

CITY OF ALGONA, WASHINGTON

ORDINANCE NO. 1226-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALGONA, WASHINGTON, VACATING A PORTION OF THE 1ST AVENUE NORTH PUBLIC RIGHT-OF-WAY; ADOPTING SUPPORTIVE FINDINGS; REQUIRING COMPENSATION TO THE CITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Algona View Investment, LLC is the owner of Property Tax Lot 3356407842, located within the City of Algona; and

WHEREAS, the City Council passed Resolution No. 1259-23 on July 24, 2023, setting a public hearing on the proposed vacation as required by Chapter 35.79 RCW; and

WHEREAS, the City Council held a duly-noticed public hearing on August 28, 2023, to receive public comment and testimony on the proposed vacation; and

WHEREAS, after considering all testimony and information presented at the public hearing, as well as any written comments submitted, the City Council has determined that the requested vacation should be granted subject to the terms and conditions set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALGONA DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals as findings in support of this ordinance. The Council further enters the following findings:

- A. The City Council is authorized by state law, including without limitation RCW 35A.11.020, RCW 35A.47.020, and Chapter 35.79 RCW, to vacate public rights-of-way.
- B. The right-of-way area proposed for vacation is surplus to the City's needs. The City does not have plans to further improve or otherwise utilize said area.
- C. The proposed vacation would not impair access to any property or otherwise impinge upon the legally recognized property rights of any landowner.
- D. The right-of-way area proposed for vacation is unimproved and has utility primarily to the owner of the abutting property.
- E. The proposed vacation will serve the public interest by, *inter alia*, eliminating City maintenance responsibility for the subject property; generating revenue for the City; and preventing and/or minimizing economic waste.
- F. The owner of the property abutting the right-of-way area proposed for vacation has expressly requested the vacation and has not filed any written objection.
- G. No other parties have submitted written comments objecting to the proposed vacation or otherwise testified in opposition thereto.
- H. The proposed vacation does not violate applicable City regulations or Comprehensive Plan provisions.

- I. The proposed vacation is categorically exempt from SEPA review pursuant to WAC 197-11-800(2)(i).
- J. The area proposed for vacation has been part of a dedicated public right-of-way for over 25 years, was acquired at public expense, and/or is otherwise compensable as a prerequisite to vacation at the full appraised value thereof.
- K. The adjacent landowner commissioned an independent appraisal to determine the monetary value of the right-of-way area proposed for vacation, and such appraisal is set forth in that certain report prepared by Akrivis Real Estate Valuation Services, dated May 17, 2023, and titled *Evaluation – Residential - Land* (“Appraisal Report”).

Section 2. Vacation. The portion of the 1st Avenue North public right-of-way, as 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 subject to the terms and conditions of this ordinance.

Section 3. Compensation. Pursuant to RCW 35.79.030, the vacation authorized under Section 2 of this ordinance shall not take effect unless and until the adjacent landowner has remitted monetary compensation to the City in an amount reflecting the full value of the vacated right-of-way area as set forth in the Appraisal Report.

Section 4. Certification; Recording. Following the effective date of this ordinance, the City Clerk or her designee shall record a certified copy of this ordinance in the office of the King County Auditor.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 6. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary hereof consisting of the title, but not sooner than the City’s receipt of the compensatory payment required pursuant to Section 3. This ordinance shall not be published or recorded unless and until such payment has been remitted in full.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THIS _____ DAY OF _____ 20____.

Troy Linnell, Mayor

ATTEST:

Jessica Griess, City Administrator/City Clerk

APPROVED AS TO FORM:

J. Zachary Lell

City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.: 1226-23

Exhibit A

THAT PORTION OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN BEING DESCRIBED AS FOLLOWS.

THAT PORTION OF 1ST AVENUE, CD HILLMAN'S PACIFIC CITY ADDITION TO SEATTLE DIVISION NUMBER 6. RECORDED DECEMBER 4TH 1906 IN VOLUME 14 OF PLATS, PAGE 30, RECORDS OF KING COUNTY, WASHINGTON.

SAID PORTION BEING THAT PORTION OF FIRST AVENUE, LYING SOUTH OF LOT THREE AND EAST OF THE WESTERLY LINE OF BLOCK 121 EXTENDED AND WEST OF THE WESTERLY RIGHT OF WAY MARGIN OF WEST VALLEY HIGHWAY SOUTH.

CONTAINING 7697+/- SF (0.18 ACRES MORE OR LESS)

SITUATE IN THE COUNTY OF KING STATE OF WASHINGTON.



Exhibit B

