



## City Council

### Approval of Resolution Setting a Public Hearing Date for Consideration of a Street Vacation Petition for a portion of Hillside Drive SE

**Agenda Date:** 11/1/2016  
**Agenda Item Number:** 4.D  
**File Number:** 16-1118

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

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#### **Title**

Approval of Resolution Setting a Public Hearing Date for Consideration of a Street Vacation Petition for a portion of Hillside Drive SE

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve a resolution to schedule a Public Hearing on December 6, 2016 to hear public testimony regarding the vacation petition of a portion of Hillside Drive SE and a portion of the pedestrian access trail known as Tract "A" of Henderson Commercial Park Binding Site Plan.

#### **Report**

##### **Issue:**

Whether to schedule a public hearing on December 6, 2016 to hear public testimony regarding the vacation petition.

##### **Staff Contact:**

Ladd F. Cluff, City Surveyor, Public Works Engineering, 360.753.8389

##### **Presenter(s):**

None - Consent Calendar Item.

#### **Background and Analysis:**

The property owner adjacent to Hillside Drive SE has asked the City to initiate the process to abandon a portion of Hillside Drive SE. The same property owner also requested to vacate a portion of the pedestrian access trail along the Henderson Commercial Park.

Under state law 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. The statute states in part:

RCW 35.79.010

Petition by owners -- Fixing time for hearing.

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.

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

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

**Options:**

1. Approve the resolution setting December 6, 2016 as the date for the Public Hearing. This is within the required timeline of the proposed resolution.

2. Do not approve the resolution setting the December 6, 2016 as the date for the Public Hearing. Staff will work with Council to set another Public Hearing date that meets the statutory requirements.

**Financial Impact:**

None

**Attachments:**

Resolution  
Vicinity Map