

City Council Study Session
August 10, 2015 - 5:30 PM
Auburn City Hall
AGENDA

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Meeting videos are not available until 72 hours after the meeting has concluded.

I. CALL TO ORDER

A. Roll Call

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Façade Improvement Program Update (15 Minute Presentation/15 Minute Q&A)
(Hursh)

B. Economic Development Update (15 Minute Presentation / 5 Minute Q&A)
(Hursh)

C. **Right-of-Way Vacation No. V4-14 (10 Minute Presentation / 20 Minute Q&A)**
*** (Snyder)**

IV. OTHER DISCUSSION ITEMS

V. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

**Denotes attachments included in the agenda packet.*



AGENDA BILL APPROVAL FORM

Agenda Subject:

Right-of-Way Vacation No. V4-14 (10 Minute Presentation /
20 Minute Q&A)

Date:

August 5, 2015

Department:

CD & PW

Attachments:

[Staff Report](#)
[Exhibits A & B](#)
[Vicinity Map](#)
[West Hill Vicinity Map](#)
[Comp Plan Map](#)
[Roadway Classification Map](#)
[Standard Detail Traffic-32](#)

Budget Impact:

\$0

Administrative Recommendation:

For discussion only.

Background Summary:

This is a continuation of the discussion held at the City Council meeting on August 3, 2015 regarding the proposed vacation of the right-of-way of the south side of South 318th Street, east of 56th Avenue South, shown on Exhibit "B".

The decision that will be before the City Council on September 8th will be a determination of whether or not there is a public need to retain the proposed vacation area for public use.

A Public Hearing before the City Council was held on August 3, 2015 and public comment was received. Public comments centered around concerns related to a private civil matter between the applicant, Hastings 10, LLC, and an adjacent property owner, Ms. Meryhew. The dispute is on private property and is not within the City's authority to resolve and does not involve any area of the public right-of-way along South 318th Street, therefore, staff did not present any information previously to the Council because the dispute has no bearing on the decision before the Council. The civil matter must be decided by the respective property owners and/or a court of law. the dispute between the neighbors does not currently involve the City of Auburn. However, if the City uses that dispute as a basis for its decision on the vacation the City could become involved in the boundary line dispute. Therefore, staff strongly urges the City Council to refrain from making any decision on the right-of-way vacation request that relies, even in part, on the current issues between the two private

parties. The City has no legal standing to insert itself in the boundary line dispute, and the City's only responsibility is to insure the final plat is not approved without having addressed that dispute one way or the other. Anything more than that has the potential to expose the City and/or the Council members to become involved in what is now only a private civil matter.

The disposition of the Right-of-way, if vacation is granted, between the two parties may only involve the eastern 5 foot portion of the Right-of-way that currently abuts the disputed area on the private properties. The vacation does not stipulate the specific individuals that receive the vacated property but identify that the ownership would return to the property adjacent to the right-of-way.

Council concerns raised during the public hearing were related to the existing width of the Right-of-way verses the City's current standard required for South 318th Street. Please find attached the following additional information:

- An additional vicinity map of the West Hill area depicting the surrounding existing street network
- The City's current Comprehensive Transportation Plan – Roadway Improvement Alternatives
- The City's current Comprehensive Transportation Plan – Functional Roadway Classification map.

South 318th Street is identified as a "Local Residential" street and currently connects between 56th Ave S and W Street. The Transportation Comprehensive Plan does not identify any needed improvements to the capacity of the roadway of South 318th Street nor are there any plans to extend South 318th Street to connect beyond it's current limits. South 318th Street is not currently improved to the City's Standard street section.

Also attached is the City's Standard Detail, Traffic-32, which depicts the required widths of improvements for a "Local Residential" street. This standard has been in place since 1998 requiring 50-feet of Right-of-way to accommodate 28 feet of pavement, 5 foot sidewalks and 5 foot planter strips. Additional Right-of-way beyond 50 feet is not necessary to meet the needs of the public as provided in the City's design standards and requirements.

The survey and legal description for the vacation area provided by the applicant were reviewed by the City's Surveyor and were found to be an acceptable and accurate survey and description for the proposed right-of-way vacation.

The application has been reviewed by City staff and all utility purveyors who have an interest in this right-of-way. Through this review City staff has determined that the right of way is no longer necessary to meet the needs of the public and could be vacated.

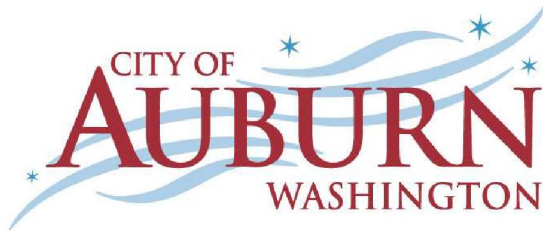
Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: August 10, 2015

Item Number: DI.C



RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V4-14

Applicant: Hastings 10, LLC

Property Location: Right-of-Way located at the south side of South 318th Street, east of 56th Avenue South.

Description of right-of-way:

This ROW proposed for vacation consists of the south five feet and the east 354.86 feet of South 318th Street, east of 56th Avenue South. The proposed ROW is adjacent to Parcel 926280-0055 on the south side and City right-of-way on the west, north and east sides. The adjacent parcel is owned by the applicant. The proposed area of ROW for vacation is approximately 1,774(+/-) square feet.

The ROW was Quit Claim deeded to King County for street purposes on March 28, 1944. The ROW was annexed into the City of Auburn on January 1, 2008.

See Exhibits "A" and "B" for legal description and survey.

Proposal:

The Applicant proposes that the City vacate the above described right-of-way so that they can include the area in development of the adjoining parcel.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- The vacated area may be subject to property taxes.
- The street vacation decreases the Right-of-Way maintenance obligation of the City.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, CenturyLink, Lakehaven Utility District and City staff.

1. PSE – Comments and clarification of the location of existing facilities in S 318th Street were requested from PSE several times but they have failed to respond with additional information. It appears that PSE's existing facilities are well outside the proposed vacation area and there should be no reason that they can not maintain their facilities from the street without the need for easements. Due to the location of the facilities and PSE's failure to respond with additional information it has been determined that easements over the proposed vacation area are not needed and will not be reserved for PSE facilities.
2. Comcast – Comcast has facilities attached to the PSE poles near the proposed area of vacation but as long as the poles are not impacted by the vacation they do not require an easement.
3. CenturyLink – CenturyLink's existing facilities are located on the north side of S 318th Street and do not require an easement in the proposed vacation area.
4. Lakehaven Utility District – Lakehaven has an existing 6" water main in this segment of S 318th Street that is approximately 7+/- feet north of the ROW centerline. No easement is required in the vacation area as

there is more than sufficient room to stay on the north side of the ROW centerline should work need to be done on the 6" line in S 318th Street.

5. Water – No comments on Auburn Water. This area is served by Lakehaven Utility District.
6. Sewer – Sewer does not need an easement reserved on the proposed vacation area.
7. Storm – Please retain a public drainage easement over the vacation area due to the presence of roadside ditches.
8. Transportation – No comments.
9. Planning – No comments.
10. Fire – No comments
11. Police – No comments.
12. Streets – No comments.
13. Construction –No comments.
14. Innovation and Technology – No comments

Assessed Value:

ACC 12.48 states "The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000.00, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city's expense."

RCW 35.79.030 states the vacation "shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated."

The value of the right-of-way was determined to be greater than \$2,000.00 and an appraisal, by an MAI appraiser, of the subject right-of-way was required to be submitted by the applicant. The appraisal was reviewed and found to be acceptable by the City Engineer. The appraisal values the right-of-way in an "as is" condition at \$4,700.00. The right-of-way has been right-of-way for more than 25 years and was acquired through Quit Claim deeded to King County on March 28, 1944 and annexed into the City of Auburn on January 1, 2008.

Recommendation:

Staff recommends that the street vacation be granted subject to the following conditions:

1. A public utility/drainage easement shall be reserved for City of Auburn stormwater facilities along the entire length and width of the vacated ROW.
2. That compensation for the value of the right-of-way be required in the full amount of the appraised value of \$4,700.00 since the right-of-way has been right-of-way for more than 25 years.

EXHIBIT 'A'
RIGHT OF WAY VACATION
DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 11 OF WEST AUBURN FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 12, IN KING COUNTY, WASHINGTON; THENCE NORTH 88°58'52" EAST, ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 39.41 FEET; THENCE SOUTH 01°01'08" EAST, 30.00 FEET TO THE **POINT OF BEGINNING**, BEING A POINT ON A CURVE CONCAVE SOUTHEASTERLY, FROM WHICH THE RADIUS POINT BEARS SOUTH 42°25'43" EAST A DISTANCE OF 20.00 FEET; THENCE ALONG SAID CURVE NORTHEASTERLY 14.45 FEET THROUGH A CENTRAL ANGLE OF 41°24'35" TO A POINT 25.00 FEET SOUTH OF AFORESAID NORTH LINE AS MEASURED PERPENDICULARLY; THENCE NORTH 88°58'52" EAST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 341.73 FEET, MORE OR LESS TO THE WEST LINE OF THE EASTERLY 260 FEET OF AFORESAID TRACT 11; THENCE SOUTH 00°02'35" EAST, ALONG SAID WEST LINE, A DISTANCE OF 5.00 FEET TO A POINT 30.00 FEET SOUTH OF AFORESAID NORTH LINE AS MEASURED PERPENDICULARLY AND BEING A POINT ON THE SOUTH LINE OF THAT PORTION OF AFORESAID TRACT 11 CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 3376319; THENCE DEPARTING SAID WEST LINE, SOUTH 88°58'52" WEST, PARALLEL WITH AFORESAID NORTH LINE, A DISTANCE OF 354.86 FEET TO THE **POINT OF BEGINNING**.



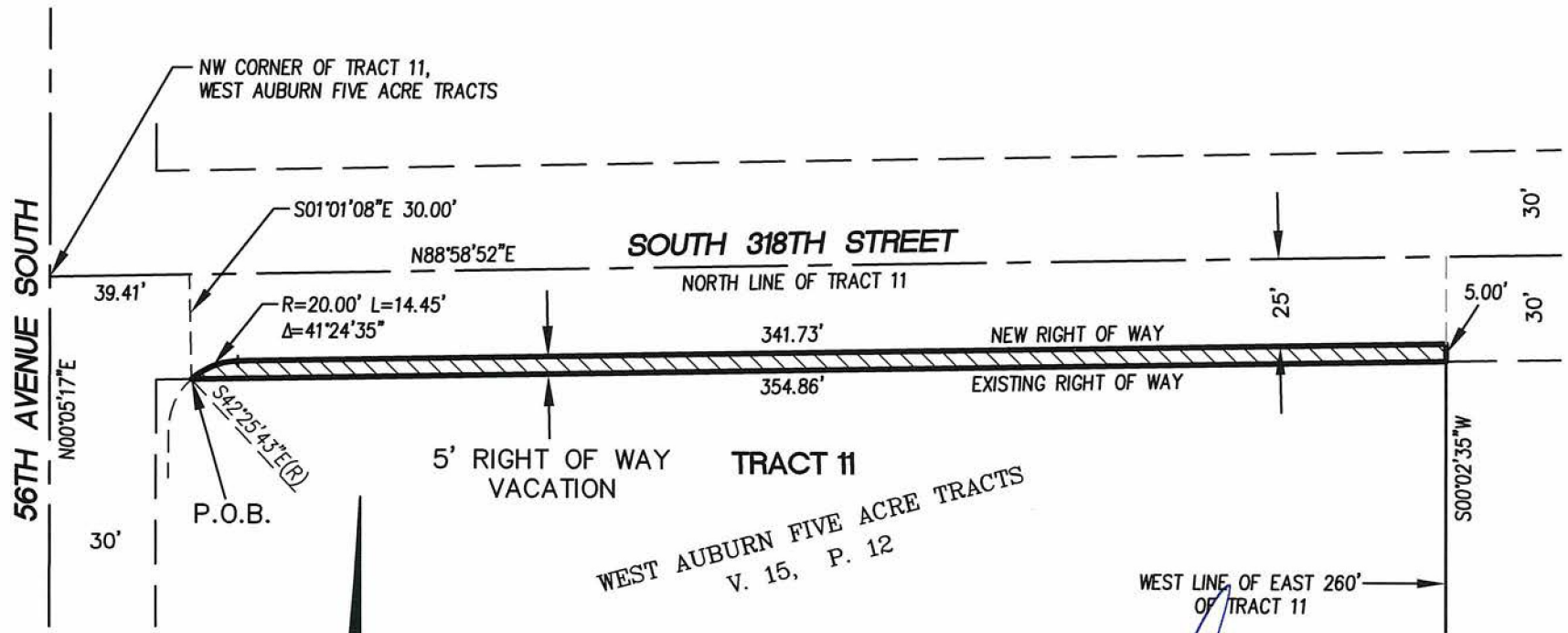
KENNETH W. SWINDAMAN, P.L.S.
WASHINGTON STATE REGISTRATION NO. 34130

2601 South 35th Street, Suite 200, Tacoma, Washington 98409
(253) 473-4494 Fax: (253) 473-0599



EXHIBIT 'B'
RIGHT OF WAY VACATION

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11,
TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., CITY OF AUBURN, KING COUNTY, WASHINGTON



RIGHT OF WAY VACATION

APEX JOB NO: 32426	DATE: 08/04/2014
DRAWN BY: SJN	CHECKED BY: KWS
DWG: 32426_ROW-VACATION	SCALE: 1"=50'



Apex
Engineering PLLC

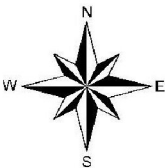
2601 South 35th, Suite 200
Tacoma, Washington 98409-7479
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Right-of-Way Vacation #V4-14 Vicinity Map

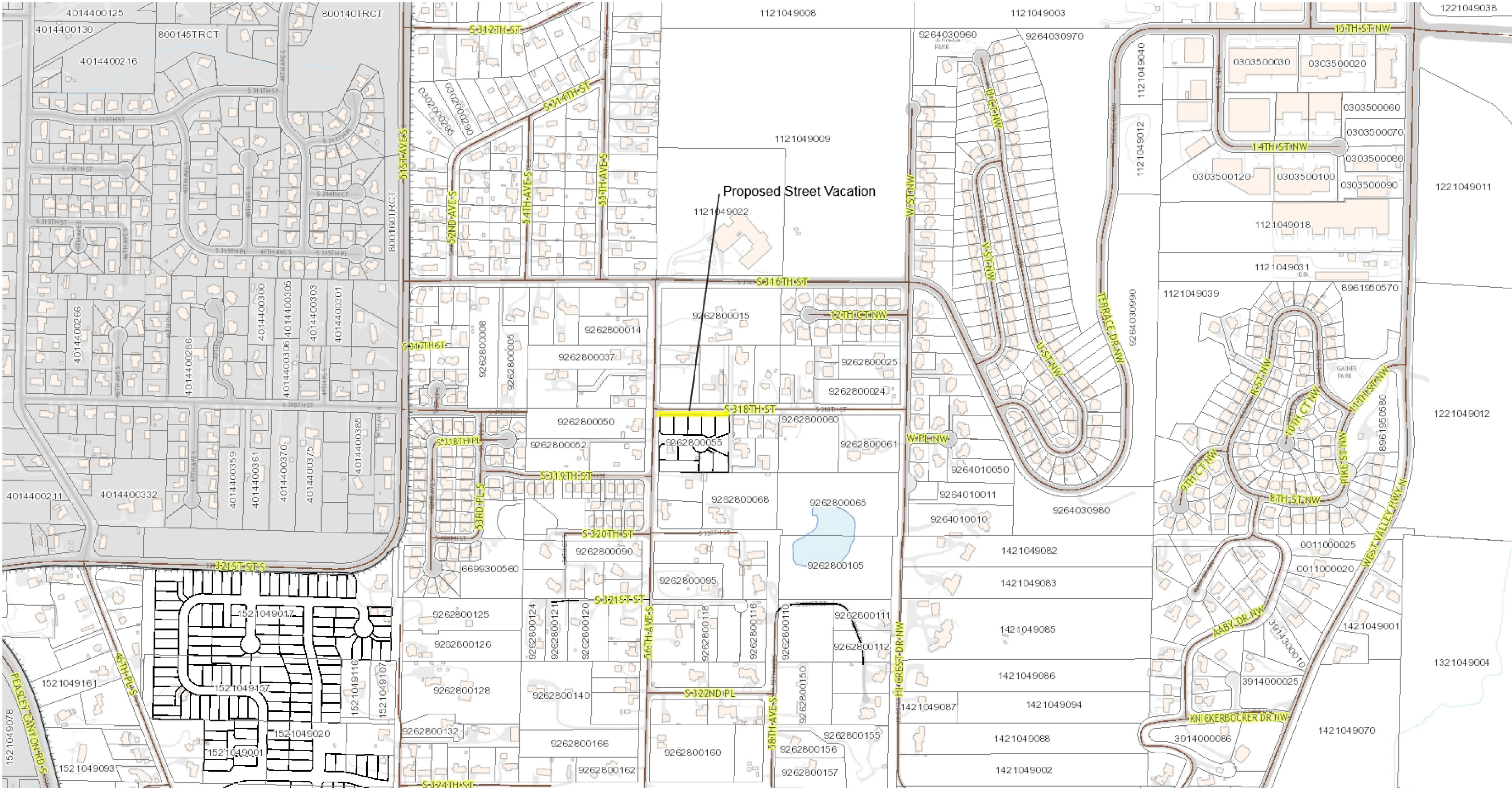


Printed Date:6/11/2015
Map Created by City of Auburn eGIS

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

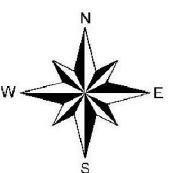


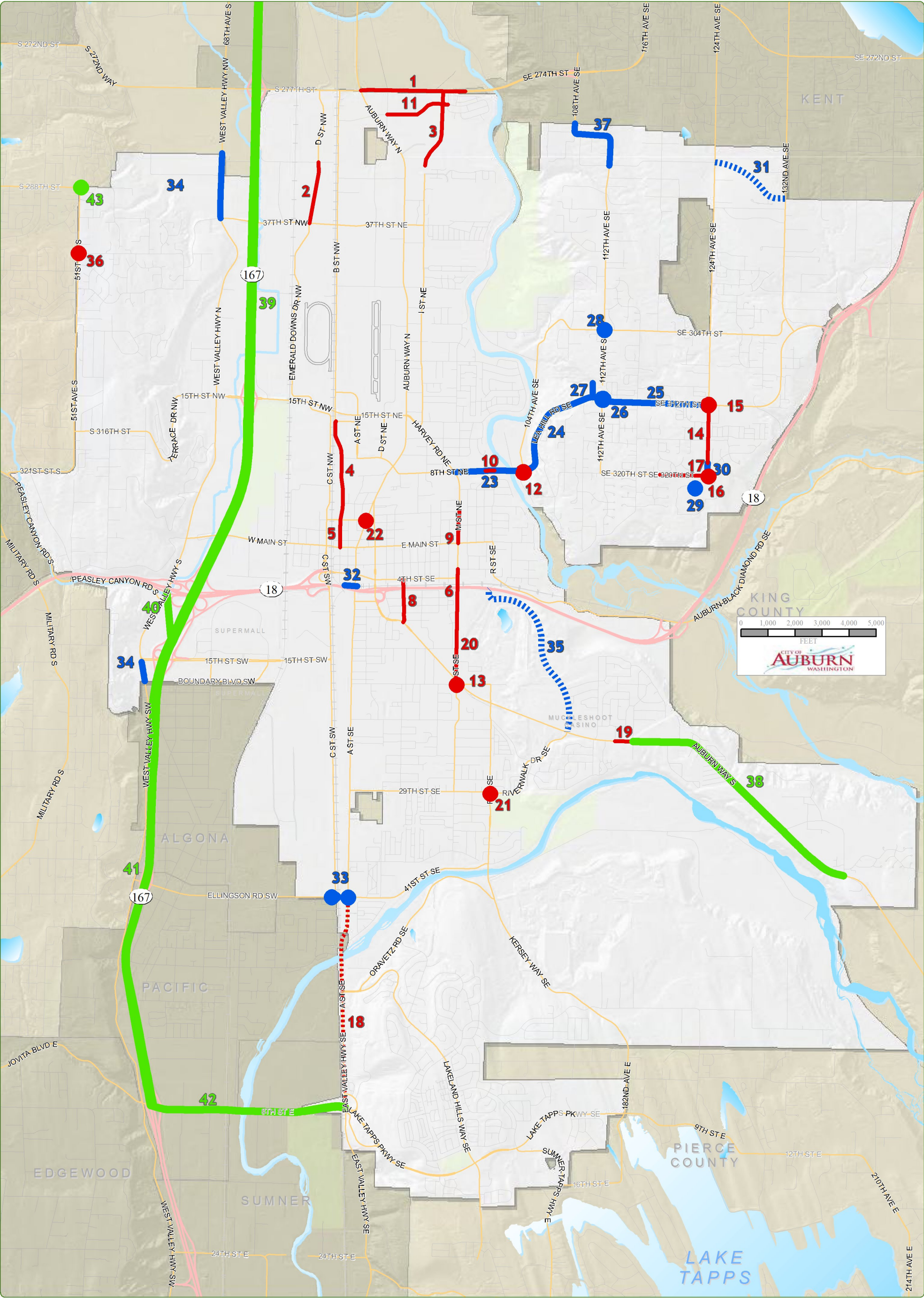
Proposed Street Vacation V4-14



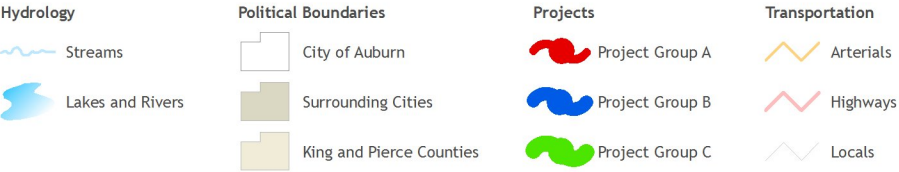
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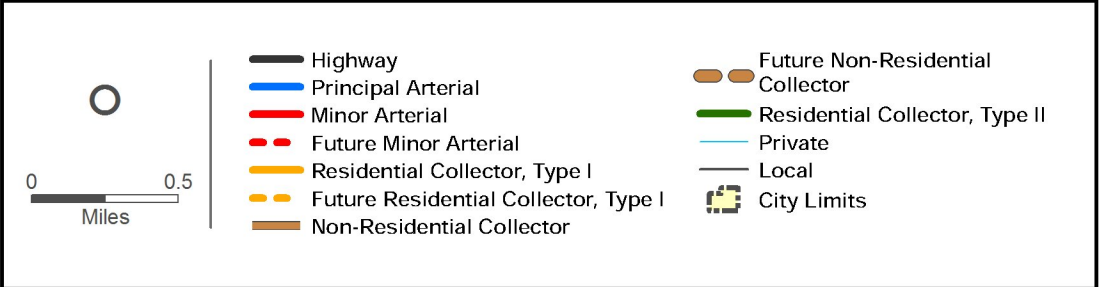
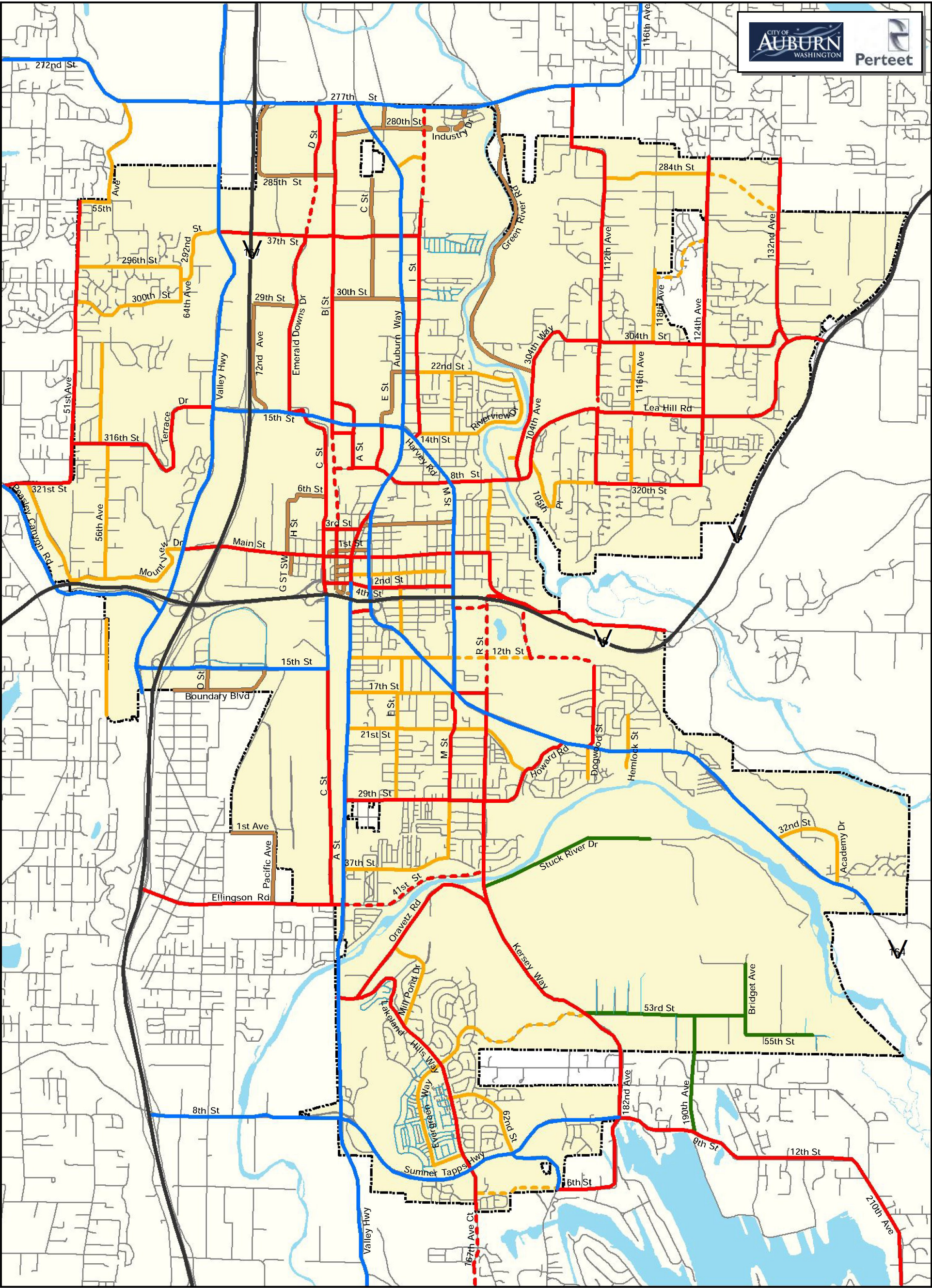




Auburn Transportation Plan
Roadway Improvement Alternatives
Figure 2-6



Printed On: 7/25/2012
Map ID: 4035

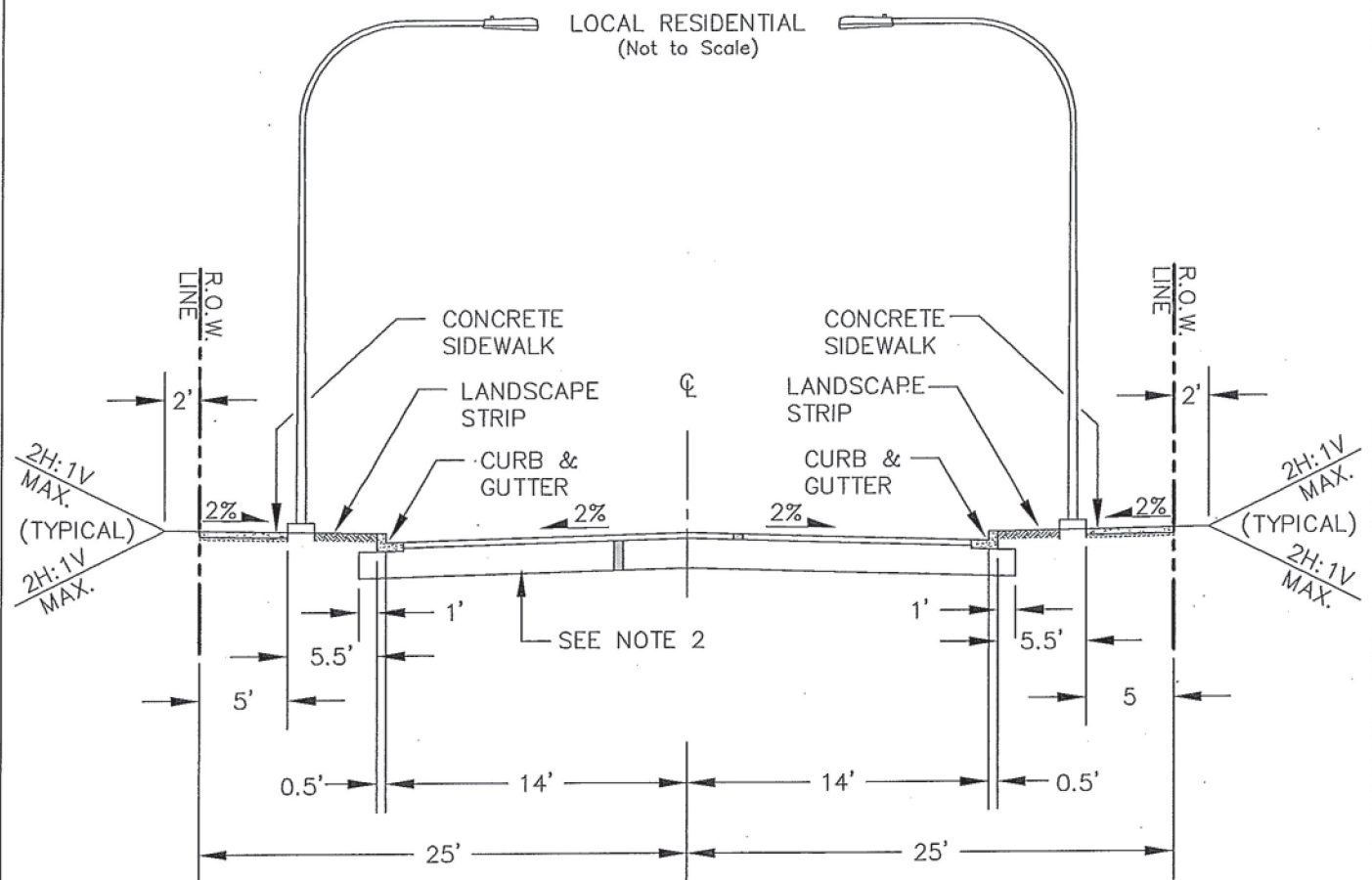


Auburn Transportation Plan

Functional Roadway Classification

Figure 2-1

Sources: City of Auburn, King County



NOTES:

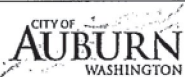
- 1) RIGHT OF WAY, ROADWAY, LANDSCAPE STRIP, AND SIDEWALK WIDTHS ARE PER SECTION 10.02, STREET DESIGN REQUIREMENTS, TABLE 10-1, OF THE DESIGN STANDARDS.
- 2) ROADWAY PAVEMENT SECTION SHALL BE IN CONFORMANCE WITH SECTION 10.07, PAVEMENT DESIGN, OF THE DESIGN STANDARDS.

APPROVED BY CITY ENGINEER:

DATE:

D. *Dennis Selle*

4/22/11



LOCAL RESIDENTIAL
ROADWAY SECTION

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