

Introduced: 2/16/21  
Adopted: 2/16/21

NON-CODE

**CITY OF REDMOND  
ORDINANCE NO. 3034**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF NE 70<sup>TH</sup> STREET LOCATED WEST OF 176<sup>TH</sup> AVENUE NE AND EAST OF THE WEST TERMINUS OF NE 70<sup>TH</sup> STREET, SUBJECT TO RESERVATION OF EASEMENTS; ESTABLISHING THE COMPENSATION TO BE PAID FOR SUCH VACATION; DIRECTING THAT A COPY OF THIS ORDINANCE BE RECORDED WITH THE KING COUNTY RECORDER'S OFFICE; AND SETTING AN EFFECTIVE DATE

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WHEREAS, the City of Redmond has received a petition for vacation of certain road right-of-way being NE 70<sup>th</sup> Street west of 176<sup>th</sup> Avenue NE and east of the west terminus of NE 70<sup>th</sup> Street; and

WHEREAS, the petition was signed by owners of more than two-thirds of the properties abutting the portion of the right-of-way sought to be vacated; and

WHEREAS, pursuant to RCW 35.79.010 the Redmond City Council passed Resolution No. 1542 on January 19, 2021, setting a public hearing on the road right-of-way vacation for February 16, 2021, which is not more than sixty days nor less than twenty days after passage of the Resolution; and

WHEREAS, the action of vacating a road right-of-way is categorically exempt from environmental review per WAC 197-11-

800(2)(i) and is therefore not subject to SEPA rules and determinations; and

WHEREAS, the petitioner and the City executed the Downtown Redmond Link Extension Development Agreement on August 21, 2019, which commits the petitioner to realign and construct NE 70<sup>th</sup> Street as part of the Downtown Redmond Link Extension project, and further to grant the City temporary easements for utilities and public access as a condition of right-of-way vacation; and

WHEREAS, as required by RCW 35.79.030, the Redmond City Council held a public hearing on the road right-of-way vacation on February 16, 2021, and, after considering testimony received, determined to approve the vacation through adoption of this ordinance subject to certain conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1.      Right-of-Way Vacated. That portion of NE 70<sup>th</sup> Street west of 176<sup>th</sup> Avenue NE and east of the west terminus of NE 70<sup>th</sup> Street, more particularly described on Exhibit "A" to this Ordinance, is hereby vacated, subject to reserving of:

- a. A temporary, non-exclusive easement over, under, in, upon, along, and across a portion of the land described on Exhibit "A" for the construction, installation, reconstruction, reinstallation, repair, operation, and maintenance of existing utilities, and

b. A temporary, non-exclusive easement over, under, in, upon, along, and across a portion of the land described on Exhibit "A" for purpose of public access to properties abutting the right-of-way to be vacated.

Section 2.        Compensation. Pursuant to the Downtown Redmond Link Extension Development Agreement, the petitioner will dedicate and improve approximately 52,452 square feet of right-of-way for a realigned NE 70<sup>th</sup> Street, as shown in Exhibit "B". The City Council finds that the value of the right-of-way to be dedicated and improved for a realigned NE 70<sup>th</sup> Street is ample compensation for the vacation. No additional compensation will be required as allowed under chapter 35.79 RCW.

Section 3.        Recording. The Finance Department is hereby authorized and directed to cause the recording of a certified copy of this ordinance, with reservation of easements, at the King County Recorder's Office.

Section 4.        Severability. If any section, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5.        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 hereof consisting of the title and publication in the official newspaper of the City, or whenever all of the following conditions are met, whichever is later: 1) easements are established as required by Section 1, 2) a court of competent jurisdiction enters a judgment in condemnation, awarding title of a portion of King County tax parcel number 122505-9183 to the petitioner, and 3) a copy of this ordinance is recorded as provided in Section 3.

ADOPTED by the Redmond City Council this 16<sup>th</sup> day of February,  
2021.


CITY OF REDMOND

  
ANGELA BIRNEY, MAYOR

ATTEST:

  
CHERYL XANTHOS, MMC, CITY CLERK (SEAL)

APPROVED AS TO FORM:

DocuSigned by:  
  
85394CE988994B5.  
JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: February 2, 2021  
PASSED BY THE CITY COUNCIL: February 16, 2021  
SIGNED BY THE MAYOR: February 19, 2021  
PUBLISHED: February 22, 2021  
EFFECTIVE DATE: February 27, 2021  
ORDINANCE NO. 3034

YES: ANDERSON, CARSON, FIELDS, FORSYTHE, KRITZER, PAHDYE

**EXHIBIT A**

**PARTIAL STREET VACATION ①**  
**NE 70TH STREET**  
**RL-167**

BEING A PORTION OF NE 70TH STREET (30.00 FEET WIDE) LYING WITHIN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE EAST QUARTER CORNER OF SECTION 12, FROM WHICH POINT THE CALCULATED CENTER OF SECTION 12 BEARS NORTH 88°35'20" WEST, 2648.62 FEET; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 12, NORTH 88°35'20" WEST, 1718.70 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF NE 70TH STREET AND THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH QUARTER SECTION LINE AND SAID NORTH LINE OF NE 70TH STREET, NORTH 88°35'20" WEST, 479.65 FEET TO A POINT ON THE EAST LINE OF A PORTION OF NE 70TH STREET CURRENTLY OR FORMERLY OWNED BY THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION;

THENCE ALONG THE EAST AND SOUTH LINES OF SAID WASHINGTON STATE DEPARTMENT OF TRANSPORTATION OWNED PORTION OF NE 70TH STREET;

SOUTH 27°44'30" EAST, 30.00 FEET;

THENCE SOUTH 62°15'30" WEST, 7.80 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF NE 70TH STREET;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 88°35'20" EAST, 376.24 FEET;

THENCE NORTH 73°59'25" EAST, 100.20 FEET TO THE NORTH RIGHT OF WAY LINE OF NE 70TH STREET AND THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION AND THERE TERMINATING.

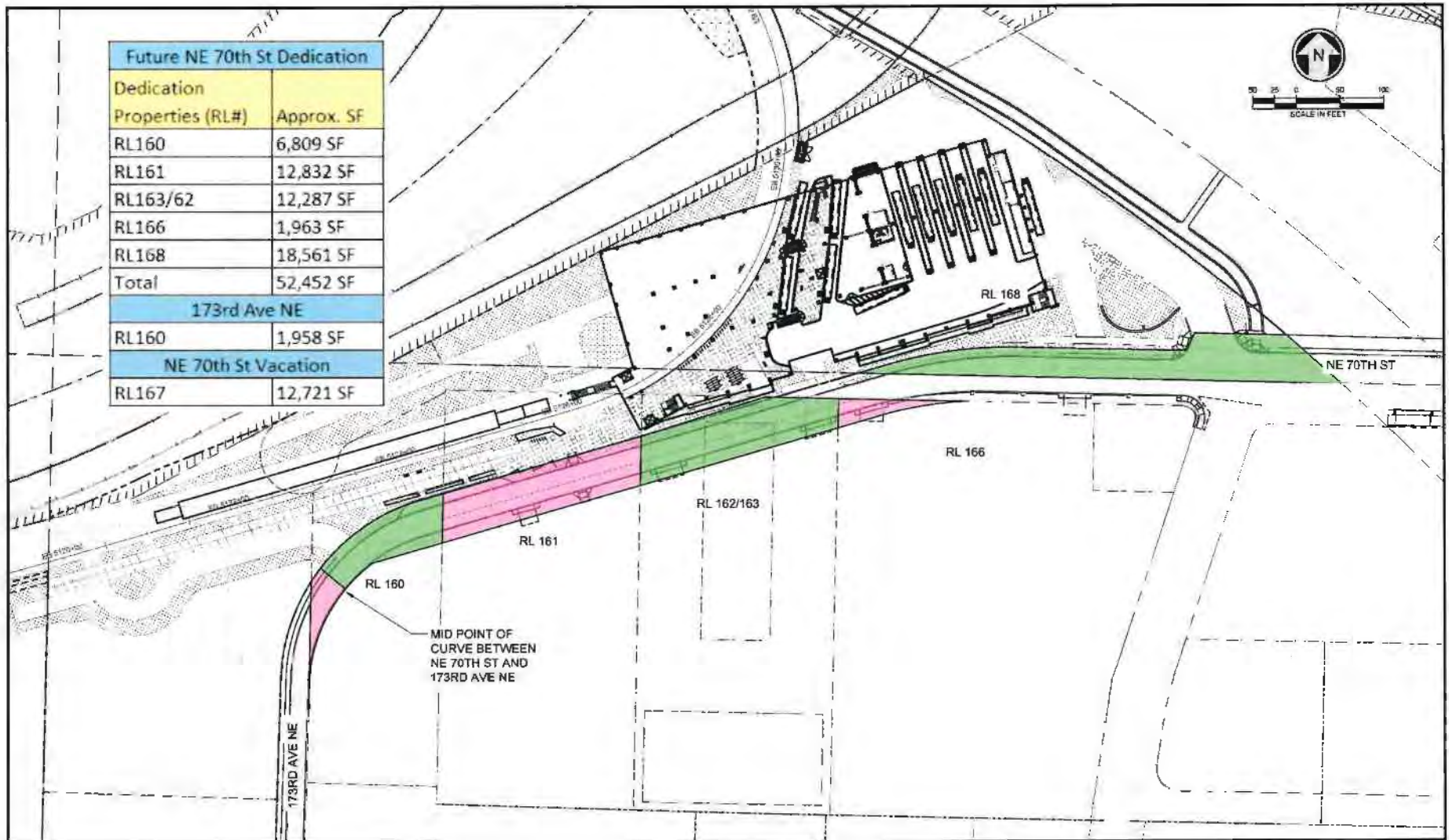
SITUATE IN THE CITY OF REDMOND, KING COUNTY, WASHINGTON.

AREA CONTAINS 12,721 SQUARE FEET, MORE OR LESS.



2-4-2020

Attachment C, Exhibit B



NE 70TH STREET  
DOWNTOWN REDMOND LINK EXTENSION