

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, VACATING A PORTION OF WOODINVILLE-DUVALL ROAD; SETTING FORTH CONDITIONS FOR SAID VACATION, INCLUDING DEDICATION OF REAL PROPERTY TO THE CITY; ACCEPTING THE PETITIONER'S PROPOSAL TO VOLUNTARILY CONSTRUCT AND INSTALL CERTAIN STORM DRAINAGE IMPROVEMENTS ON OR NEAR THE DEDICATED PROPERTY; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHOULD BECOME EFFECTIVE.

WHEREAS, a petition signed by the owners of more than two thirds of the property owners abutting upon properties dedicated for street purposes, located in the City of Woodinville, Washington, being a portion of NE Woodinville-Duvall Road, east of 156th Avenue NE, shown in Exhibit 'A' with the full legal description as described in Exhibit 'B' attached hereto and incorporated in full by this reference, was filed with the Woodinville City Clerk for the right-of-way vacation of the above-described properties and who has returned a certification of sufficiency, and

WHEREAS, pursuant to Chapter 35.79 RCW, a public hearing was scheduled by Resolution No. 320 and held by the City Council on May 8, 2006; and

WHEREAS, the City Council has determined that the proposed portions of rights-of-way are not needed for public use, and that vacation of the same will effect a public benefit by returning the underlying property to the tax rolls and absolving the City from any continued maintenance responsibility and liability therefore; and

WHEREAS, no private land shall be denied direct access onto a public right-of-way through this vacation action; and

WHEREAS, the City Council finds that the requested vacation, as conditioned herein, satisfies the criteria enumerated in WMC 12.18.090 and is in the public interest; and

WHEREAS, *in compensation for the requested right-of-way vacation, the petitioner has agreed to dedicate to the City 8,546 square feet of property as depicted in Exhibit 'C' and legally described in Exhibit 'D'; and*

WHEREAS, *the value of the dedication is estimated to be approximately equivalent and does not exceed the value of the vacated right-of-way; and*

WHEREAS, the tract to be dedicated to the City as compensation will be created through the petitioner's final short plat; and

WHEREAS, the right-of-way vacation approved hereunder will not become effective unless and until the petitioner's final short plat is conditioned to include said dedication of property to the City; and,

WHEREAS, separate and independent from the requested right-of-way vacation, the petitioner has voluntarily offered to, at its sole expenses, (1) reconstruct the on-site and off-site stormwater ponds as shown on Exhibit E in accordance with applicable design requirements, (2) install bio-filtration swales along the northern and southern sides of the property in accordance with applicable design requirements,(3) use low impact design methods on the proposed Hilltop development project such as permeable pavement and concrete where feasible, (4) construct appropriate frontage improvements along the tract to be dedicated to the City, and (5) construct a fence around the on-site pond located within the dedicated tract; **NOW, THEREFORE**,

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

Section 1. Right-of-way Vacation Authorized. The portion of right-of-way depicted in Exhibit A and legally described in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full, is hereby vacated in accordance with and subject to the provisions of this ordinance.

Section 2. Compensation. Prior to the effective date of the right-of-way vacation granted hereunder, the petitioner shall dedicate to the City the 8,546 square feet of real property depicted in Exhibit C and legally described in Exhibit D. The petitioner shall ensure that said dedication is effectuated through the creation of a tract within the short plat or other development approval obtained by the petitioner prior to development of the underlying property. The right-of-way vacation authorized by this ordinance is expressly contingent upon, and shall not become effective until, the property depicted in Exhibit C and legally described in Exhibit D is formally dedicated to the City.

Section 3. Independent Compensation. Pursuant to Section 2, the real property depicted in Exhibit C and legally described in Exhibit D will be dedicated to the City in direct and complete compensation for the right-of-way vacation authorized by this ordinance. Said dedication shall not entitle the developer of the underlying property to a credit against any applicable impact fee assessment with respect to said development, notwithstanding that the dedicated property may ultimately be utilized by the City as a "system improvement" as defined by Chapter 82.02 RCW and Chapter 3.39 WMC.

Section 4. Acceptance of Voluntary Improvements. Separate and independent from the right-of-way vacation authorized hereunder, the petitioner has expressed its desire to proactively address environmental concerns related to water quality and for public safety and has voluntarily offered to provide the following improvements to the public at no expense to the City:

- *Construction of a regional pond in accordance with applicable standards;*
- *Construction of a bio-filtering surface water pre-treatment system upstream of the regional pond;*
- *Construction of an infiltration system within the regional pond to allow for ground water re-charge system;*
- *Working with the City to increase the capacity of the existing off-site pond located east of the proposed new regional storm pond;*
- *Construction of a fence surrounding the new regional storm pond; and*
- *Installation of frontage improvement along the entire frontage of the proposed regional storm pond, including curb, gutter, sidewalks.*

The City Council hereby formally accepts these voluntary improvements as a gift to the public, and the same shall not be considered as compensation for the right-of-way vacation authorized under this ordinance. PROVIDED, that such acceptance shall in no manner be construed as a waiver, abridgment or limitation of the City's regulatory authority with respect to said improvements. All installation, construction, procurement and design of said improvements shall comply fully with all applicable standards and processes. PROVIDED FURTHER, that such improvements shall not entitle the developer of the underlying property to a credit against any applicable impact fee assessment with respect to the underlying development project, notwithstanding that such improvements may ultimately be utilized by the City as "system improvements" as defined by Chapter 82.02 RCW and Chapter 3.39 WMC.


Section 5. Clear Title. The City Clerk is hereby directed to file a certified copy of this ordinance with the King County Records, Elections and Licensing Services Division upon verification that the property dedication referenced in Section 2 hereof has been fully effectuated.

Section 6. Severability. If any section, sentence, 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 7. Effective Date. This ordinance, being an exercise of 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 the ordinance or a summary thereof consisting of the title. PROVIDED, that the right-of-way vacation authorized hereunder shall not take effect unless and until the City Clerk has filed a certified copy of this ordinance with the King County Records, Elections and Licensing Services Division pursuant to Section 5 hereof.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS TENTH DAY OF JULY 2006.

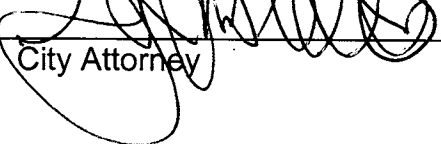
APPROVED:


Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:

By: 
Sandra Parker/MMC
City Clerk

APPROVED AS TO FORM:

By: 
City Attorney

PASSED BY THE CITY COUNCIL: 7-10-2006
PUBLISHED: 7-17-2006
EFFECTIVE DATE: 7-22-2006
ORDINANCE NO. 420

EXHIBIT B

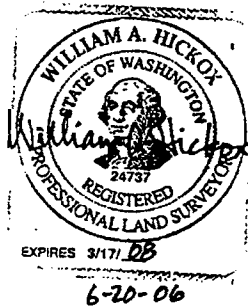
RIGHT-OF-WAY VACATION DESCRIPTION

THAT PORTION OF COUNTY ROAD NO. 537 AS DESCRIBED IN DEED TO KING COUNTY RECORDED UNDER RECORDING NO. 1023736, LYING SOUTHERLY OF THE SOUTHERLY MARGIN OF THE OLD WOODINVILLE-DUVALL ROAD (ROAD NO. 1437) AS SAID ROAD MARGIN IS ESTABLISHED BY DEED FROM KING COUNTY TO ROBERT LEROY GOOCH AND MATTIE L. HINMAN RECORDED UNDER RECORDING NO. 6331586 AND LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE INTERSECTION OF THE NORTH MARGIN OF THE NEW WOODINVILLE-DUVALL ROAD (N.E. 185TH STREET) AS SAID ROAD MARGIN IS ESTABLISHED BY DEED TO KING COUNTY RECORDED UNDER RECORDING NO. 8901240160 AND THE EAST LINE OF THE WEST FIVE-EIGHTHS OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, THENCE NORTH 89°17'32" WEST 174.56 FEET ALONG SAID NORTH MARGIN TO THE TRUE POINT OF BEGINNING OF SAID LINE DESCRIBED HEREIN; THENCE NORTH 00°42'28" EAST 164.88 FEET TO SAID SOUTHERLY MARGIN AND THE TERMINUS OF SAID LINE.

THE PARCEL DESCRIBED ABOVE CONTAINS 2,624 SQUARE FEET (0.06 ACRE), MORE OR LESS.

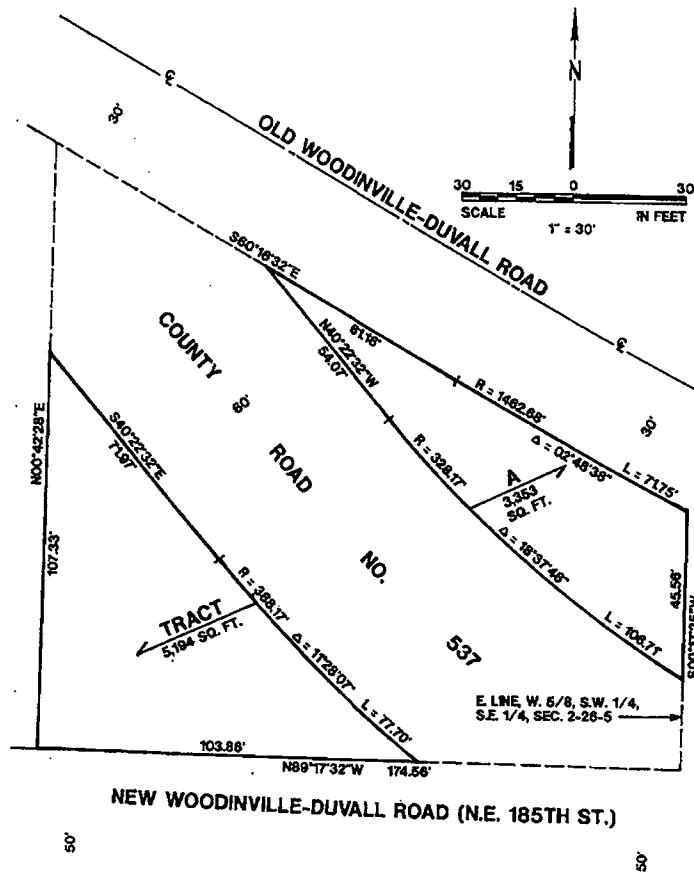
SITUATE IN THE CITY OF WOODINVILLE, KING COUNTY, WASHINGTON.



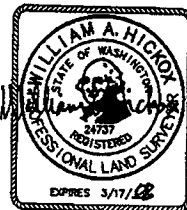
TEXACO
WILLIAM A. HICKOX, P.L.S.
BRH JOB NO. 99233.01
SEPTEMBER 11, 2000
REVISED JUNE 20, 2006

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144

EXHIBIT C
TRACT A DEDICATION



BRH
BUSH, ROED & HITCHINGS, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 2009 MINOR AVE. E. (206) 323-4144
 SEATTLE, WA 98102-3513
 BRH JOB NO. 99233.08 6-21-06



SKETCH TO ACCOMPANY DESCRIPTION
 HILLTOP SHORT PLAT
 WOODINVILLE, WA

EXHIBIT D

DEDICATION DESCRIPTION
TRACT "A"

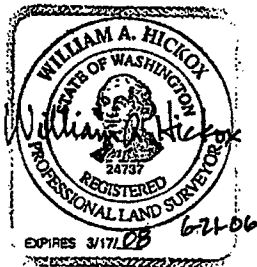
THAT PORTION OF THE WEST FIVE-EIGHTHS OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING SOUTHERLY OF THE SOUTHERLY MARGIN OF THE OLD WOODINVILLE-DUVALL ROAD (ROAD NO. 1437) AS SAID ROAD MARGIN IS ESTABLISHED BY DEED FROM KING COUNTY TO ROBERT LEROY GOOCH AND MATTIE L. HINMAN RECORDED UNDER RECORDING NO. 6331586 AND LYING NORTH OF THE NORTH MARGIN OF THE NEW WOODINVILLE-DUVALL ROAD (N.E. 185TH STREET) AS SAID ROAD MARGIN IS ESTABLISHED BY DEED TO KING COUNTY RECORDED UNDER RECORDING NO. 8901240160 AND LYING EAST OF THE FOLLOWING DESCRIBED LINE:

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EXCEPT THAT PORTION THEREOF LYING WITHIN COUNTY ROAD NO. 537 AS DESCRIBED IN DEED TO KING COUNTY RECORDED UNDER RECORDING NO. 1023736.

THE PARCEL DESCRIBED ABOVE CONTAINS 8,547 SQUARE FEET (0.196 ACRE), MORE OR LESS.

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



CAMPBELL-HOGUE
WILLIAM A. HICKOX, P.L.S.
BRH JOB NO. 99233.08
JUNE 21, 2006

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144

EXHIBIT E

