



Transportation & Public Works Committee Meeting Minutes

Thursday, July 15, 2021
4:30 PM – 6:00 PM
** Virtual Meeting **

Members:	Present:	Absent:	Commence: 4:31 PM Adjourn: 4:58 PM
Peter Kwon, Chair	X		
Pam Fernald	X		
Takele Gobena	X		

Other Councilmembers participating: CM Hill; CM Tombs

Staff Coordinators: Will Appleton, Public Works Director; Florendo Cabudol, City Engineer

Other Staff Participating: Mary Mirante, City Attorney; Ingrid Bulpin, Real Property Specialist; David Tomporowski, Senior Planner

Public Comment	Public comment was submitted by E. Gipson
1. Approve Prior Meeting's Minutes	July 1 Minutes to approve
2. Vacation of a portion of unused and unopened Right of Way near S 197 th St & Des Moines Memorial Drive South	<p>Discussion/Action</p> <p>City Engineer Florendo Cabudol presented this Ordinance to vacate a portion of unopened and unused right of way in the vicinity of South 197th Street and Des Moines Memorial Drive South. The vacation is being sought by the petitioner, Bridge Acquisition, LLC, who represents the property owners abutting the subject right of way in its entirety. Staff is seeking Committee to approve placing the proposed Ordinance on the August 10 Regular Council Meeting for review and action, after a Public Hearing on this action at the same meeting.</p> <p>The procedures for vacating a public right of way are set forth by Revised Code of Washington Chapter 35,79. Following this statute, The City Council set the date of the required Public Hearing for August 10, 2021, to consider the merits of the application to vacate the right of way in question. All utilities serving the area were also given notice of the vacation request and the proposed Ordinance reserves existing utility easements in the vacated area until released by the grantee.</p>

	<p>RCW 35.79.030 provides that the City may require compensation to the City for the acquired property, not to exceed the full appraised value of the area vacated. However, since the subject right of way was platted, unopened, and unused prior to 1905, it falls under the “Non-User Statute” RCW 36.87.090. That statute states that when right of way meets these criteria, it reverts to the abutting properties of which it was platted at no cost (except for the City’s fees to administer the vacation process).</p> <p>The petitioner could have sought legal action similar to a “quiet title” but chose to pursue the vacation to formalize the property owners’ rights to the unopened right of way. Technically, under the Non-User Statute, the subject ROW was already vacated to the adjacent land owners after the 5-year period of non-use lapsed; this is just a way to formalize the vacation so that deeds/documents are processed and the King County Assessor’s and City’s records/maps reflect the action.</p> <p>Committee affirmed with staff that PW had coordinated this issue with legal and that the matter had been thoroughly reviewed.</p> <p>Committee commented that the presentation was clear and they were comfortable/in agreement with the approach.</p> <p>Committee asked several clarifying questions on the topic ensuring that the explanation for why the City is not being compensated for the subject property was well understood.</p> <p>Discussion also included discussion about a quiet title approach to acquiring the subject property.</p> <p>After discussion the Committee agreed (3-0) to forward this item for review and action following a Public Hearing at the August 10 Regular Council Meeting.</p>
3. Adjourn	Adjourn Meeting