



MEDINA, WASHINGTON

AGENDA BILL

Monday, November 8, 2021

Subject: Liang Street Vacation—Public Hearing

Category: Public Hearing

Staff Contacts: Stephanie Keyser, Planning Manager; Scott Missall, City Attorney

Summary

Kenneth and Laura Liang (Applicant) have requested vacation of 510 sq. feet of public road right-of-way abutting their consolidated property at 442-438 Upland Road. The specifics of the requested vacation are set forth in detail in the Staff Report (with accompanying exhibits) filed contemporaneously with this Agenda Bill. This matter is set for a public hearing at the City Council's Monday, November 8th meeting. After hearing from the Staff, the Applicant and the public, the Council may take this matter under advisement, may continue or schedule further hearings, and as appropriate shall deliberate on and decide the petition.

Background

This is the second street vacation presented to Council in the past year. After completing a lengthy review and decision on the first vacation request, the Council adopted Medina Municipal Code (MMC) Chapter 12.44 to implement uniform procedures and decisional criteria that would comply with State law, streamline City review and action on vacation requests, and ensure the Council meets its state law and legislative duties in considering such matters.

Rules and Legal Requirements for Street Vacations

A copy of MMC 12.44 is **Attachment 1** to this Agenda Bill. In simplified form, the rules and procedures adopted in MMC 12.44 provide for and address the following topics:

- * Define contents, requirements and fees/costs for a street vacation petition
- * Require a formal appraisal of the fair market value of the public right-of way sought to be vacated, which is performed under the direction of the City Manager and paid for by the Applicant
- * Establish the range of and criteria to determine compensation to be paid to the City for vacating the public right-of-way and public interests therein
- * Define requirements to ensure a thorough staff report and analysis of the proposed vacation
- * Establish timing and requirements for public hearings and notices concerning the petition
- * Identify criteria to be considered by Council in deciding whether to grant or deny the petition, including reservation of public rights and conditions found to be in the public interest
- * Establish limitations on the vacation of waterfront right-of-way
- * Provide for final Council action in deciding the petition

These provisions are consistent with and implement RCW Chapter 35.79, the State law which governs how street vacations are handled by Washington cities. The ultimate question of whether to grant, deny and/or condition a street vacation is a discretionary legislative decision vested in the City Council and its determination of the public interest.

Hearing Procedures

Staff recommends that the hearing be conducted by the Mayor in the following manner (with approximate time frames suggested), subject to Council questions and discussion:

- * Mayor opens public hearing and introduces topic (5m)
- * City Attorney provides short overview of applicable rules and process (10m)
- * Planning Manager presents Staff Report and pertinent issues (15m)
- * Presentation by Applicant (10m)
- * Public comments (3m each speaker)
- * Council discussion
- * Council determination of next steps
- * Mayor closes public hearing

Completing Council Review

Upon Council completion of the public hearing and its initial discussion on Monday, Staff recommends that Council continue the hearing and further deliberation to a convenient meeting, enabling determination of unanswered questions, concerns and factual issues, and preparation of further reports or action documents as appropriate.

Attachment 1

- MMC 12.44 (Street Vacation)

Budget/Fiscal Impact: Compensation is payable to the City if the vacation is granted

Recommendation: Continue for Council deliberation and action.

City Manager Approval: 

Proposed Council Motion: "I move to continue the hearing and further Council deliberation to its meeting on [date], which may include final action by the Council."

Time Estimate: 40 minutes