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City Council

Approval of the Moore Street Right-of-Way Dedication

Agenda Date: 1/5/2016
Agenda Item Number: 4.E
File Number: 16-0002

Type: decision **Version:** 1 **Status:** Passed

Title

Approval of the Moore Street Right-of-Way Dedication

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the right-of-way dedication of Moore Street over a portion of Trillium Park, and authorize the City Manager to execute all necessary right-of-way dedication documents.

Report

Issue:

Whether the Council should approve a right-of-way dedication extending Moore Street over a portion of Trillium Park.

Staff Contact:

Ladd F. Cluff, P.L.S., City Surveyor, Public Works Engineering, 360.753.8389

Presenter(s):

None - Consent calendar item.

Background and Analysis:

In 2014, the Wildwood Neighborhood Association and Governor Stevens Neighborhood Association submitted a joint proposal under the City of Olympia's Neighborhood Pathways Program to formalize the pathway running from the dead end of Moore Street SE to O'Farrell Ave SE. The pathway has existed for many years on private property. While all the affected property owners have allowed the pathway to exist on their property, both neighborhood associations were concerned that future property owners might choose to block access to it. Therefore, the acquisition of easements to ensure this pathway's continued existence was a key part of the neighborhoods' proposal.

Through the easement acquisition process, we discovered that the driveway running north from the dead end of Moore Street is located on the City's Trillium Park property. The driveway is the access for three homes and a City water main runs underneath it. The water main serves those same

homes. The three homes and City water main are not within an easement over the Trillium Park property. Technically, the homeowners and City maintenance staff do not have legal access to the homes or water main. The solution to provide legal access to the three homes and continued maintenance of the water main is to dedicate the driveway area over a portion of the Trillium Park property as public right-of-way.

Based on City and County records, the driveway and water main have been in place since the mid-1950s. Staff believes that the location of the driveway and water main, in relation to the Trillium Park property, were unclear at the time the Park was deeded to the City. Given the existing conditions and adjacent owner's long time use, it is in the best interest of all parties to dedicate this portion of Trillium Park property as public right-of-way.

Four property owners granted the Trillium Park property (Lots 19G, 23 and 23B, Replat of Bates Extension) to the City for Park purposes with restrictions of use in October, 1989. Due to the deed restrictions in place, the City is unable to dedicate a portion of the property for right-of-way purposes.

In order for the City to move forward with right-of-way dedication, an Acknowledgement of Release of Deed Restrictions had to be signed by all of the parties that created the deed restrictions. The restrictions will only be released over the existing driveway location and water main location. Staff has worked with the owners that created the restrictions and the Acknowledgement of Release of Deed Restrictions have been fully executed by all parties and recorded.

Neighborhood/Community Interests (if known):

The right-of-way dedication will provide legal access for the adjacent property owners, the public using the Moore Street Pathway and City maintenance staff.

Options:

1. Approve the right-of-way dedication to extend Moore Street, and authorize the City Manager to execute all necessary right-of-way dedication documents.
 - a. Provides legal access for adjacent property owners, the public and City maintenance staff.
 - b. Is consistent with City standards and the Neighborhood Pathway Program.
2. Do not approve the acquisition of easements.
 - a. Adjacent property owners will not have legal access across the Trillium Park to their property.
 - b. Could affect the neighborhoods ability to use the pathway in the future.

Financial Impact:

No financial impact.

Attachment(s):

Right-of-Way Dedication Deed

Acknowledgement of Release of Deed Restrictions

Vicinity Maps