



RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V1-19

Applicant: Davis Development Services

Property Location: Right-of-Way located at a portion of the Alley north of 3rd St NE, between B St NE and Auburn Ave.

Description of right-of-way:

This ROW proposed for vacation consists of a portion of the alley north of 3rd Street NE between B Street NE and Auburn Avenue. The proposed ROW is adjacent to Parcel No. 0492000482, 0492000480, and 049200048 on the east and Parcel No. 5405100015 and 5405100025 on the west, and City right-of-way to the north and south. The total proposed area of ROW for vacation is approximately 1,670± square feet.

The proposed ROW vacation area was originally dedicated to the City of Auburn for street purposes with the plat of Meadow Addition to Auburn on December 20, 1909.

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

Proposal:

Parcel No. 5405100025 currently has a medical office building that the applicant is proposing to construct additional parking for as they indicate that the number of stalls currently available is not adequate for the building and its uses. The Applicant proposes that the City vacate the above described right-of-way so that they can include the area into the construction of additional parking on the adjoining parcels. The applicant would also close access points from the existing parcels to Auburn Avenue and 3rd Street NE that currently conflict with the City's future plans for access improvements in the area associated with Transportation Improvement Project #R-16.

See the attached Site Plan for access points to be closed associated with the proposed vacation.

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.
- Vacation of the alley and closure of associated parcel access points onto Auburn Avenue and 3rd Street NE supports the City's Transportation Improvement Project (TIP# R-16) for Regional Growth Center Access Improvements.

Discussion:

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

1. Puget Sound Energy (PSE) – PSE has overhead and underground electrical facilities and will require an easement be retained across the proposed vacation area.
2. Comcast – No comments from Comcast were received.
3. CenturyLink – Comments from CenturyLink were received requesting an easement be reserved for facilities currently located in the right-of-way.
4. Engineering – All existing access points onto Auburn Avenue and 3rd Street NE to the parcels benefiting from the vacation will need to be closed, including removing curb cuts and replacing with sidewalk, and an access point to the parcels would need to be established from B Street NE. This would need to be completed within 18 months if the proposed vacation is approved or the vacation should be null and void.
5. Transportation – A condition of approval is the requirement to create an access easement and construct a new alley connection between the southern terminus of the existing public alley (following the vacation) and B Street NE.
6. Water – No comments. An easement is not needed as there are no water facilities.
7. Sewer – An easement will need to be retained across the proposed vacation area for the existing sewer line.
8. Storm –No comments. An easement is not needed as there are no storm facilities.
9. Planning – No comments.
10. Fire – No comments as the alley is not considered part of fire access.
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, 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 required to be submitted by the applicant. The appraisal was reviewed and found to be acceptable. The appraisal values the right-of-way in a “SALES APPROACH VALUE” at \$55,000.00. The right-of-way has been right-of-way for more than 25 years and was acquired through dedication for street purposes with the plat of Meadow Addition to Auburn on December 20, 1909.

Recommendation:

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

1. An easement shall be reserved for City of Auburn sanitary sewer facilities.
2. An easement shall be reserved for Puget Sound Energy electric facilities.
3. An easement shall be reserved for CenturyLink telecommunications facilities.
4. A public access easement from the southern terminus of the existing public alley (following vacation) to B Street NE shall be reserved and constructed to City standards for the purposes of allowing vehicular, pedestrian, and emergency access, to individual parcels north of the vacation area and adjacent to the vacation area.

5. After completion of Condition No. 4, all existing access points onto Auburn Avenue and 3rd St NE to Parcel Nos. 5405100015, 5405100025, 0492000481, and 0492000480 shall be closed by removing curb cuts and replacing with sidewalk.
6. Completion of Condition Nos. 4 and 5 above shall be accomplished within 18 months of the approval of the vacation or the vacation shall be null and void.
7. Staff recommends that compensation for the value of the right-of-way not be required as it was acquired through dedication of a plat at no cost to the City.