



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

### **Right-of-Way (ROW) Vacation Number V3-18**

**Applicant:** Pacific Realty Associates, LP

**Property Location:** Right-of-Way located at B Street SE, south of 2<sup>nd</sup> Street SE.

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

This ROW proposed for vacation consists of portions of the ROW of B Street SE, south of 2<sup>nd</sup> Street SE where the ROW lines jog. The proposed ROW is adjacent to Parcel No. 0019000056, Parcel No. 0019000025, and City right-of-way. Parcel No. 0019000056 is owned by the applicant and Parcel No. 0019000025 is owned by a private citizen. The total proposed area of ROW for vacation is approximately 140± square feet.

The ROW proposed for vacation was Quit Claim Deeded to the City of Auburn for street purposes on July 9, 1964.

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

#### **Proposal:**

The Applicant proposes that the City vacate the above described right-of-way to eliminate the jogs in the parcel and right-of-way lines.

#### **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 area and therefore has no objection to the vacation and no need for any easement reservation.
2. Comcast – Comcast will not be affected by this vacation and does not oppose it.
3. CenturyLink – CenturyLink has reviewed the request for the subject vacation and had determined that it has no objections with respect to the areas proposed for vacation.
4. Water – There are no City water facilities in the area of right-of-way.
5. Sewer – No comments on Auburn Sewer.
6. Storm –No comments.
7. Transportation – No comments.
8. Planning – No comments.
9. Fire – No comments
10. Police – No comments.
11. Streets – No comments.
12. Construction –No comments.
13. 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, 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 \$1,972.00 based on adjacent land values so an appraisal was not required.

**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.