



## RIGHT-OF-WAY VACATION STAFF REPORT

### Right-of-Way (ROW) Vacation Number V1-17

**Applicant:** City Initiated

**Property Location:** Right-of-Way located in the vicinity of 1412 3<sup>rd</sup> Street SE. Specifically the south 50 feet of the north 331.07 feet of the west 60 feet of Lot 33 East Auburn Acres addition to Auburn.

#### Description of right-of-way:

This ROW proposed for vacation consists of a 50 foot by 60 foot portion of real property acquired for the intended purpose of right-of-way that was Quit Claim Deeded to the City in 1956 under Recording Number 4702460, Volume 3583, Page 617 of deeds records of King County on June 14, 1956. The City has determined that the intent of the City's acquisition was for right-of-way purposes based on the alignment with other similar pieces of right-of-way that were dedicated for street purposes. These similar pieces of right-of-way were subsequently vacated years later when City long range transportation plans determined that a road alignment extending 4<sup>th</sup> Street SE between M Street SE and R Street SE was not needed and that unopened and partial alignments should be considered for vacation back to adjacent property owners.

The ROW is located south of 3<sup>rd</sup> Street SE and north of the Burlington Northern Railroad and consists of a 50 foot by 60 foot area. The total area of ROW proposed for vacation is 3,000 (+/-) square feet. The ROW is adjacent to Parcel No. 2149800305 on the north side, Parcel No. 2149800302 on the south side, Parcel No. 2149800284 on the west side and Parcel No. 2149800306 on the east side.

See the attached map.

#### Proposal:

The City proposes to vacate the above described right-of-way as it is not needed for public road purposes.

#### 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 street vacation decreases potential right-of-way maintenance obligation and liability of the City.
- The vacated area will be subject to property taxes.

#### Discussion:

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

1. Puget Sound Energy (PSE) – PSE received the City's request for comments regarding the proposed street right-of-way vacation. PSE was unable to determine if they have existing facilities in the proposed vacation area and stated that they would pursue their own easements if needed in the future.
2. Comcast – Comcast has no objection to the proposed vacation and does not require an easement.
3. CenturyLink – CenturyLink has not facilities on or in the area being requested for vacation and does not required an easement.
4. Water – The City does not require an easement be reserved for water facilities.

5. Sewer – The City does not require an easement be reserved for sewer facilities.
6. Storm – The City does not require an easement be reserved for storm facilities.
7. Transportation – No comments.
8. Planning – No comments.
9. Fire – The area proposed for vacation that is currently being used as a road and access to Parcel No. 2149800302 on the south side of the ROW will need to be maintained as such after vacation. The current access to this parcel does not meet current code for fire apparatus access turnaround requirements. As such the area currently being used as a road and access may not become any smaller than it currently is.
10. Police – No comments.
11. Streets – No comments.
12. Construction – 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, 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.”

The City Engineer has not required an appraisal for the value of this right-of-way since the right-of-way vacation is being initiated by the City. Additionally the right-of-way was dedicated to the City at no cost and the City has never maintained or opened the right-of-way for public use.

**Recommendation:**

Staff recommends that the street vacation be granted with no conditions.