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ORDINANCE NO. 548

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, VACATING 13,401 SQUARE FEET OF RONALD PLACE N. SOUTH OF NORTH 175TH STREET

WHEREAS, the City Council adopted Resolution No. 284 on February 9, 2009 initiating a street vacation for a portion of Ronald Place N. south of North 175th Street; and

WHEREAS, on April 9, 2009 the Hearing Examiner held a public hearing on the proposed street vacation and recommended approval of the vacation with conditions; and

WHEREAS, the City Council has determined that the public interest is served by this vacation as the vacation will encourage redevelopment of the site consistent with the Shoreline Municipal Code, will lessen City liability for maintenance of old streets for public use but does not affect the continued existence of the red brick paving; that the vacation will improve traffic flow on N. 175th Street and will reduce delays on N. 175th Street between signaled intersections of Midvale Avenue North and Aurora Avenue North; 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 vacation is consistent with the Comprehensive Plan goals and policies which encourage economic development and retention and revitalization of businesses in the area; 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 Hearing Examiner Decision Recommendation issued April 22, 2009 with a correction to the square footage of the vacation area shown on the map depicting the vacation area to 13,401 square feet.

Section 2. Vacation. The right-of-way described in Exhibit A and depicted in Exhibit B attached hereto consisting of approximately 13,401 square feet is hereby vacated, with the following conditions:

1. Easements for each utility currently using the right-of-way shall be recorded concurrently with the street vacation, in a form acceptable to the utility providers. Easements will allow relocation at fee owner's expense.
2. The Shoreline Fire District shall be granted an access easement in a form acceptable to the Fire District if required by the District.
3. The vacated roadway must be signed as a private drive or physically closed by the Petitioners.
4. A covenant from Top Foods must be recorded providing sixty (60) days notice to the City and Petitioner Steele prior to permanently closing its access to Ronald Place N. Petitioners shall record a covenant to dedicate a public turnaround meeting the Shoreline Engineering Guide should this access be closed.

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5. The northbound lane of Ronald Place N. must remain open to through traffic until a Notice of Substantial Completion has been issued for the Aurora Corridor Improvement Project or until earlier notice from the City.
6. Kevin Sill shall be granted an access easement for Skyline Windows for delivery trucks in a form acceptable to Mr. Sill.
7. A covenant shall be recorded prohibiting alteration or destruction of or construction on the red brick road within the vacated right-of-way, provide that (1) striping for parking shall be allowed on the red brick road; and (2) Petitioners can request an amendment or release of this covenant from the Shoreline City Council. Should a full release of this covenant be approved, the City shall be paid 25% of the fair market value of property released determined by the City Manager as of the date of release.
8. Petitioners shall pay fair market value for the vacated right of way as determined by the City Manager.

Section 2. Appropriation. Compensation received for vacation shall be deposited in the General Fund with one half placed in a restricted account for future appropriation by the Council for acquisition, improvement, development, and related maintenance of public open space or transportation capital projects in compliance with RCW 35.79.030.

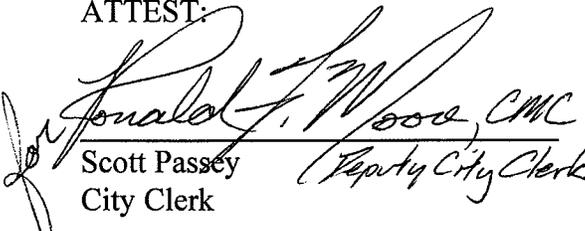
Section 3. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days from publication.

PASSED BY THE CITY COUNCIL ON JULY 27, 2009.



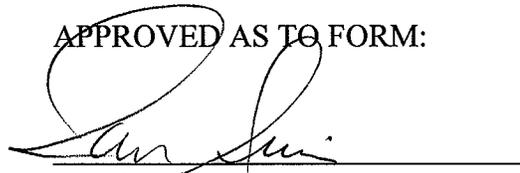
Mayor Cindy Ryu

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: July 30, 2009
Effective Date: August 4, 2009

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LEGAL DESCRIPTION

Exhibit A

A STREET VACATION OF RONALD PLACE NORTH (NORTH TRUNK COUNTY ROAD - SURVEY NO. 491) BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OPPOSITE ENGINEERS STATION 240+10.78 ON THE CENTERLINE OF AURORA AVENUE NORTH AS SHOWN IN THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001, RECORDS OF KING COUNTY AND 156.52 FEET EASTERLY AT RIGHT ANGLES THEREFROM, SAID POINT ALSO BEING ON THE WESTERLY MARGIN OF RONALD PLACE NORTH; THENCE CONTINUING NORTHERLY ALONG SAID WESTERLY MARGIN ON A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 490.86 FEET TO A POINT OPPOSITE ENGINEERS STATION C 11+97.42 AND 52.36 FEET SOUTHERLY AT RIGHT ANGLES THEREFROM, THE "C" LINE IS SHOWN ON SAID RECORD OF SURVEY; THENCE LEAVING SAID WESTERLY MARGIN TO A POINT OPPOSITE ENGINEERS STATION C 12+61.09 AND 50.53 FEET SOUTHERLY AT RIGHT ANGLES THEREFROM, SAID POINT ALSO BEING ON THE EASTERLY MARGIN OF RONALD PLACE NORTH; THENCE CONTINUING SOUTHWESTERLY ALONG SAID EASTERLY MARGIN ON A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 24.50 FEET TO A POINT OPPOSITE ENGINEERS STATION C 12+57.99 AND 54.26 FEET SOUTHERLY AT RIGHT ANGLES THEREFROM; THENCE CONTINUING SOUTHERLY ALONG SAID EASTERLY MARGIN ON A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 550.86 FEET TO A POINT OPPOSITE ENGINEERS STATION 240+04.45 ON THE CENTERLINE OF AURORA AVENUE NORTH AND 218.58 FEET EASTERLY AT RIGHT ANGLES THEREFROM; THENCE LEAVING SAID EASTERLY MARGIN WESTERLY TO THE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

AREA = 13401 SQUARE FEET



INCA
ENGINEERS INC.

Ronald Place North Vacation

PAGE
OF

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Exhibit B

