

CITY OF MEDINA, WASHINGTON

RESOLUTION NO. 434

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 36.70A.390 AND RCW 35A.63.220, IMPOSING A TEMPORARY MORATORIUM UPON THE SUBMISSION, RECEIPT AND PROCESSING OF STREET VACATION PETITIONS AFFECTING ANY RIGHTS OF WAY WITHIN THE CITY; SETTING FORTH PRELIMINARY SUPPORTIVE FINDINGS AND PUBLIC NOTICE REQUIREMENTS; REQUIRING A POST-ADOPTION PUBLIC HEARING; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, the City of Medina (City) regulates the use and development of land within the City through the standards and procedures codified in the Medina Municipal Code (MMC), including the vacation, acquisition, use and development of the City's roads and rights-of-way (collectively ROW) under MMC Chapter 12.44; and;

WHEREAS, the City's ROW are highly visible and are extremely important to the City's current and future transportation needs; the City's character, identity and development; and comprise a significant and valuable public asset related to the City's long term planning goals and community vision; and

WHEREAS, the City has recently received and processed three different ROW vacation petitions, each of which presented unique issues and concerns; consumed significant City resources, staff time and expenses to review and decide; and resulted in the subsequent preparation, review and adoption of MMC modifications to better regulate and protect the City's ROW and provide better guidance to the public, City and City Council concerning the issues and processes involved in such petitions; and

WHEREAS, in the process of reviewing and acting on those ROW vacation petitions the City and Council become aware of the need for further changes in the MMC to address adequate and timely public notice requirements; cost identification, limitation and recovery; evaluation of potential gift of funds issues; and the establishment of important long term planning policies which can be timely integrated into the City's ongoing 2024 Comprehensive Plan update; and

WHEREAS, the City and Council desire to undertake the review, work and MMC amendments set forth and described herein without having disruptions or interruptions that would be created by the initiation filing of a ROW vacation petition during such work; and

WHEREAS, the Council wishes to temporarily suspend filing of all ROW vacation petitions in order to enable the City's comprehensive and timely review, promulgation and adoption of street vacation policies and regulatory changes, and to that end shall

use the statutory authorities above, and other applicable authority, to perform, extend, complete and terminate the moratorium(s) authorized by this Resolution, all as the Council may then determine to be necessary or appropriate; and

WHEREAS, it is necessary for the Council to impose a temporary moratorium as permitted under the authorities described herein in order to preserve the status quo with regard to City ROW and to prevent filing of ROW vacation petitions until such time as the work described herein is deemed completed by the Council.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, RESOLVES AS FOLLOWS:

Section 1. Preliminary Findings of Fact. The City Council hereby adopts the foregoing recitals as its preliminary findings in support of this Resolution and additionally adopts the following findings in further support of this Resolution:

-1.1 The City is authorized pursuant to applicable state law, including without limitation RCW 35A.63.220 and RCW 36.70A.390, to adopt temporary moratoria for the purpose of preserving the status quo while new policies and standards are considered, prepared and enacted.

1.2 Imposing a temporary moratorium upon the receipt and processing of ROW vacation petitions as provided herein will serve the public interest by ensuring that such proposals will not be considered, reviewed and/or evaluated under the City's current policies and regulations, which the Council intends to study, update, amend and adopt.

1.3 Adoption of this Resolution is necessary to prevent the accrual of claimed or vested rights that are or may be inconsistent with the City's community planning activities, actions and vision as articulated herein. As such, a public emergency exists requiring that this Resolution take effect immediately upon passage.

Section 2. Temporary Moratorium Imposed; Duration. The City hereby imposes an immediate temporary moratorium upon the receipt and processing of any and all ROW vacation petitions affecting City ROW. Said moratorium shall be for an initial period of six months, and shall include all extensions thereof as may be approved by the Council.

Section 3. Effective Date. The moratorium adopted by this Resolution shall be immediately effective on the date set forth in Section 7 of this Resolution.

Section 4. Initial Public Hearing. The Medina City Clerk is hereby authorized and directed to schedule a public hearing on the moratorium imposed by this Resolution, and to provide notice thereof in accordance with applicable statutes and City policies. Said hearing shall be held not later than 60 days after the date of adoption of this Resolution as set forth in Section 7 below. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the Council may adopt additional legislative findings in support of this Resolution at the conclusion of said hearing.

Section 5. Interpretation. The City's Director of Development Services or his/her designee is authorized to construe, administer, and issue formal interpretations of this Resolution.

Section 6. Severability. If any section, sentence, clause or phrase of this Resolution should be held to be invalid or unconstitutional by a court or other tribunal of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.

Section 7. Declaration of Emergency; Effective Date; Sunset. Based upon the findings set forth above, the Council hereby declares a public emergency requiring this Resolution to take effect immediately. This Resolution shall accordingly be in full force and

effect immediately upon its passage and shall remain effective for a period of six (6) months unless terminated earlier or extended to a new date by the Council; provided that the Council may, in its sole discretion, renew the moratorium imposed by this Resolution for one or more six-month periods in accordance with state law.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON JUNE 12, 2023 BY A VOTE OF ____ FOR, ____ AGAINST, AND ____ ABSTAINING, AND SIGNED IN AUTHENTICATION THEREOF ON THE 12TH DAY OF JUNE, 2023.

Jessica Rossman, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott M. Missall, City Attorney
Ogden Murphy Wallace, PLLC

Aimee Kellerman, City Clerk

FILED WITH THE CITY CLERK: XX
PASSED BY THE CITY COUNCIL: XX
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