



Project title: Ordinance vacating the north-south alley together with the southern east-west alley in the 2900 Block lying between Pine Street and Maple Street.

City Council Agenda Item Cover Sheet

Council Bill # *interoffice use*
CB 2010-53

Agenda dates requested:

10/14 1st Reading, (Briefing)
10/21/20 - 2nd Reading,
10/28/20 - Action

Briefing 10/14/20
Proposed action 10/21/20
Consent
Action 10/28/20
Ordinance X
Public hearing
 Yes No

Budget amendment:
 Yes No

PowerPoint presentation:
 Yes No

Attachments:
1. Proposed Ordinance

Department(s) involved:
Real Property

Contact person:
Paul McKee

Phone number:
425-257-8938

Email:
pmckee@everettwa.gov

Initialed by:
DE
Department head

Administration

Council President

Consideration: Alley Vacation Ordinance

Project: Alley Right-of-Way Vacation

Partner/Supplier : Kaiser Permanente, Petitioner

Location: 2900 block lying between Pine Street and Maple Street.

Preceding action: 07/08/20 Resolution 7537, Public Hearing 08/05/20

Fund: 145 – Real Property Acquisition Fund

Fiscal summary statement:

Positive – The proposed Ordinance requires receipt of payment from the Petitioner for the full appraised value of the area to be vacated within 120 days of adoption of the Ordinance. The area to be vacated has been appraised by a professional certified appraiser in the amount of \$620,000.00.

Project summary statement:

On July 8, 2020, City Council adopted Resolution No. 7537 accepting the petition and setting the public hearing date of August 5, 2020 at 6:30 P.M. for the proposed vacation of the north-south alley together with the southern east-west alley in the 2900 Block lying between Pine Street and Maple Street.

After holding the public hearing and receiving public comments, City Council determined that the public interest would best be served by granting the petition and vacating the alley rights of way. The proposed Ordinance provides for said vacation.

Recommendation (exact action requested of Council):

Adopt the Proposed Ordinance vacating the north-south alley together with the southern east-west alley in the 2900 Block lying between Pine Street and Maple Street.



ORDINANCE NO. _____

An ORDINANCE providing for the Vacation of the north-south alley together with the southern east-west alley in the 2900 Block lying between Pine Street and Maple Street.

WHEREAS,

- A.** Kaiser Permanente, owner of 2930 Maple Street (the “Petitioner”) did petition for the vacation of certain rights of way in the City.
- B.** The City Council did, by Resolution No. 7537, establish August 5, 2020, at 6:30 p.m. as the date of the public hearing.
- C.** After holding the public hearing, the City Council determined that the public interest would best be served by granting the petition and vacating the rights of way as provided for in this Ordinance.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Vacation.

The following described rights of way;

THE ALLEY LYING WITHIN BLOCK 695 EVERETT LAND COMPANY’S FIRST ADDITION TO EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 20, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; TOGETHER WITH; THE ALLEY LYING WESTERLY OF LOTS 27 THROUGH 30, INCLUSIVE; AND LYING EASTERLY OF LOTS 11 THROUGH 14, INCLUSIVE, ALL IN BLOCK 695 SWALWELL’S SECOND ADDITION TO EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 11, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.; AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., CITY OF EVERETT, SNOHOMISH COUNTY, WASHINGTON.

are hereby vacated pursuant to the conditions set forth in this Ordinance.

Section 2. That the City shall not be responsible nor liable for storm drainage runoff resulting from existing drainage patterns as established on City rights of way that may currently, or in the future, go over, under or across the above-described rights of way.

Section 3. That this Ordinance shall not become effective until the Petitioners have compensated the City in an amount equal to one hundred percent of the current appraised value of the area described in Section 1. The Petitioners shall have one-hundred twenty (120) days following passage of this Ordinance to exercise this vacation. Unless otherwise amended by City Council, this Ordinance shall be null and void if the Petitioners fail to exercise this vacation within one-hundred twenty (120) days following passage of this Ordinance.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 5. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 6. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 7. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 8. Upon the satisfaction of the conditions as set forth in Section 3, this Ordinance shall become effective and a certified copy shall be recorded within the Snohomish County Auditor's Office.

Section 9. All moneys derived from the vacation of the herein described rights of way shall be deposited into the Real Property Acquisition Fund 145 and any use of such moneys shall be consistent with Resolution No. 7397.

ATTEST:

Sharon Fuller, City Clerk

PASSED: _____

VALID: _____

PUBLISHED: _____

EFFECTIVE DATE: _____