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ORDINANCE NO. 3520

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, VACATING AND DECLARING SURPLUS A PORTION OF THE UNBUILT RIGHT-OF-WAY IN THE VICINITY OF 6915 AND 6911 174TH STREET SW, ESTABLISHING CONDITIONS FOR SUCH VACATION, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council initiated the vacation of certain unopened, right-of-way held in fee but reserved for right-of-way use in the vicinity of 6915 and 6911 174th Street SW in order to address certain access issues related to the adjacent properties, and

WHEREAS, the vacation was initiated on certain conditions; and

WHEREAS, those conditions were met; and

WHEREAS, a public hearing regarding the vacation was held by the City Council on 19th day of October, 2004, and

WHEREAS, by ordinance the maximum compensation that could be required is one-half of the appraised valuation or \$8,000.00; and

WHEREAS, the applicants have offered \$1,500.00; and

WHEREAS, the City Council finds due to the following factors unique to this site, that the offer is reasonable:

A. The subject tract is burdened by the access rights and has little or not value except to the neighboring property owners;

B. The prior neighboring owners, for a period of 15 years, refused to purchase the site, electing to utilize their access right;

C. Returning the property to the tax roles would compensate the City through additional tax revenue over time; and

D. The property owners will incur additional costs to survey and assign the site by lot line adjustment.

WHEREAS, the City Council finds it to be in the public interest to declare as surplus the property subject to the payment of compensation as determined herein, NOW, THEREFORE,

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

Section 1. Certain unopened right-of-way of 174th Street SW, located adjacent to 6915 174th Street SW and 6911 174th Street SW, and described on the attached Exhibit A is hereby vacated.

Section 2. This vacation is subject to the condition that the sum of \$1,500.00 be paid by each of the abutting property owners. In the event that both or either sum is not paid, this vacation shall be void *ab initio*. The Mayor is authorized to execute a quit claim deed and the City Clerk is hereby directed to file the deed in the land records of Snohomish County on, but only upon, confirmation of payment of the aforementioned sum.

Section 3. 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 GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	10/22/2004
PASSED BY THE CITY COUNCIL:	10/26/2004
PUBLISHED:	10/31/2004
EFFECTIVE DATE:	11/05/2004
ORDINANCE NO. <u>3520</u>	

SUMMARY OF ORDINANCE NO. 3520

of the City of Edmonds, Washington

On the 26th day of October, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3520. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, VACATING AND DECLARING SURPLUS A PORTION OF THE UNBUILT RIGHT-OF-WAY IN THE VICINITY OF 6915 AND 6911 174TH STREET SW, ESTABLISHING CONDITIONS FOR SUCH VACATION, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 27th day of October, 2004.

CITY CLERK, SANDRA S. CHASE