. The road easement shall be improved as a two-way road with minimum 11-foot paved travel lanes. Parking and driveways opening onto the road shall meet standards of the Engineering Guide unless an engineering variance is approved. The public sidewalk easement shall be constructed and maintained with an unobstructed width of 5 feet by the Owner. Improvement of the easements shall be completed by the Owner within one year of recording the vacation, and a bond or assignment of funds for completion shall be posted prior to recording the vacation.
5. With the permission of Seattle City Light, the construction and use of the main entry to the site from Aurora Avenue N. to Midvale Ave N. may be constructed by Owner as conditioned by the site plan approval for Owner's development site east of Midvale Ave. N.
6. All existing encroachments in City of Shoreline right-of-way shall be removed.
7. Construction of the Interurban Trail must be completed between N. 183rd and N. 185th Streets to City approved design prior to a certificate of occupancy for redevelopment of Owner's property or a bond or assigned funds posted to secure performance based on the most recent bid received by the City for a comparable design.
8. 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.
9. Utility easements will include the Owner's responsibility for all utility facility relocation or changes. There is an existing 2-inch gas line approximately 20 feet west of the centerline of Midvale Ave. N. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.

The conditions of vacation listed in this section numbered 2, 4, 6, and 8 shall be satisfied prior to recording of this ordinance with the King County Department of Records and Elections by the City Clerk. If these conditions are not satisfied and the ordinance is not recorded by the City Clerk within ninety (90) days of passage, this ordinance shall become null and void.

Section 4. 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 SEPTEMBER 13, 2004.

Mayor Ronald B. Hansen

ATTEST:

Sharon Mattioli
City Clerk

APPROVED AS TO FORM:

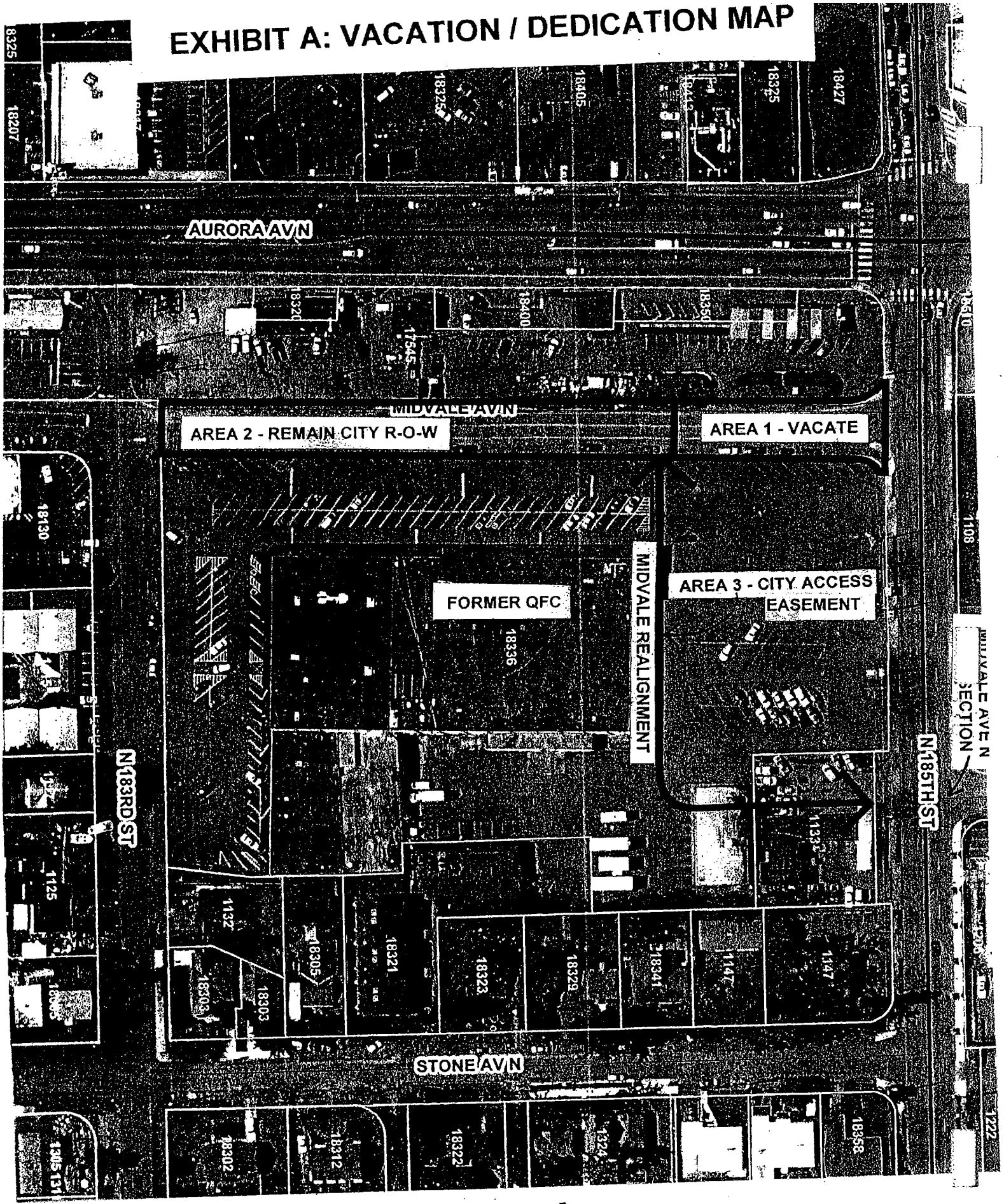
Ian Sievers
City Attorney

Exhibits:

A. Vacation/Dedication area map

Date of Publication: September 16, 2004
Effective Date: September 21, 2004

EXHIBIT A: VACATION / DEDICATION MAP



NORTH
1 INCH = 100 FEET