

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion regarding a request from property owners adjacent to public Right-of-Way (ROW) to have the property vacated under the petition form of vacation as authorized under RCW 35.79		Meeting Date: February 28, 2011
Department: Public Works	Attachments: Petition from Property Owners Adjacent to Proposed Vacation including map	Fund Source: Property Owners share the Cost Activity Cost: \$ Not known yet Amount Budgeted: None to Date \$0 Unencumbered Budget Authority: N/A
Contact: Larry R. Blanchard		
Telephone: (206) 248-5515		
Adopted Initiative: Yes No	Initiative Description:	
<p>PURPOSE/REQUIRED ACTION: Property Owners that own property adjacent to the existing ROW owned by the City of Burien as shown on the attached map have asked that a portion of this ROW be vacated back to these properties utilizing the Petition Method of ROW Vacation Request.</p> <p>BACKGROUND (Include prior Council action & discussion): In January 2011, the Public Works Department received a petition signed by property owners along a portion of Shorewood Drive asking the City to vacate that portion of Shorewood Drive described in the petition. Under Chapter 35.79 of the Revised Code of Washington (RCW) the owners of real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof may petition the legislative authority to make said vacation, giving a description of the property to be vacated, or the legislative authority may by itself initiate such vacation procedures.</p> <p>If the owners of more than two thirds (2/3) of the abutting property adjacent to that portion of the ROW proposed to be vacated may petition the City, and deliver the petition to the City Clerk who will then set a date and time to hear any objections to said ROW vacation not more than 60 days or less than 20 days after the date of passage of a resolution fixing said date and time.</p> <p>Prior to setting said date and time by resolution the Public Works Director would like to bring forward a report to the City Council identifying any easements or utilities in said ROW along with the estimated fair market value of the ROW to be vacated, and any other conditions of the property that would need to be included as a condition of vacation of the ROW.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Authorize the Public Works Director to prepare the report necessary to determine the conditions of which vacating said ROW can be initiated before moving on to Option 2 2. Authorize the City Clerk to establish a date and time for a Public Hearing to obtain comments from those that support and those that oppose the ROW vacation. 3. Do not accept the petition to vacate the ROW, and send this notice back to the signers of the petition. 		
Administrative Recommendation: Authorize Option 1 of the recommendations listed above requesting the Public Works Director to proceed with the preparation of a report identifying conditions that may need to be placed on this request for granting the ROW vacation.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to authorize the Public Works Director to prepare a report identifying possible conditions to be placed on the request granting the Shorewood Drive Right-of-Way Vacation.		
Submitted by: Larry Blanchard		Mike Martin
Administration		City Manager
Today's Date: February 23, 2011		File Code: R:/CC/AgendaBills 2011/pw-2 Street Vacation Shorewood

PETITION FOR VACATING A PUBLIC RIGHT OF WAY

To Larry Blanchard,
Public Works Director
City of Burien, Washington

Date: 1-10-2011

We, the undersigned petitioners, residing at the place set opposite our respective names hereto, being the abutting owners and mortgages of real estate parcel located:

On the south side of Shorewood Dr SW in Shoreview subdivision within the neighborhood of Shorewood on the Sound, and being entirely in the City of Burien. (See attached Exhibit A) and being 100 percent of the affected property owners bordering the above said area, do hereby respectfully pray and petition that you vacate the public right of way lying adjacent to the following property addresses.

- 12623 Shorewood Dr SW
- 12635 Shorewood Dr SW
- 12637 Shorewood Dr SW
- 12639 Shorewood Dr SW
- 12645 Shorewood Dr SW
- 1849 SW Shoreview Ln

and that said parcel become part of the adjoining property and apportioned as depicted in Exhibit A, according to law. Provided, however, that if said portion is now used or may be used for the general public convenience and welfare for sewers, water and gas mains, electrical lines and telephone lines and because said usages are for the benefit of the general public beyond the above described area and because this vacation is primarily for the private benefit of the undersigned petitioners, the City of Burien, as a condition without existence of which this vacation shall be of no effect, reserves to itself for the benefit and welfare of the general public an easement co-extensive with the vacated parcel for the purposes of general public convenience and necessities such as sewers, water and gas mains, and electrical and telephone lines together with the general right of entry for maintenance purposes in regard to such public conveniences and necessities, and we the undersigned, consent to the easement aforesaid on behalf of ourselves, our heirs, administrators and assigns,

12623 Shorewood Dr SW

Sign



Print name(s)

Peter R Gillie's

12635 Shorewood Dr SW

Sign



Print name(s)

GREG WAGNER

12637 Shorewood Dr SW

Sign



Print name(s)

Kevin DeLashmunt

12639 Shorewood Dr SW

Sign

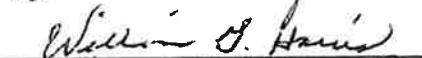


Print name(s)

EMIKO TANIGUCHI

12645 Shorewood Dr SW

Sign

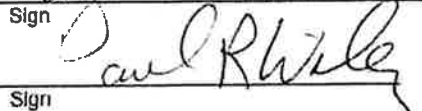


Print name(s)

WILLIAM G. HARRIS

1849 SW Shoreview Ln

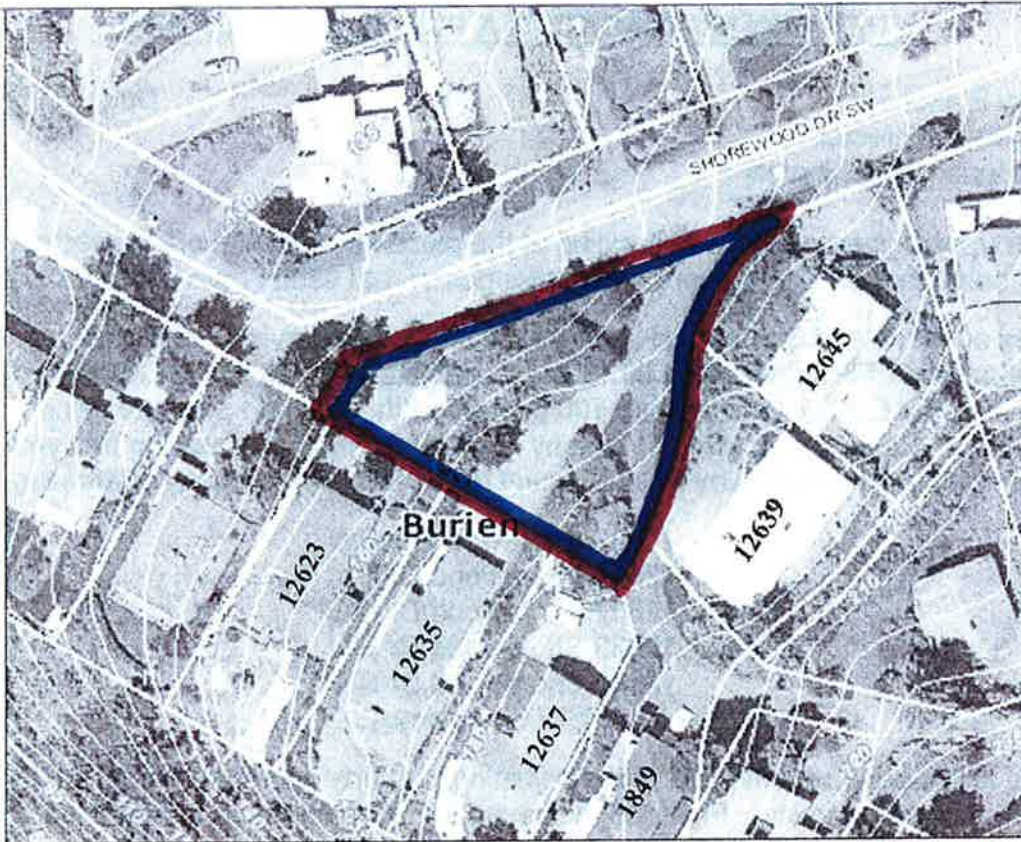
Sign



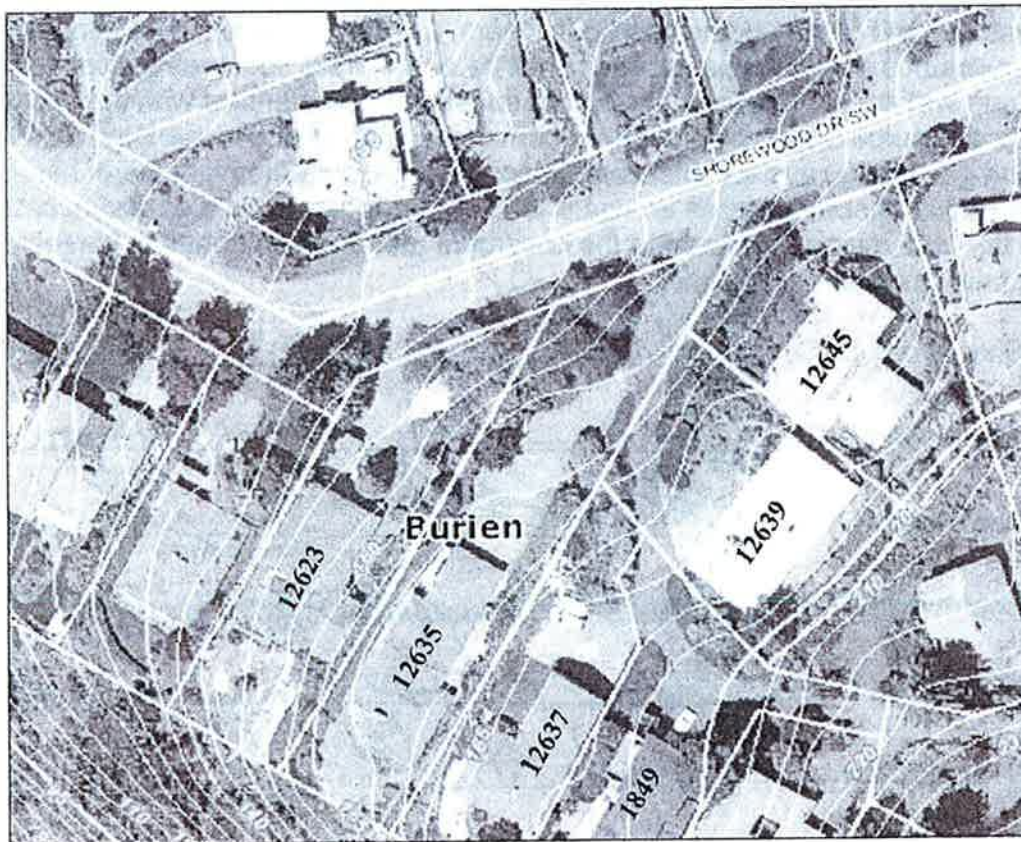
Print name(s)

Paul Wiley

EXHIBIT "A"



Current lot lines with the area to be vacated bordered in red.



New lot lines after area is vacated.