



## City Council

### Approval of a Resolution Setting a Public Hearing Date to Consider a Vacation Petition for a Portion of East Bay Drive

**Agenda Date:** 4/25/2022  
**Agenda Item Number:** 4.J  
**File Number:**22-0413

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**Type:** resolution **Version:** 1 **Status:** Passed

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#### Title

Approval of a Resolution Setting a Public Hearing Date to Consider a Vacation Petition for a Portion of East Bay Drive

#### Recommended Action

##### Committee Recommendation:

Not referred to a committee.

##### City Manager Recommendation:

Move to approve a Resolution to schedule a Public Hearing on May 24, 2022, to hear public testimony regarding the vacation petition for a portion of East Bay Drive at 1929 East Bay Drive.

#### Report

##### Issue:

Whether to approve a Resolution and to schedule a Public Hearing on May 24, 2022, to hear public testimony regarding the vacation petition.

##### Staff Contact:

Kris Horton, PLS, City Surveyor, Public Works Engineering, 360.280.1547

##### Presenter(s):

None - Consent Calendar Item.

#### Background and Analysis:

A property owner adjacent to East Bay Drive requests the City initiate the process to abandon a portion of East Bay Drive adjacent to the northeast corner of their parcel at 1929 East Bay Drive. The additional property is already being used by the parcel owner as yard and is a portion of East Bay Drive that was overlooked in previous street vacations from 1912 (Ordinance No. 1211) and 1982 (Ordinance No. 4363), which created an area which is not used as right-of-way.

Pursuant to OMC 12.16.050 and RCW 35.79.010, the Council is required to adopt a Resolution to set the public hearing date prior to acting on a right-of-way vacation petition. OMC 12.16.050 states:

“After consideration by the Public Works Director, the petition application shall be scheduled for public hearing before the Olympia City Council. Notice of such hearing shall be given not less than twenty days in advance of the day of the hearing. . .” This Code requirement is consistent with RCW 35.79.010 which states:

*The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.*

OMC 12.16.050 further requires that notice of the public hearing must include (1) the posting of written notice in a prominent and conspicuous location at Olympia City Hall; (2) the posting of written notice in a prominent and conspicuous location on the street or alley; and (3) the mailing of written notice to all property owners abutting and within three hundred feet of the boundaries of the rights-of-way to be vacated.

**Neighborhood/Community Interests (if known):**

The public hearing will provide an opportunity for Council to hear from the community on the requested vacation petition.

**Options:**

1. Approve a Resolution to schedule a Public Hearing on May 24, 2022, to hear public testimony regarding the vacation petition for a portion of East Bay Drive at 1929 East Bay Drive. This is within the required timeline of OMC 12.16.050 and RCW 35.79.010.
2. Do not approve the Resolution setting May 24, 2022 as the date for the Public Hearing. Staff will work with Council to set another public hearing date that meets the requirements of OMC 12.16.050 and RCW 35.79.010.
3. Consider the Resolution at another time.

**Financial Impact:**

There is no financial impact related to setting a public hearing date.

**Attachments:**

Resolution  
Petition  
Vicinity Map