



City Council

Agenda Item: Consideration of a Vacation Request for a Portion of an Unopened Right-of-Way Adjacent to 2015 East Bay Drive NE

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Agenda Item:

Consideration of a Vacation Request for a Portion of an Unopened Right-of-Way Adjacent to 2015 East Bay Drive NE

Issue:

A public hearing is required prior to acting on a right-of-way vacation request.

City Manager's Recommendation:

Conduct the Public Hearing. If, after closing the Hearing, you feel you have sufficient information to take action, move to approve on first reading and forward to second reading an ordinance to vacate the alley adjacent to 2015 East Bay Drive NE.

Staff Contact:

Tom Hill, Building Official, Department of Community Planning and Development, 360.753.8486

Presenter(s):

Tom Hill, City of Olympia Building Official

Background and Analysis:

At the January 15, 2013 City Council Meeting, Council passed a resolution establishing a Public Hearing be held March 5, 2013, to receive public comment regarding vacating the alley right-of-way abutting 2015 East Bay Drive NE.

The property owner has requested that the City initiate the process to abandon the western 37 feet of East Bay right of way in front of the property. The East Bay Drive Right of Way is in excess of what is needed and the City has no plans to expand East Bay Drive in this area. Other property owners have requested and the City has granted similar requests for right of way abandonments along East Bay Drive in the past. However, because there are existing City utilities located in the east portion of the area of the right-of-way vacation request, the request has been modified to only include the west 15-feet of the area.

To achieve a complete and comprehensive assessment of this right-of-way vacation petition, we sent requests for comments to the various cities and outside agencies responsible for water, sewer, and storm utilities, traffic engineering, fire department, police department and solid waste. Franchise utilities also

had an opportunity to comment.

Each agency reviewed the request against the criteria for approval outlined in Section 12.16.100 of the Olympia Municipal Code to determine whether there was a demonstration of public benefit. The criteria are as follows:

A. *This alley is not needed to provide access to other properties.* The proposed vacation will not be materially detrimental to other properties in the vicinity, nor will it endanger public health, safety or welfare. Typical detriments or endangerments include, but are not limited to, depriving property of reasonable and convenient access, increasing traffic safety hazards, or decreasing transportation levels.

B. *This alley does not provide, nor allow for, any connections of long-term comprehensive needs.* The subject right-of-way is not needed for general access, emergency services, utility facilities, or other similar public purposes, nor is it necessary as part of a long-range circulation pedestrian/bicycle pathway plan, or street improvement plan. Providing easements, relocating facilities or implementing other similar alternatives equal or superior to the existing or planned facilities may cause the petition to comply with these criteria.

C. *The proposed alley vacation action would not be inconsistent with the Council's priorities or goal.* The subject vacation is consistent with the adopted Olympia Comprehensive Plan and all other related land use and circulation regulations and policies including, but not limited to, the Olympia Development Standards, Subdivision Standards, and Zoning Standards of the Olympia Municipal Code.

D. *The vacation of this alley does not have a negative impact on this area.* The subject vacation would not directly or indirectly result in an adverse impact on historical or cultural resources, the natural environment, or otherwise negatively affect an environmentally sensitive area as defined by the Olympia Municipal Code.

Comments received from City staff favor vacating of this portion of the unopened right-of-way.

Neighborhood/Community Interests (if known):

None

Options:

Option 1: Hold the Public Hearing, and approve the vacation request. Implications:
1. Allows for the vacation to occur while retaining a utility easement.

Option 2: Hold the Public Hearing, and continue to receive written testimony to a date certain.

Option 3: Hold the Public Hearing, and reject the vacation request. Implications:
1. Area of additional right-of-way would remain unchanged.

Financial Impact:

None, unless the vacation request is approved. The compensation would be due the City from the adjacent property owners pursuant to City Code and State law.