

**CITY OF BLAINE**  
**REQUEST FOR COUNCIL ACTION**  
**MEETING DATE:** December 12, 2016

**SUBJECT:** Street Vacation Petition – Clyde Street between Madison and Kinglsey

**DEPARTMENT:** Public Works

**PREPARED BY:** \_\_\_\_\_  
(Digital Signature)

**AGENDA LOCATION:**  Consent Agenda       Council Action       Unfinished Business

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**ATTACHMENTS:**

1. Public Works Staff Report - Petition for Vacation of Right-of-Way, Clyde Street
2. Vacation Petition - Clyde Street between Madison and Kinglsey Avenues

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**BACKGROUND/SUMMARY:**

Sall LLC has petitioned the City to vacate the southern 20 feet of the Clyde Street Right of Way adjacent to parcel 400106 205172 (approximately 6230 square feet). Public works has reviewed the petition determined that the petition fees have been paid, signatures are sufficient in representing more than two-thirds of the a property abutting the right of way, and that the location and legal description of the street proposed for vacation is accurate. We therefore submit our Preliminary Findings within the attached staff report. While the Council can still recommend a public hearing to further evaluate the merits of the petition, Public Works is recommending denial of the petition for the reasons outlined in the staff report.

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**BUDGET IMPLICATIONS:** No financial impact.

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**RECOMMENDATION:**

Staff brings forward two alternative recommendations for Council consideration:  
(1) Deny the application based on the recommendation in the staff report, or  
(2) Direct staff to bring back to council a resolution scheduling a public hearing to further evaluate the application.

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**REVIEWED BY:**

City Manager \_\_\_\_\_ Finance Director \_\_\_\_\_ City Clerk \_\_\_\_\_  
(Digital Signature) (Digital Signature) (Digital Signature)

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**COUNCIL ACTION:**

Approved     Denied     Tabled/Deferred     Assigned to: \_\_\_\_\_

**ADDITIONAL INFORMATION:** \_\_\_\_\_



# CITY OF BLAINE PUBLIC WORKS DEPARTMENT

1200 YEW AVENUE • BLAINE, WA • 98230

PHONE: 360.332.8820 • FAX: 360.332.7124 • WEBSITE: [www.cityofblaine.com](http://www.cityofblaine.com)

December 7, 2016

## STAFF REPORT

Petition for vacation of a Right-of-Way, Clyde Street between Madison and Kinglsey

### Preliminary Findings

Sall LLC has petitioned the City to vacate the southern 20 feet of the Clyde Street Right-of-Way in front of parcel 400106 205172 (approximately 6230 square feet). There was no purpose provided for the request.

The criteria within BMC 12.16.010 is listed below and was used to determine preliminary findings and make a recommendation to Council.

1. Whether the street, alley or parts thereof abut any body of salt or fresh water, and if so, whether the vacation is being requested for port purposes, boat moorage or launching sites, viewpoint, recreational or educational purposes or other public use;
  - **This ROW does not abut any known waterbody.**
  - **Does not apply**
2. Whether the right-of-way is needed or contemplated for future public use;
  - **This Right-of-Way is already being used for overhead power and water distribution and would be required for future utility replacements and street improvements. There is also potential for a stormwater detention and retention facilities, as well as public parking.**
  - **If the Right-of-Way was vacated, the remaining portion of Right-of-Way would be 60 feet wide. A 60 foot wide Right-of-Way is typical for local streets; however, it appears the existing street centerline is already located on the south side of the right of way. The existing street is approximately 20-foot wide with no curbs or sidewalks. Vacating the south 20-feet of this ROW would create a challenge for future street improvements.**
3. Whether the request for vacation was initiated to correct a condition created by the applicant in violation of city ordinance; and
  - **There are no current encroachments or encumbrances known that create a cloud of title that can only be corrected by a vacation.**
  - **There is no indication that a condition was created that was a violation of city ordinance.**
  - **Does not apply**

4. Whether the vacation will maintain or create straight and continuous right-of-way lines on at least one side for the full block.
  - **The right-of-way is currently a straight and contiguous line with a standard 80 width, and there are no other portions of this street vacated in the vicinity.**
  - **The petition includes the south side of the entire block between Madison and Kingsley Avenues. However, the street is part of a street grid that continues in both directions.**

### **Recommendation**

After review of the request, it is the recommendation of the Public Works Department that this request be denied as the right of way is needed for existing and future utilities. In addition, the existing road will need to be improved if the property develops and the right of way will be needed for those improvements. The italicized section of the code below could be used as further basis for the Council decision.

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### **Criteria for Council Decision**

The criteria within 12.16.060 is listed below for Council information:

B. The city shall not vacate any previously dedicated right-of-way unless, upon all the facts presented in public hearing, it concludes that:

1. The vacation will provide a public benefit or be for a public purpose; and
2. *The right-of-way to be vacated is not contemplated or needed for future public use; and does not conflict with the general purpose and objectives of the city's comprehensive plan for land use, transportation, utilities, drainage, parks, trails and open space; and*
3. Vacation of the right-of-way will not adversely affect the street pattern or circulation of the immediate area or the community as a whole; and
4. There is at least one alternate mode of ingress and egress meeting city standards for emergency services available to all abutting owners, even if less convenient than the existing right-of-way; and
5. Provision has been made for utility easements where needed for the right to construct, repair and maintain public utilities and services; and
6. The vacation will maintain or create straight and continuous right-of-way lines on at least one side for the full block.



**CITY OF BLAINE**  
**PUBLIC WORKS DEPARTMENT**  
 1200 YEW AVENUE BLAINE, WA 98230  
 PH (360) 332-8820 FAX (360) 332-7124

# PETITION TO VACATE RIGHT-OF-WAY

## OFFICE USE ONLY

FILED WITH THE BLAINE CITY CLERK ON THIS 11 09 2016 DATE (MM/DD/YYYY) PETITION NUMBER \_\_\_\_\_  
 FILING FEE OF \$ 150 HAS BEEN PAID TO: Amber RECEIPT NUMBER 708208  
 CASHIER

Honorable Mayor and Members of the City Council:

We, the owners of real estate abutting the hereinafter described right-of-way, desire to have the City Council vacate the right-of-way or portion thereof (Give location of property and attach a plat map showing area of requested vacation and surrounding property):

SALL 2010 @ hot MAIL . COM 360-303-0551

SALL LLC  
 PETITIONER'S PRINTED OR TYPED NAME

J. Sall  
 SIGNATURE

**RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION**

20 FT. CLYDE ST. MADISON TO KINGSLY

STREET ADDRESS OR "N/A"

4001062051720000

TAX PARCEL ID NUMBER 4001062161730000

LOT / BLOCK / ADDITION OR "N/A"

**PETITIONER'S MAILING ADDRESS INFORMATION**

1360 BENNETT AVE

MAILING ADDRESS

BLAINE WA 98230

CITY STATE ZIP CODE

PETITIONER'S PRINTED OR TYPED NAME

SIGNATURE

**RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION**

STREET ADDRESS OR "N/A"

TAX PARCEL ID NUMBER

LOT / BLOCK / ADDITION OR "N/A"

**PETITIONER'S MAILING ADDRESS INFORMATION**

MAILING ADDRESS

CITY STATE ZIP CODE

PETITIONER'S PRINTED OR TYPED NAME

SIGNATURE

**RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION**

STREET ADDRESS OR "N/A"

TAX PARCEL ID NUMBER

LOT / BLOCK / ADDITION OR "N/A"

**PETITIONER'S MAILING ADDRESS INFORMATION**

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SIGNATURE

**RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION**

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TAX PARCEL ID NUMBER

LOT / BLOCK / ADDITION OR "N/A"

**PETITIONER'S MAILING ADDRESS INFORMATION**

MAILING ADDRESS

CITY STATE ZIP CODE





**City of Blaine**  
 435 Martin St. • Suite 3000  
 Blaine, WA 98230  
 (360) 332-8311

RECEIPT No. 708268

RECEIVED

\*\*\*\*ONE HUNDRED FIFTY DOLLARS & 00 CENTS

RECEIVED FROM	DATE	REG. NO.	AMOUNT	REF. NO.
SALL LLC	11/09/16	708268	150.00 CHECK	N/A
	BUDGETARY			
	AMBER			

RIGHT OF WAY PETITION TO VACATE  
 20FT CLYDE ST MADISON T KINGSLEY