

ORDINANCE NO. 4028

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, APPROVING THE VACATION OF TWO STREETS AND ONE ALLEY LOCATED WITHIN THE RECENTLY ACQUIRED CIVIC FIELD PROPERTY; REPEALING ECC 10.35.010.F RELATING TO A STREET VACATION PROCESS THAT IS NO LONGER USED.

WHEREAS, RCW 35.79.010 and ECDC 20.70.050 authorizes the city council to initiate a street vacation process by passage of a resolution; and

WHEREAS, RCW 35.79.010 and ECDC 20.70.070 requires the city council to fix a time by resolution for public hearing on any proposed street vacation; and

WHEREAS, RCW 35.79.010 and ECDC 20.70.070 requires that such hearing occur no less than twenty days and no more than sixty days after the passage of the resolution fixing the hearing date; and

WHEREAS, in addition to state law, chapter 20.70 ECDC also sets forth street vacation procedures, some but not all of which are applicable to a street vacation initiated by the city council; and

WHEREAS, the city council initiated a street vacation process for two streets and one alley within the civic field property that are legally described as follows: Edmonds Street between Blocks 99 and 100, Sprague Street between Blocks 100 and 101, and the unnamed alley within Block 100, City of Edmonds, according to the plat thereof recorded in volume 2 of Plats, pages 39 and 39A, records of Snohomish County, Washington; and

WHEREAS, the city council repealed an earlier resolution that only mentioned the two streets within civic field, not the alley; and

WHEREAS, the city council deemed it preferable to have only one hearing on all the rights-of-way (streets and alley) to be vacated within civic field; and

WHEREAS, on April 12, 2016, the city council adopted Resolution 1354, which set a hearing date of May 17, 2016; and

WHEREAS, the city clerk provided notice of the May 17, 2016 public hearing as required pursuant to RCW 35.79.020 and ECDC 20.70.090 to the extent that such notice requirements were applicable; and

WHEREAS, the rights-of-way proposed to be vacated have never been improved for transportation purposes; and

WHEREAS, the city recently purchased from the Edmonds School District all property that abuts the rights-of-way proposed to be vacated making the city the only abutting property owner; and

WHEREAS, this street/alley vacation is being proposed because the city intends to preserve most of the civic field property as a park in perpetuity, making it unlikely that these two streets and the alley will ever be developed for transportation purposes; and

WHEREAS, the city council held a public hearing on the proposed vacation of the two streets and the alley on May 17, 2016; and

WHEREAS, of the two people who spoke during the public hearing, neither spoke against the merits of the street vacation, neither speaker was an abutting owner, and neither speaker indicated that his access would be impaired or affected by the street vacation; and

WHEREAS, one of the speakers asserted a procedural objection based on his claim that ECC 10.35.010.F required the city's hearing examiner to hold a hearing on the street vacation; and

WHEREAS, ECC 10.35.010.F reads as follows: "The hearing examiner will review the comprehensive plan and report on the same prior to any street vacation or dedication as provided in ECDC 15.05.020;" and

WHEREAS, the code section referenced in ECC 10.35.010.F references ECDC 15.05.020, a code section that no longer exists; and

WHEREAS, ECC 10.35.010.F has not been amended since 1983 at the latest; and

WHEREAS, the city adopted the street vacation procedures in chapter 20.70 ECDC in 1993; and

WHEREAS, the procedures codified in chapter 20.70 ECDC do not reference the hearing examiner at all; and

WHEREAS, ECDC 20.70.070 states, “the city council shall by resolution fix a time when the city council will hold a public hearing on the proposed vacation;” and

WHEREAS, ECDC 20.70.110 states, “the city council shall hold a public hearing on each requested vacation;” and

WHEREAS, since ECC 10.35.010 has not been amended 1983 and references a code section that no longer exists, it appears that the city failed to update that section when it adopted chapter 20.70 ECDC; and

WHEREAS, the city council considers the reference to street vacations in ECC 10.35.010 to be an unnecessary relic that should be removed from the code; and

WHEREAS, the city has executed deed restrictions in favor of two granting agencies which would be inconsistent with the improvement of these rights-of-way for transportation purposes; and

WHEREAS, various city-owned utilities are present underground but within the rights-of-way being vacated; and

WHEREAS, pursuant to RCW 35.79.040, if any street or alley in any city is vacated by the city council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each; and

WHEREAS, it is unnecessary for the city to reserve an easement for such utilities when the city is the fee-owner of the abutting property and when the vacation will result in the city continuing to have the right to maintain utilities within the property; and

WHEREAS, the city’s public works department has plans to place additional underground utilities within the Civic Field property; and

WHEREAS, there may be better options to route the utilities now that the city owns Civic Field and the utilities no longer need to be confined within what was once the public right-of-way; and

WHEREAS, the city is embarking upon a master planning process for the Civic Field property; and

WHEREAS, the vacation of these streets and alley is in the public interest; and

WHEREAS, no property will be denied direct access as a result of the vacation;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The “Whereas” clauses set forth above are hereby adopted as the findings to support approval of the proposed street vacation.

Section 2. Vacation. Having adopted the findings in Section 1, the following streets and alley are hereby vacated: Edmonds Street between Blocks 99 and 100, Sprague Street between Blocks 100 and 101, and the unnamed alley within Block 100, City of Edmonds, according to the plat thereof recorded in volume 2 of Plats, pages 39 and 39A, records of Snohomish County, Washington.

Section 3. Cooperative Planning. The city’s public works department shall participate in the Civil Field master planning process and provide sufficient information about future utility construction projects to inform the master planning process. The city’s master planning process shall take this future utility construction into account during the planning process and the final master plan shall expressly note the location of all current and future utilities.

Section 4. Repeal of ECC 10.35.010.F. Subsection 10.35.010.F, which is set forth in the whereas clauses above, is hereby repealed.

Section 5. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	May <i>20, 2016</i>
PASSED BY THE CITY COUNCIL:	May 24, 2016
PUBLISHED:	June 19, 2016
EFFECTIVE DATE:	June 24, 2016
ORDINANCE NO.	4028

SUMMARY OF ORDINANCE NO. 4028

of the City of Edmonds, Washington

On the 24th day of May, 2016, the City Council of the City of Edmonds, passed Ordinance No. 4028. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, APPROVING THE VACATION OF TWO STREETS AND ONE ALLEY LOCATED WITHIN THE RECENTLY ACQUIRED CIVIC FIELD PROPERTY; REPEALING ECC 10.35.010.F RELATING TO A STREET VACATION PROCESS THAT IS NO LONGER USED.

The full text of this Ordinance will be mailed upon request.

DATED this 16th day of June, 2016.


CITY CLERK, SCOTT PASSEY

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Dicy Sheppard being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH706226 ORDINANCE NO. 4028 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/19/2016 and ending on 06/19/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$27.52.

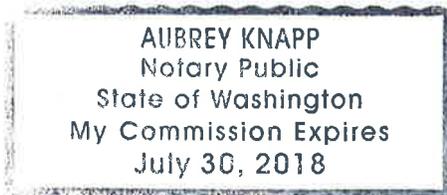
Dicy Sheppard

Subscribed and sworn before me on this

20 day of June,

2016.

Aubrey Knapp



Notary Public in and for the State of
Washington.

