



## **RIGHT-OF-WAY VACATION STAFF REPORT**

### **Right-of-Way (ROW) Vacation Number V2-18**

**Applicant:** Steve Margo

**Property Location:** Right-of-Way located north of 733 10<sup>th</sup> St NE.

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

The ROW proposed for vacation consists of unopened ROW north of 733 10<sup>th</sup> Street NE and east of Auburn Way North. The proposed ROW is adjacent to Parcel No. 3339900766 and 3339900761 to the south which are owned by the applicant, Parcel No. 20100922001 to the north and west which are owned by AutoZone, and Parcel No 3339900754 to the east which is owned by a private citizen. The total proposed ROW vacation area is approximately 3,600± square feet.

The ROW was originally Quit Claim Deeded to the City of Auburn for street purposes on May 13, 1966. The ROW has never been opened to the public for street purposes and it appears that the City has never maintained the area as ROW or for any public use.

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

#### **Proposal:**

The Applicant proposes that the City vacate the above described right-of-way so that they can continue to utilize it for additional parking, storage and garbage and recycling pickup area for their multi-family buildings.

#### **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, and City staff.

1. Puget Sound Energy (PSE) – PSE has no facilities located within the proposed vacation area and no need for any easement reservation.
2. Comcast – No comments received.
3. Water – Water does not require any easements for the proposed vacation.
4. Sewer – There are no sewer facilities and no objection to the proposed vacation.
5. Storm – Storm has no comments and does not require any easements for the proposed vacation.
6. Transportation – No comments.
7. Planning – Zoning for the ROW is the same as the applicant parcels so if approved and if the ROW attaches to the applicant parcels a change to the zoning maps is not required. Additionally, should the applicant wish to improve the area in the future they should check with the City first to avoid any potential code enforcement actions prior to undertaking any modifications.
8. Fire – Fire department turn around for the Pinehurst Manor Apartments must be maintained if the vacation is approved.
9. Police – No comments.
10. Streets – No comments.
11. Construction – No comments.
12. Innovation and Technology – No comments

**Assessed Value:**

ACC 12.48.085 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.”

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.”

An appraisal by an MAI appraiser of the subject right-of-way was submitted by the applicant. The City reviewed and accepted the appraisal. The appraisal values the right-of-way at highest and best use of assemblage with abutting parcels at \$36,000.00.

**Recommendation:**

Staff recommends that the street vacation be granted with no conditions and that compensation not be required as the right-of-way was acquired through Quit Claim Deed at no cost to the City and it has never been opened for public or street use or maintained by the City.