

CHAPTER 12.44. STREET VACATIONS

12.44.010. Purpose.

The purpose of this Chapter 12.44 is to establish procedures and criteria the city will use to review and decide upon the vacation of public streets, alleys, sidewalks, trails and any other public grants, dedications and easements relating to street, pedestrian, or travel purposes within the city. This chapter is intended to be consistent with, implement and supplement RCW Chapter 35.79, entitled Streets—Vacation.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.020. Applicability.

This chapter applies to every request for vacation of public streets, alleys, sidewalks, trails and any other public grants, dedications and easements relating to street, pedestrian, or travel purposes within the city, and shall not apply to vacation or termination of other types of public property.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.030. Definitions.

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Words not otherwise defined shall have their common and ordinary meaning:

- A. *Owner* means the owners of fee title, mortgagors, and/or contract vendees of any interest in real estate.
- B. *Petition* means a complete and sufficient petition meeting the requirements of this chapter and applicable state law.
- C. *Petitioner* means any party who has filed a petition for vacation with the city clerk.
- D. *Public right-of-way or public ROW* means public streets, alleys, sidewalks, trails and any other public grants, dedications and easements relating to street, pedestrian, or travel purposes within the city.
- E. *Subject property* means the public street, alley, sidewalk, trail, and/or any other public property or easement, or portion thereof, sought to be vacated.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.040. Initiation of proceedings.

A vacation may be initiated in two ways:

- A. A resolution of the city council.
- B. A petition of the owners of more than two-thirds of the property abutting or underlying the subject property as may be applicable.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

{SXM2504510.DOCX;1/05708.000005/ }

12.44.050. Petition by owners.

The owners of an interest in real estate abutting upon or underlying public ROW may petition the city council for vacation thereof in accordance with requirements of this chapter.

- A. The petitioner shall apply for a vacation by submitting the following to the city clerk:
 - 1. A vacation petition with supporting affidavits on forms provided by the city.
 - 2. A diagram of the location and a survey of the subject property and immediate area of the proposed vacation including the abutting and/or underlying properties, all prepared by a licensed surveyor registered in the State of Washington.
 - 3. A legal description of the subject property prepared by a licensed surveyor registered in the State of Washington.
 - 4. For each abutting and underlying property and petitioner, a title report indicating the extent and type of ownership and providing a legal description of the petitioner's property.
 - 5. The vacation fees as established by this chapter and city ordinance.
 - 6. Any additional information or material the city determines is reasonably necessary for the city council to understand, consider and evaluate the requested vacation.
- B. The petition shall be filed with the city clerk and shall be signed by owners of more than two-thirds of the property abutting the subject property (based on front footage) or underlying the subject property (based on square footage).
- C. The city clerk shall determine the petition's compliance with this chapter. For the purpose of determining the sufficiency of signatures of owners of private property on a petition or a consent to vacate determined by the city council, the following rules shall govern as applicable:
 - 1. The signature of an owner of property shall be as set forth in the King County assessor records and confirmed by a title report.
 - 2. In the case of a property subject to a contract of purchase, the signature of the contract grantor and grantee shall be required.
 - 3. In the case of property ownership by corporation or similar entity, the signature of the officer authorized by the bylaws and resolution of the board of directors evidenced by an excerpt of the bylaws and copy of the resolution, each duly certified by the secretary of the corporation, and granting such authority.
 - 4. In the case of property owned or controlled by an estate, guardian or conservator of a decedent or incompetent, the signature of the duly qualified administrator, executor or guardian accompanied by a duly certified copy of his/her judicial appointment or designation.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.060. Resolution by council.

The city council may initiate vacation procedures of public ROW by resolution, which shall contain a legal description and a survey of the subject property, and such other information as the city council may determine appropriate.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

{SXM2504510.DOCX;1/05708.000005/ }

Created: 2021-10-18 16:22:42 [EST]

(Supp. No. 1)

12.44.070. Appraisals.

Determinations of fair market value of the subject property shall be made by MAI appraisal of the subject property at the direction of the city manager or designee. Petitioners shall pay the cost of all such appraisals as established in MMC 12.44.080. Such appraisals shall take into account the full value of the released rights and of any rights retained by the city for future use(s) which would restrict the private use of the vacated property.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.080. Petition fees and costs; compensation.

- A. The petition, properly signed, shall be filed with the city clerk and accompanied by payment of the application fee and the estimated appraisal cost, which amounts shall be paid into the general fund of the city to defray the costs and expenses incurred by the city to: appraise the subject property, determine the sufficiency of the petition, evaluate and investigate the petition, and report the facts, circumstances and conclusions concerning the petition to the city council. Fees and costs shall not be returned or refunded to the petitioners regardless of the city council's action on the petition.
- B. The amount of the fees and costs due upon filing shall be as follows:
 - 1. The minimum application fee established by the city's then current fee schedule.
 - 2. An appraisal fee deposit of \$2,500.00, which may be adjusted by the city manager up to the amount of the MAI appraisal bid or estimate submitted to the city.
- C. In the event that the application fee and/or the appraisal costs set forth in subsection (B) of this section is insufficient to reimburse the city for all of the city's costs and expenses incurred in relation to the petition, the balance shall be paid by the petitioner immediately upon receipt of the city's invoice.
- D. In the event the vacation is granted by the city council, the petitioner shall immediately pay upon receipt of an invoice the amount required by the city council as compensation for the area being vacated as provided in MMC 12.44.180. A vacation ordinance shall not be effective until such time as the petitioner pays all sums due to the city, including all compensation due to the city for the vacation and all costs and expenses of the city in processing the petition. The city shall not record an approved vacation ordinance until such time as all such compensation, fees, costs and reimbursements are paid in full. If any portion of such amount remains unpaid for 30 days after submittal of a final invoice to the petitioner, the city council shall rescind and vacate the approved vacation ordinance.
- E. In the event that the city council initiates a vacation, fees shall not be required unless council directs otherwise.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.090. Date of public hearing.

Upon determining the application for vacation is complete, or upon passage of a resolution by the city council seeking vacation, the council shall, by resolution, fix a time when the city will hold a public hearing on the proposed vacation. The hearing will be not more than 60 days nor less than 20 days after the date of passage of the resolution scheduling the public hearing.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

{SXM2504510.DOCX;1/05708.000005/ }

Created: 2021-10-18 16:22:42 [EST]

(Supp. No. 1)

12.44.100. Notice of public hearing.

- A. Upon the passage of the council resolution fixing the date and time for a public hearing, the city clerk shall give 20 days' notice of the pendency of the petition.
- B. The hearing notice shall contain the following information: a statement that a petition has been filed to vacate the subject property; the date, time and place fixed for the hearing of the petition; that interested persons may appear at the hearing and be heard for or against the petition; and that interested persons may submit written comment to the city clerk prior to or at the hearing.
- C. The city clerk shall post and distribute the hearing notice as follows:
 - 1. A copy shall be posted in three conspicuous public places in the city.
 - 2. A copy shall be posted in a conspicuous place on the subject property or at a nearby location that can be viewed by the public.
 - 3. A copy shall be posted on the city's website.
 - 4. A copy shall be published in the official newspaper of the city.
 - 5. A copy shall be mailed to each owner of property within 300 feet of the subject property, including all the petitioners, at a local address if a resident of the city, or otherwise to the last address showing on the records of the King County assessor.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.110. Protest.

If 50 percent of the abutting property owners file written objection to a city council-initiated vacation with the city clerk prior to the time of the hearing, the city council shall be prohibited from proceeding with the vacation.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.120. Staff report.

- A. The planning manager and/or public works director or their designee(s) shall prepare a staff report which shall identify and address the requirements of this section, the vacation criteria in MMC 12.44.140, and all other pertinent issues raised by or resulting from the vacation. The staff report shall be presented to the city council at the public hearing and as otherwise requested, appropriate or necessary, and may be supplemented as needed.
- B. In preparing the staff report, the manager and/or director shall solicit comments and input from each of the city's departments, and may solicit comments and input from other governmental agencies and entities, from utility providers having an interest or jurisdiction concerning utilities within the boundaries of the city, and from nearby or affected city residents.
- C. The staff report shall minimally contain the following information:
 - 1. All application materials submitted by the petitioner.
 - 2. All comments regarding the vacation received by the city prior to distribution of the staff report.
 - 3. Maps, diagrams and other information pertinent to and helpful for the city council's review, understanding and decision.

{SXM2504510.DOCX;1/05708.000005/ }

Created: 2021-10-18 16:22:42 [EST]

(Supp. No. 1)

-
4. An analysis and evaluation of the proposed vacation relative to the following: the provisions of this chapter; applicable provisions of the MMC and Medina Comprehensive Plan, specifically including zoning and land use regulations; prior and pending vacations in the vicinity; and pertinent state laws and regulations.
 5. A recent appraisal of the subject property in accordance with MMC 12.44.070.
 6. A recommendation of the appropriate city council action regarding the petition.
- D. Not less than five days prior to the hearing, the city clerk shall distribute the staff report to the city council and staff, each petitioner, and anyone submitting comments to the city regarding the petition or making a written request for a copy of the staff report.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.130. Hearing.

- A. At the day and time appointed for the hearing of the petition or city council resolution, or at such other day and time as the same may be continued or adjourned to by the city council, the matter shall be considered and persons desiring to speak for or against the vacation shall be heard in accordance with the council's usual rules.
- B. The city council may deliberate on the merits of the petition in accordance with its usual rules, may adjourn from time to time and may recess to executive session as needed, may require additional information and evaluation from any petitioner or city staff, and may continue and resume the hearing as appropriate. At the conclusion of the city council's deliberations, the city council shall decide the petition in accordance with MMC 12.44.170.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.140. Vacation criteria.

- A. In determining whether to vacate the subject property, the city council shall consider, but shall not be limited to, the following criteria:
 1. Whether a change of use or vacation of the subject property will provide a benefit to the city as determined by the council, including but not limited to any of the following examples: reduction of unnecessary ROW; preservation of streetscape character; expanding the city's property tax roll; addressing neighborhood requests related to traffic impacts; better accommodation of pedestrians, bicyclists, motorists and/or emergency responders; reservation of an easement will accommodate the city's current or projected needs.
 2. Whether the subject property is no longer required for public use or public access.
 3. Whether the substitution of a new and different public way would be more or less useful to the city and/or the public.
 4. Whether conditions may or could change in the future, creating or providing a greater or different public use or need than presently exists.
 5. Whether existing property access will be restricted or denied as a result of the vacation.
 6. Whether objections to the petition or proposed vacation are made by (i) owners of private property (exclusive of petitioners) abutting or in proximity to the subject property, (ii) governmental agencies, (iii) private users of the subject property, and/or (iv) members of the general public.

{SXM2504510.DOCX;1/05708.000005/ }

Created: 2021-10-18 16:22:42 [EST]

(Supp. No. 1)

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.150. Right to condition a vacation and reserve public uses or easements.

Ordinances vacating all or any portion of the subject property may contain and require:

- A. Conditions on the allowed use(s) that the city council determines to be in the public interest.
- B. Provisions reserving, retaining or requiring conveyance of easements for any public use or purpose, including without limitation construction, repair and maintenance of existing and future public utilities and services.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.160. Limitations on waterfront streets.

- A. The city council shall not vacate public ROW governed by this chapter if any portion of the subject property abuts a body of fresh or salt water, unless:
 - 1. The vacation is sought to enable the city to acquire the subject property for port purposes, beach or waterfront access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses; or
 - 2. The city council, by resolution, declares that the subject property is not presently being used as a street, alley or public easement and that the subject property is not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or
 - 3. The vacation is sought to enable the city to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the subject property abuts, had the subject property included in the plan not been vacated.
- B. Before adopting a resolution vacating the subject property under subsection (A)(2) of this section, the city shall:
 - 1. Compile an inventory of all rights-of-way within the city that abut the same body of water that is abutted by the subject property;
 - 2. Conduct a study to determine if the subject property is suitable for use by the city for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education; and
 - 3. Make a finding that the subject property is not suitable for any of the purposes listed under subsection (B)(2) of this section, and the vacation is in the public interest.
- C. No vacation under this section shall be effective until the fair market value has been paid for the subject property and any other applicable provisions of this chapter have been met.
- D. Moneys received from the vacation may be used by the city only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

12.44.170. City council decision.

The city council may grant or deny the petition in whole or in part and with or without conditions, reservations or requirements as the city council determines appropriate. Following the public hearing and conclusion of its deliberations, the city council shall either:

- A. Adopt an ordinance granting the vacation; or
- B. Adopt an ordinance denying the vacation; or
- C. Adopt a resolution of intent to vacate stating that the city council will, by ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.

12.44.180. Compensation for vacation.

- A. Ordinances vacating any public ROW shall not be adopted by the city council until the owners of the property abutting the subject property shall compensate the city in the amount required by this subsection.
- B. Monetary compensation to be paid to the city in an amount of up to one-half of the appraised value for the subject property; provided, that compensation may be required in an amount of up to the full appraised value of the subject property if any of the following applies to the street, alley, or public easement:
 1. The subject property has been part of a dedicated public right-of-way for 25 years or more; or
 2. The subject property or portions thereof were acquired at public expense; or
 3. The subject property abuts a body of water as outlined in MMC 12.44.160
- C. In lieu of payment for monetary compensation, the petitioners may grant or dedicate to the city for street or other purposes, real property useful for that purpose where the property to be acquired by such exchange has a fair market value of at least equal to the amount of cash compensation that would otherwise be required.
 1. The city shall not be obligated to accept such an exchange and the decision of the city manager on the acceptability of the alternative property offered shall be final.
- D. Where a vacation was initiated by city council resolution, abutting property owners may not be required to make payment to the city for such vacation where:
 1. The street, alley or public easement was not acquired at city expense;
 2. The city determines the street, alley or public easement is not needed for public travel either now or in the foreseeable future;
 3. The city's maintenance or upkeep of the subject property is unrelated to any use of the street, alley, or public easement for public travel.
- E. Where a vacation is applied for by or on behalf of another governmental agency or jurisdiction, the city council may waive any compensation required by this Code and may also waive filing fees, if the council deems such a waiver to be in the public's interest and advantage.
 1. A vacation of property in which compensation has been waived on behalf of a governmental agency or jurisdiction shall be accompanied by a covenant providing the city shall be compensated by the fair market value of the interest conveyed or vacated at the time of any future sale or lease of the subject property by said other governmental agency.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)

{SXM2504510.DOCX;1/05708.000005/ }

Created: 2021-10-18 16:22:43 [EST]

(Supp. No. 1)

12.44.190. Title to vacated public ROW.

Title to any vacated portion of the subject property shall pass in accordance with Washington State statutory and common law governing title to vacated rights-of-way.

(Ord. No. 1003 , § 1(Exh. A), 7-12-2021)



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

STAFF ANALYSIS AND RECOMMENDATION LIANG STREET VACATION

Prepared by: Stephanie Keyser, AICP, Planning Manager
Date: November 3, 2021

Summary of Recommendation: Preliminarily approved, subject to conditions.

PART 1 – GENERAL INFORMATION

LOCATION: 442 Upland Road

ADJACENT TAX PARCEL NUMBER: 383550-2385

PROPERTY OWNERS: Kenneth and Laura Liang

APPLICANT: Jim Dearth of Ripple Design Studio (agent)

LEGAL DESCRIPTION OF AREA REQUESTED TO BE VACATED:

A PORTION OF HARMON AVE PER PLAT OF KENWOOD PARK AS RECORDED IN BOOK 8 OF PLATS ON PAGE 26, IN KING COUNTY WASHINGTON, DESCRIBED AS FOLLOWS; ALL THAT PORTION OF SAID HARMON AVE LYING IN FRONT OF LOTS 4 AND 5, BLOCK 15 OF SAID KENWOOD PARK; EXCEPT THE SOUTHWESTERLY 15 FEET ADJOINING LOT 5; EXCEPT THAT PORTION OF HARMON AVE VACATED UNDER THE CITY OF MEDINA ORDINANCE NO. 804, RECORDED NOVEMBER 2, 2007, UNDER RECORDING NO. 20071102000049.

PETITION: Vacate 510 square feet of right-of-way abutting Liang property

ZONING: Single Family Residence (R-16)

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

CRITICAL AREAS: Steep slope

ENVIRONMENTAL (SEPA) REVIEW: Exempt per WAC 197-11-800(2)(i)

EXHIBITS:

1. Staff Report
2. Street Vacation Petition, received August 23, 2021
3. Survey and Legal Description, received August 23, 2021
4. Title Report and Map, dated August 18, 2021
5. Payment form for Appraisal, received August 23, 2021
6. Appraisal from Sherwood Appraisals, September 23, 2021
7. Legal Notices
 - a. Notice of Hearing, dated September 16, 2021
8. Resolution 419, passed September 13, 2021
9. Simple Street Vacation Map, received October 21, 2021
10. Liang response to Sherwood Appraisals, received via email October 25, 2021

PART 2 – SITE CHARACTERISTICS

EXISTING CONDITIONS: The property is currently being redeveloped with a new single-family residence and related site improvements.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	R-16 District	Residential
South	R-16 District	Residential
East	R-20 District	Residential
West	R-16 District	Residential

ACCESS: Ingress and egress is from Upland Road.

PART 3 – STAFF ANALYSIS

GENERAL:

1. Kenneth and Laura Liang are the owners and taxpayers of record of the properties identified as 442 Upland Road (tax parcel nos. 383550-2385) according to the title report (Exhibit 4) and the King County Assessor.
2. The owners are requesting to vacate 510 square feet of right-of-way adjacent to the south-west corner of their property.

LIANG PROPERTY BACKGROUND:

3. In 2019 a redevelopment project for 442 Upland Road was submitted to the City (Building Permit B-19-087; Construction Activity Permit CAP-19-014; Grading and Drainage Permit ENG-GD-19-030; and Tree Activity Permit TREE-19-081). During zoning review, it was discovered that the subject property was composed of two separate parcels (383550-2260 and 383550-2385). Medina's zoning code is based upon individual parcels which determine how setbacks are measured and structural and impervious surface calculations are determined. As such, a building cannot be built across parcel lines even if both parcels are under the same ownership.
4. To correct this, the applicant submitted a Lot Line Adjustment (P-LLA-20-001) to combine the two parcels that made up 442 Upland into one 39,290 square foot lot. The City issued a preliminary decision approving the Lot Line Adjustment on March 19, 2020.
5. On May 21, 2020, the Lot Line Adjustment was recorded by King County and the applicant provided the City with a copy of the document as required by the code (MMC 16.73.140).
6. In August 2020, the City was notified that the owners had purchased 438 Upland Road, which was the adjacent lot south of 442. The scope of work would be revised to include this new parcel; thus building permit B-19-087 became void.
7. The applicant submitted a second Lot Line Adjustment (P-LLA-20-003) to combine the new 442 Upland (39,290 square feet) with 438 Upland (20,190 square feet); a new building permit

(B-20-059) was also submitted. The City issued a preliminary decision approving the second Lot Line Adjustment on December 4, 2020, to create a new 59,480 square foot lot.

8. On June 10, 2021, the Lot Line Adjustment was record by King County and the applicant provided the City with a copy of the document as required by the code (MMC 16.73.140).

DEVELOPMENT STANDARDS RELATING TO VACATION PETITION:

9. 442 Upland Road is zoned R-16 and the minimum net lot area in the R-16 zoning district is 16,000 square feet pursuant to Table 16.22.020. At 59,480 square feet, this parcel exceeds the minimum square footage requirement for this zoning district.
 - a. If the petition to vacate the 510 square feet is approved, this would result in 442 Upland Road being increased to a total size of 59,990 square feet. The additional square footage would not allow a fourth lot to be created, for which 64,000 square feet would be needed. If, in the future, the current owners or future owners decided to demolish the house currently being constructed, they could then subdivide the combined property into a maximum of three lots.
10. Table 16.22.030 sets forth the minimum setbacks by lot size. Lots exceeding 20,000 square feet in area are required to have front and rear property line setbacks of 30 feet and side property line setbacks of the greater of 10 feet or 15 percent of the lot width, not to exceed 20 feet. The average width is utilized to establish the side yard setbacks: 276 feet at the widest point, 242 feet at the narrowest point along Overlake Drive East for an average width of 259 feet ($276 + 242 = 518 / 2 = 259$). Utilizing the average width, the property has a required side yard setback of 20 feet ($259 * 15\% = 38.85$; $20 < 38.85$).
 - a. If the petition to vacate the 510 square feet is approved, the setback dimensions themselves will not change, however the front setback will be straightened out. Figure 1 is taken from the site plan of the approved building permit (B-20-059). The red line is the front yard setback that parallels the front property line, following that jog to the east along the southwestern portion of the lot. Figure 2 highlights the area of the petition request as well as what the front setback line would be if the petition is granted. Again, there is no change in the dimension, just the location.

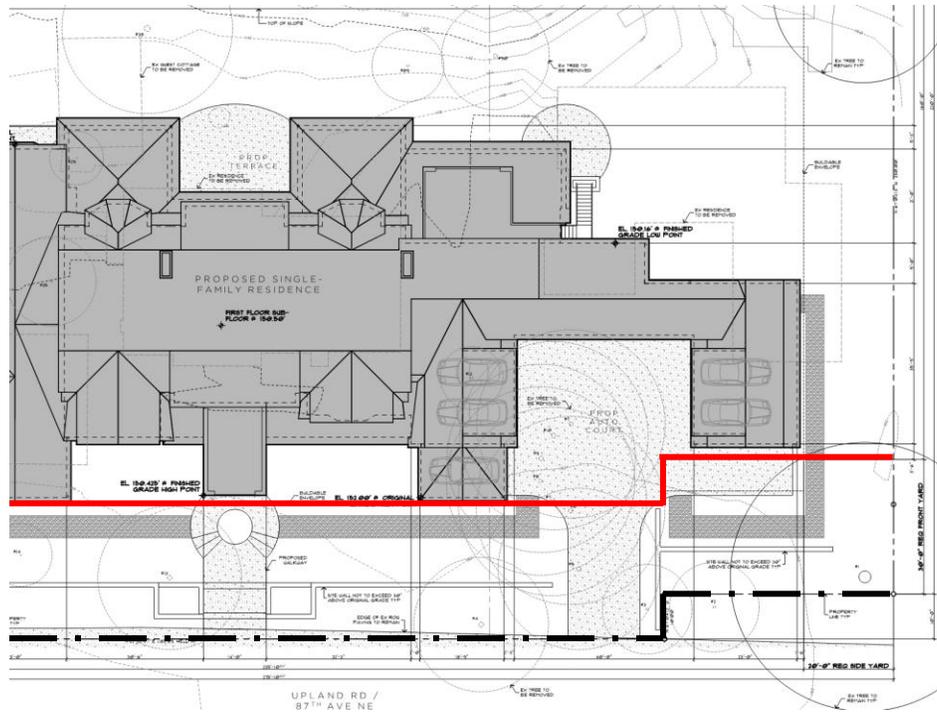


Figure 1. Existing. Approved site plan from building permit (B-20-059). The black line is the front property line, and the red line is the existing front yard setback

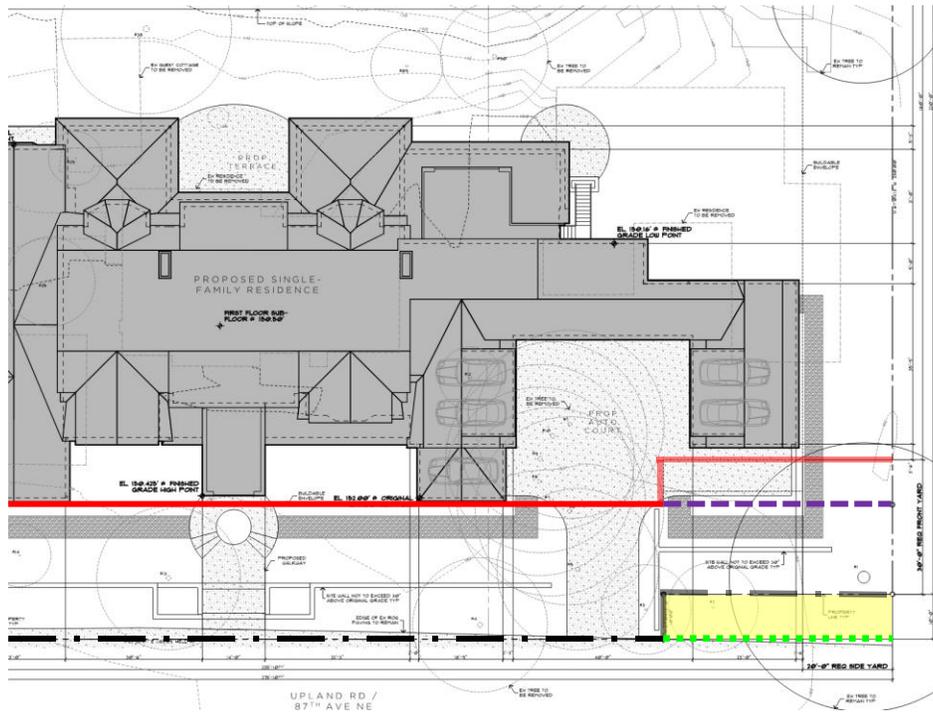


Figure 2. Request. The petition request is highlighted in yellow with the new property line in green and the new location of the front yard setback is shown in purple.

11. Table 16.23.020(A) sets forth structural coverage standards for lots zoned R-16. Under the current code, this parcel would have a maximum structural coverage of 21% of the lot. However, this project was vested prior to the most recent amendment to the bulk regulations on June 14, 2021. Thus, the maximum structural coverage for this lot is 25% or 14,870 square feet. The approved building plans have the structural coverage at 20.2% of the lot, or 12,040 square feet.
- a. If the petition to vacate the 510 square feet is approved, the new maximum structural coverage for this lot would be 14,997.5 square feet. What is currently being built is under the maximum for this parcel and the new maximum structural allowance would have little to no impact on the project. Once this project is completed, any future construction projects would be subject to the current zoning code of 21% structural coverage. If the vacation petition is approved, that would be 12,598 square feet ($59,990 \times .21 = 12,597.9$).
12. Table 16.23.020(A) sets forth impervious surface coverage standards for lots zoned R-16. The maximum impervious surface for this lot is 55% or 32,713 square feet. The current project is utilizing 26.49% or 15,760 square feet of impervious surface.
- a. If the petition to vacate the 510 square feet is approved, the new maximum impervious surface would be 32,995 square feet. Again, this increase would have little to no impact on the current project as what has been permitted is well under the maximum threshold.

APPRAISAL

13. MMC 12.44.070 requires the City to obtain an appraisal on the right-of-way which is the subject property of a vacation petition. Jeffrey A. Sherwood of Sherwood Appraisals performed the appraisal at the city's request (Exhibit 6) and determined the fair market value of the 510 square feet to be \$127,500 as of September 23, 2021.
14. Staff forwarded the appraisal to the applicant for review. On October 25, 2021, the City received an objection to the appraisal from the applicant (Exhibit 10).

PUBLIC AND AGENCY COMMENTS

15. Staff sent the vacation petition to the Police and Public Works Department and neither had comments or concerns on the proposal.
16. As of the date of this staff report, there have been no public comments.

STATE ENVIRONMENTAL POLICY ACT:

17. A street vacation petition is exempt from environmental (SEPA) review and threshold determination pursuant to WAC 197-11-800(2)(i).

TREES

18. There are no trees on the 510 square feet of right-of-way that is part of the vacation petition. A tree is located on the southwest corner of 442 Upland Road and that tree has been identified as being retained on the tree activity permit (TREE-19-081). Figure 3 uses the Simple Street

Vacation Map (Exhibit 9) to identify the requested area for vacation and the location of the tree.



Figure 3. Simple Street Vacation Map (Exhibit 9) on top a parcel image from King County Assessor's iMap (accessed November 3, 2021) showing the location of the tree and the 510 square feet of the vacation request.

UTILITIES

19. There are no utility easements in the 510 square feet of right-of-way that is the subject property.

STREET VACATION PETITION

20. Pursuant to MMC 12.44 and RCW Chapter 35.79, a street vacation petition may be brought by the owners of more than two-thirds of the property abutting the subject property and the City Council may initiate the vacation procedure by adopting a resolution setting the public hearing on the vacation no more than 60 days and no less than 20 days after the passage of the resolution.

21. Ken and Laura Liang are the owners of more than two-thirds of the 510 square feet of right-of-way that is the subject property for their street vacation request.

22. On September 13, 2021, Medina City Council adopted Resolution 419 (Exhibit 8) setting the date of the public hearing on the Liang vacation petition for November 8, 2021.

23. MMC 12.44.140 sets forth six criteria that the City Council shall consider, but not be limited to, when determining whether to grant the vacation request. Each criteria is state below follow by comment of the applicant and Staff.

- a. *Whether a change of use or vacation of the subject property will provide a benefit to the city as determined by the council, including but not limited to any of the following examples: reduction of unnecessary ROW; preservation of streetscape character; expanding the city's property tax roll; addressing neighborhood requests related to traffic impacts; better accommodation of pedestrians, bicyclists, motorists and/or emergency responders; reservation of an easement will accommodate the city's current or projected needs.*

APPLICANT RESPONSE: The benefit provided will be multi-fold. A reduction of unnecessary ROW (both adjacent lots have smaller ROW), the entirety of the 442 property will have a consistent ROW as does each lot on this street, and this will expand the city's property tax roll.

STAFF ANALYSIS: If granted, the benefit to the City would be the added tax roll value.

- b. *Whether the subject property is no longer required for public use or public access.*

APPLICANT RESPONSE: With the recent vacation of the adjacent property to the south (426 87th/Upland) the requested portion of the 438 property became less accessible and useful as public property, and does not currently provide public access.

STAFF ANALYSIS: The location of the subject property is such that the public access it provides is solely for the abutting parcel.

- c. *Whether the substitution of a new and different public way would be more or less useful to the city and/or the public.*

APPLICANT RESPONSE: The vacated portion of Upland Drive will be more useful due to the consistency of the right of way.

STAFF ANALYSIS: The public way would be narrowed but would mirror prior street vacations.

- d. *Whether conditions may or could change in the future, creating or providing a greater or different public use or need than presently exists.*

APPLICANT RESPONSE: This requested vacation will align with other properties along this road so any future changes to the ROW will likely affect all properties with no additional detriment due to this vacation.

STAFF ANALYSIS: It is unlikely that conditions will change in the future to create a greater or different public use than the present use as an access to a single-family property.

- e. *Whether existing property access will be restricted or denied as a result of the vacation.*

APPLICANT RESPONSE: The vacated portion of Upland Drive will not restrict or deny access to any properties.

STAFF ANALYSIS: The subject property will not restrict or deny property access if the petition is granted.

- f. *Whether objections to the petition or proposed vacation are made by (i) owners of private property (exclusive of petitioners) abutting or in proximity to the subject property, (ii) governmental agencies, (iii) private users of the subject property, and/or (iv) members of the general public.*

APPLICANT RESPONSE: No objections have been made to our knowledge. Recent street vacation(s) in the immediate vicinity suggest that there is general support by neighboring properties.

STAFF ANALYSIS: The City has received no written objection to this vacation as of the date of this staff report.

COMPENSATION FOR VACATION

24. MMC 12.44.180(B) and RCW 35.79 require monetary compensation to be paid to the City in an amount of up to one-half of the appraised value for the subject property, with compensation required in an amount up to the full appraised value of the subject property if any of the following applies to the right-of-way:

1. The subject property has been part of a dedicated public right-of-way for 25 years or more; or
2. The subject property or portions thereof were acquired at public expense; or
3. The subject property abuts a body of water as outlined in MMC 12.44.160.

25. The subject property meets the first criterion as it has been part of the City's public right-of-way for 25 years or more. Thus, compensation may be required up to the full appraised value of the subject property.

PART 4 – CONCLUSION

A. Pursuant to MMC 12.44.170 and RCW Chapter 35.79, the City Council has the authority to grant or deny the petition in whole or in part and with or without conditions, reservations or requirements as the Council deems appropriate.

B. Notices for this requested vacation and public hearing has been provided as required. On September 16, 2021, notice was posted on the subject property, mailed to surrounding property owners within 300 feet, posted on the three public notice boards, posted on the City's website, and published in the Seattle Times newspaper, more than 15 days prior to the date of the hearing (Exhibit 7a).

C. Pursuant to MMC 12.44.140, the City Council shall consider, but not be limited to the following criteria. The staff conclusions as to the applicability of those criteria follow.

1. *Whether a change of use or vacation of the subject property will provide a benefit to the city as determined by the council, including but not limited to any of the following examples: reduction of unnecessary ROW; preservation of streetscape character; expanding the city's property tax roll; addressing neighborhood requests related to traffic impacts; better accommodation of pedestrians, bicyclists, motorists and/or emergency responders; reservation of an easement will accommodate the city's current or projected needs.*

CONCLUSION: The subject property would add to the City's property tax roll, would make the right-of-way a uniform width along Upland Road, and would result in compensation to the City for the right-of-way.

2. *Whether the subject property is no longer required for public use or public access*

CONCLUSION: The subject property currently provides single-family residential ingress and egress to the properties along Upland Road and would serve the same function in the future.

3. *Whether the substitution of a new and different public way would be more or less useful to the city and/or the public*

CONCLUSION: The vacation would likely not cause the need for or result in a new or different public way.

4. *Whether conditions may or could change in the future, creating or providing a greater or different public use or need than presently exists*

CONCLUSION: It is unlikely that the single-family residential use along Upland Road will foreseeably change in the future. Thus, it is unlikely that conditions will change in a manner that will create a greater or different use or need than presently exists.

5. *Whether existing property access will be restricted or denied as a result of the vacation.*

CONCLUSION: Property access would not be restricted or denied as a result of the vacation.

6. *Whether objections to the petition or proposed vacation are made by (i) owners of private property (exclusive of petitioners) abutting or in proximity to the subject property, (ii) governmental agencies, (iii) private users of the subject property, and/or (iv) members of the general public.*

CONCLUSION: As of the date of this staff report, no objections have been filed.

PART 5 – STAFF RECOMMENDATION

Staff recommends **approval** of the petition to vacate 510 square feet of right-of-way adjacent to 442 Upland Road, Medina, Washington as described in the vacation petition, subject to the following conditions:

1. In the event the vacation is granted by the City Council, the petitioner shall immediately pay to the City upon receipt of an invoice the amount required by the Council as compensation for the vacated consistent with the appraisal thereof.
2. A vacation ordinance shall not be effective until such time as the petitioner pays all sums due to the City, including all compensation due to the City for the vacation and all costs and expenses of the City in processing the petition. The City shall not authorize recording an approved vacation ordinance until such time as all such compensation, fees, costs and reimbursements are paid in full.
3. If any portion of such amount remains unpaid for 30 days after submittal of a final invoice to the petitioner, the City Council shall rescind and vacate the approved vacation ordinance.



Stephanie Keyser, AICP
Planning Manager

Date: 11/03/2021



DEVELOPMENT
SERVICES

STREET VACATION PETITION CHECKLIST

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

This checklist contains the minimum submission requirements for a street vacation petition that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

STREET VACATION PETITION REQUIREMENTS

<input checked="" type="checkbox"/>	Street Vacation Petition
<input checked="" type="checkbox"/>	A diagram of the location and a survey of the subject property and immediate area of the proposed vacation including the abutting and/or underlying properties, all prepared by a licensed surveyor registered in the state of Washington.
<input checked="" type="checkbox"/>	A legal description of the subject property prepared by a licensed surveyor registered in the state of Washington.
<input checked="" type="checkbox"/>	For each abutting and underlying property and petitioner, a title report indicating the extent and type of ownership and providing a legal description of the petitioner's property.
<input checked="" type="checkbox"/>	Payment for appraisal form signed
	<p>Mailing labels – Word doc formatted to Avery address labels</p> <p><input checked="" type="checkbox"/> Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet.</p> <p><input checked="" type="checkbox"/> Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the petition.</p>



DEVELOPMENT
SERVICES

STREET VACATION PETITION

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

Complete this form for the following:

- When applying for a street vacation pursuant to RCW Chapter 35.79 and MMC 12.44

General Information

Applicant Name: JIM DEARTH	Email: PROJECTS@RIPPLEDESIGNSTUDIO.COM
Contact Phone: 206.913.2333	Alternative Phone:
Mailing Address: 4303 STONE WAY N	City: SEATTLE State: WA Zip: 98103
Applicant's Interest in Property: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Purchaser <input type="checkbox"/> Other:	
Property Owner's Name (If other than Applicant): KEN LIANG	Email: kenliangman@gmail.com
Contact Phone: 818.817.1922	Alternative Phone:
Mailing Address: 442 UPLAND DR	City: MEDINA State: WA Zip: 98039
Subject Property Address: 442 UPLAND DR	
Legal Description: SEE ATTACHED	
Tax Parcel Number: 383550-2385	Size of subject property to be vacated (in square feet): 510 SF
Zoning District: <input checked="" type="checkbox"/> R-16 <input type="checkbox"/> R-20 <input type="checkbox"/> R-30 <input type="checkbox"/> SR-30 <input type="checkbox"/> Public <input type="checkbox"/> NA (Neighborhood Auto)	
Does the subject property abut any body of water? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, please describe:	

Certification

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Property Owner's Signature 

Date 8/17/2021

Applicant's Signature 

Date 6 AUGUST 2021

COMPLETE LEGAL DESCRIPTION

ADJUSTED PARCEL M

LOTS 1, 2, 36 AND 37, BLOCK 15, KENWOOD PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 26, IN KING COUNTY, WASHINGTON.

TOGETHER WITH PARCEL A, CITY OF MEDINA, BOUNDARY LINE ADJUSTMENT NUMBER 2006-01, RECORDED UNDER RECORDING NUMBER 20070201900008, IN KING COUNTY, WASHINGTON, BEING A PORTION OF LOTS 19, 20 AND 21, BLOCK 12, OF SAID PLAT OF KENWOOD PARK;

TOGETHER WITH VACATED "E" STREET AND PORTION OF VACATED UPLAND ROAD AS WOULD ATTACH BY OPERATION OF LAW;

TOGETHER WITH LOTS 3, 4, 5, 33, 34 AND 35, BLOCK 15, OF SAID PLAT OF KENWOOD PARK;

EXCEPT THE SOUTHWESTERLY 15 FEET OF LOTS 5 AND 33;

TOGETHER WITH ALL OF VACATED HARMON AVENUE (87TH AVENUE NORTHWEST) AS SHOWN ON SAID PLAT LYING IN FRONT OF SAID LOT 3;

TOGETHER WITH ADJOINING PROPERTY VACATED UNDER THE CITY OF MEDINA ORDINANCE 804 RECORDED NOVEMBER 2, 2007 UNDER RECORDING NO. 20071102000047.

Vacation Criteria

The following is a list of criteria that council shall consider when determining whether to vacate the subject property. Please respond to each item by providing as much detailed information as possible to support your request. Attach more pages if necessary.

1. **Whether a change in use or vacation of the subject property will provide a benefit to the city as determined by the council, including but not limited to any of the following examples: reduction of unnecessary ROW; preservation of streetscape character; expanding the city's property tax roll; addressing neighborhood requests related to traffic impacts; better accommodation of pedestrians, bicyclists, motorists and/or emergency responders; reservation of an easement will accommodate the city's current or projected need.**

THE BENEFIT PROVIDED WILL BE MULTI-FOLD; A REDUCTION IN UNNECESSARY R.O.W. (BOTH ADJACENT LOTS HAVE SMALLER ROW), THE ENTIRETY OF THE 442 PROPERTY WILL HAVE A CONSISTENT R.O.W. AS DOES EACH LOT ON THIS STREET, AND THIS WILL EXPAND THE CITY'S PROPERTY TAX ROLL.

2. **Whether the subject property is no longer required for public use or public access.**

WITH THE RECENT VACATION OF THE ADJACENT PROPERTY TO THE SOUTH (426 87TH/UPLAND), THE REQUESTED PORTION OF THE 438 PROPERTY BECAME LESS ACCESSIBLE AND USEFUL AS PUBLIC PROPERTY, AND DOES NOT CURRENTLY PROVIDE PUBLIC ACCESS.

3. **Whether the substitution of a new and different public way would be more or less useful to the city and/or the public.**

THE VACATED PORTION OF UPLAND DRIVE WILL BE MORE USEFUL DUE TO THE CONSISTENCY OF THE RIGHT OF WAY.

4. **Whether conditions may or could change in the future, creating or providing a greater or different public use or need than presently exists.**

THIS REQUESTED VACATION WILL ALIGN WITH OTHER PROPERTIES ALONG THIS ROAD SO ANY FUTURE CHANGES TO THE R.O.W. WILL LIKELY AFFECT ALL PROPERTIES WITH NO ADDITIONAL DETRIMENT DUE TO THIS VACATION.

5. **Whether existing property access will be restricted or denied as a result of the vacation.**

THE VACATED PORTION OF UPLAND DRIVE WILL NOT RESTRICT OR DENY ACCESS TO ANY PROPERTIES.

6. **Whether objections to the petition or proposed vacation are made by (i) owners of private property (exclusive of petitioners) abutting or in proximity to the subject property, (ii) governmental agencies, (iii) private users of the subject property, and/or (iv) members of the general public.**

NO OBJECTIONS HAVE BEEN MADE TO OUR KNOWLEDGE. RECENT STREET VACATION(S) IN THE IMMEDIATELY VICINITY SUGGEST THAT THERE IS GENERAL SUPPORT BY NEIGHBORING PROPERTIES.

PETITION NO. _____
CITY OF MEDINA, WASHINGTON
PETITION TO VACATE STREET OR ALLEY

To the City Council of the City of Medina, Washington.

We, the owners of two-thirds of the real property abutting the public street, alley, sidewalk, trail and any other public grant, dedication and easement related to street, pedestrian, or travel purposes within the city, legally described on Page 1 of this Street Vacation Petition, petition the City Council of the City of Media to vacate this public street, alley, sidewalk, trail and any other public grant, dedication and easement related to street, pedestrian, or travel purposes within the city, pursuant to RCW Chapter 35.79 and MMC 12.44.

Property
Owner #1

Name KEN LIANG - LIANG LIVING TRUST

Address 442 UPLAND DR, MEDINA, WA 98039

Legal Description SEE ATTACHED

Signature  Date 8/17/2021

Property
Owner #2

Name _____

Address _____

Legal Description _____

Signature _____ Date _____

Property
Owner #3

Name _____

Address _____

Legal Description _____

Signature _____ Date _____

Property
Owner #4

Name _____

Address _____

Legal Description _____

Signature _____ Date _____

Exhibit 2

ALEXANDRA L + JEFFREY A TEPER

432 OVERLAKE DRIVE E

MEDINA, WA 98039

JERRY + MAUREEN HUNTER

508 UPLAND RD

MEDINA, WA 98039

ALEXANDER + JOY STEWART

PO BOX 63

MEDINA, WA 98039

POLLY + WHERRY LAU

1661 HARBOR AVE SW #600

SEATTLE, WA 98126

TRENTON DYKES

426 UPLAND RD

MEDINA, WA 98039

ROBERT RICHMOND

500 86TH AVE NE

MEDINA, WA 98039

STUART + CLAUDIA LERWICK

518 UPLAND ROAD

MEDINA, WA 98039

PETER + TREMPER VAN SANT

8637 NE 6TH ST

MEDINA, WA 98039

STEVEN CHESTNUT

8612 NE 5TH ST

MEDINA, WA 98039

RICHARD + KATHRYN DALZELL

PO BOX 269

MEDINA, WA 98039

JIANG CHANGHUA + YAN YULAN

8629 NE 6TH ST

MEDINA, WA 98039

JEFF + CATHERINE JOHNSON

8622 NE 5TH ST

MEDINA, WA 98039

ANTHONY FUTRELL

NE 4TH ST

MEDINA, WA 98039

LOUIS LUNDQUIST

8621 NE 6TH ST

MEDINA, WA 98039

KIRK ALAN JOHNSON

4301 FOREST AVE SE

MERCER ISLAND, WA 98040

LHAM + FOROUTA MORSHEDZADEH

515 OVERLAKE DRIVE E

MEDINA, WA 98039

SAMEDY OUK

8447 RIDGE ROAD

MEDINA, WA 98039

MEDINA OVERLAKE 1 LLC

PO BOX 4206

BELLEVUE, WA 98009

CYNTHIA GILLISON + ERIC GOLDSBOROUGH

525 OVERLAKE DRIVE E

MEDINA, WA 98039

BRUCE RANSOM

435 UPLAND RD

MEDINA, WA 98039

BRUCE + DENISE NEU

484 OVERLAKE DRIVE E

MEDINA, WA 98039

MING SONG

531 OVERLAKE DRIVE E

MEDINA, WA 98039

NASER ATAEE

439 UPLAND ROAD

MEDINA, WA 98039

JKH FAMILY TRUST

494 OVERLAKE DRIVE E

MEDINA, WA 98039

SUSAN SULLIVAN

1645 RAMBLING LANE

MEDINA, WA 98039

JAY + SUMATHY PATHY

8457 NE 5TH ST

MEDINA, WA 98039

PEACE LAND LLC

520 OVERLAKE DRIVE E

MEDINA, WA 98039

JASON JOSEPH WEBER

446 OVERLAKE DR E

MEDINA, WA 98039

JAMES + KAREN HAAK

8605 NE 5TH ST

MEDINA, WA 98039

PEYMAN KHODABAKHSH

PO BOX 833

BELLEVUE, WA 98009

Exhibit 2

ARNE M JOSEFSBERG

402 UPLAND RD

MEDINA, WA 98039

JAMES P + CARMEN R NOBLITT

8461 RIDGE ROAD

MEDINA, WA 98039

PETER J + MARTHA C WOODMAN

401 UPLAND RD

MEDINA, WA 98039

KIRK JOHNSON

515 UPLAND RD

MEDINA, WA 98039

MICHAEL JOHNSON

414 UPLAND RD

MEDINA, WA 98039

Empty rounded rectangular box

VICINITY MAP (PROPERTIES WITHIN 300')

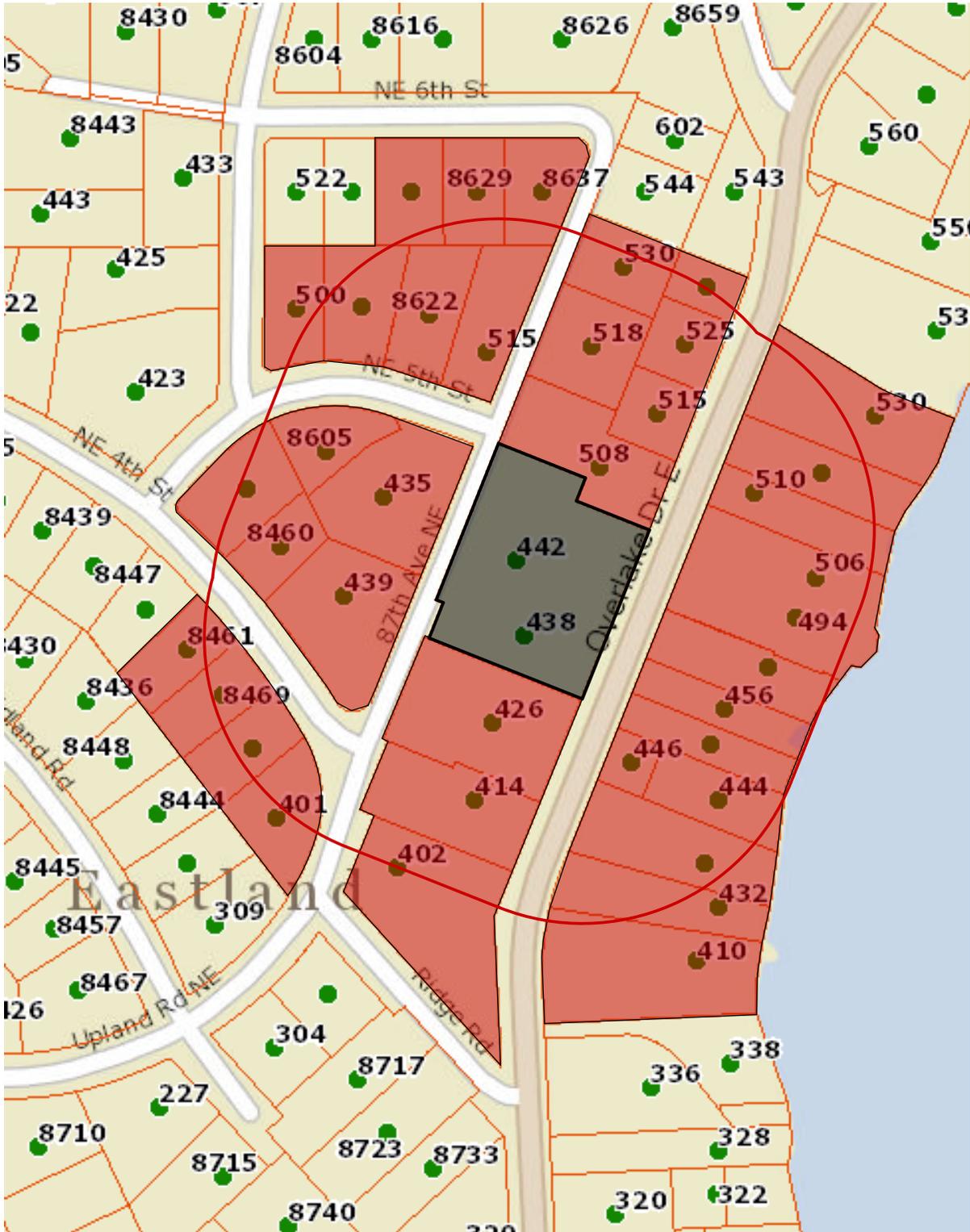


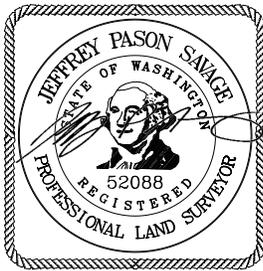
EXHIBIT A

A PORTION OF HARMON AVE PER PLAT OF KENWOOD PARK AS RECORDED IN BOOK 8 OF PLATS ON PAGE 26, IN KING COUNTY WASHINGTON, DESCRIBED AS FOLLOWS;

ALL THAT PORTION OF SAID HARMON AVE LYING IN FRONT OF LOTS 4 AND 5, BLOCK 15 OF SAID KENWOOD PARK;

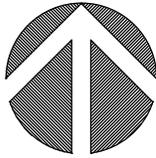
EXCEPT THE SOUTHWESTERLY 15 FEET ADJOINING LOT 5;

EXCEPT THAT PORTION OF HARMON AVE VACATED UNDER THE CITY OF MEDINA ORDINANCE NO. 804, RECORDED NOVEMBER 2, 2007 UNDER RECORDING NO. 20071102000049.

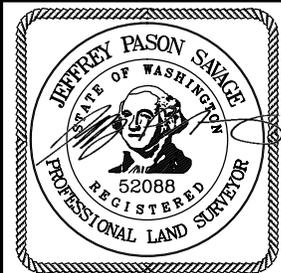
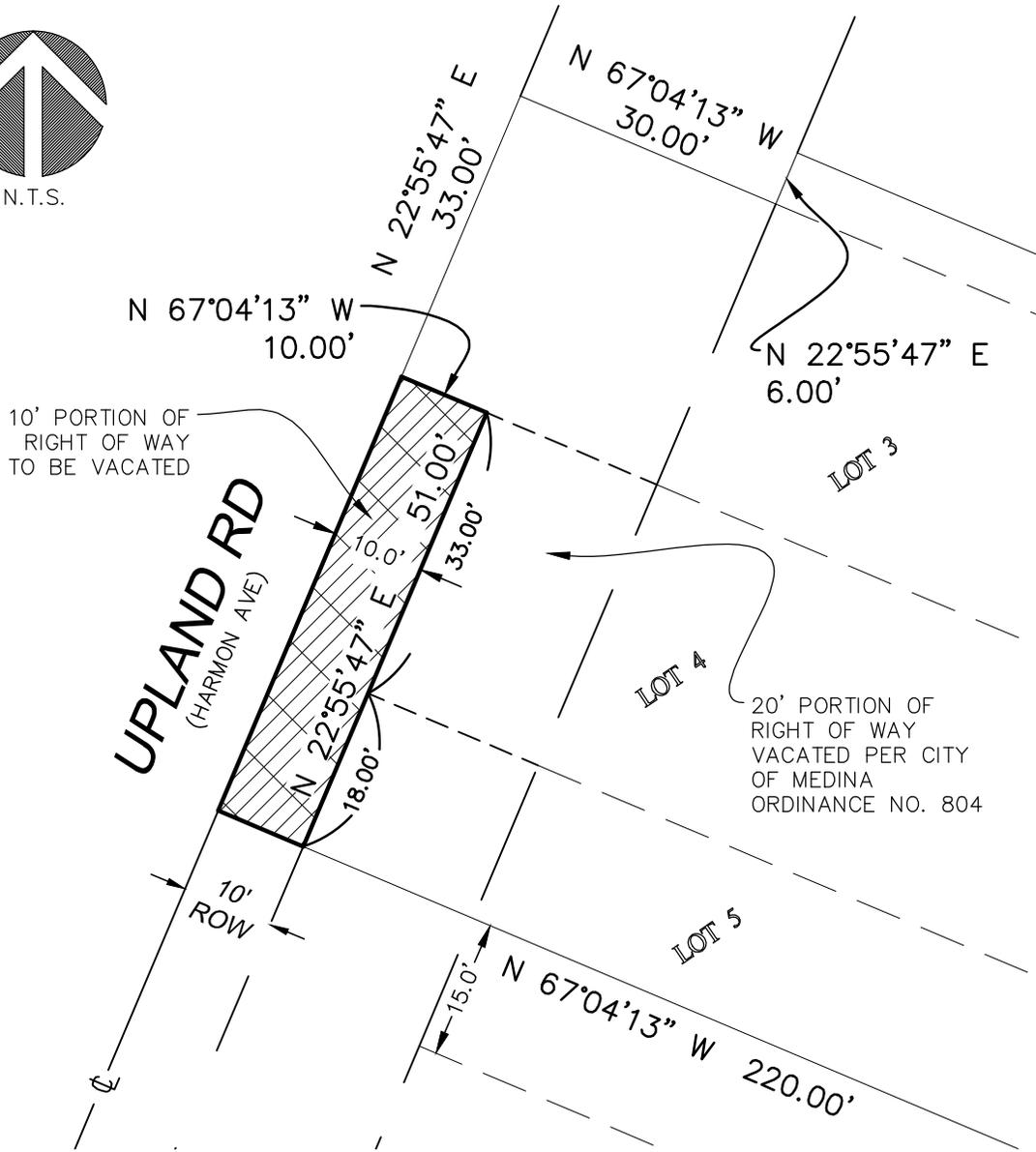


08/20/2021

EXHIBIT B



N.T.S.



VACATION EXHIBIT

438 UPLAND RD
MEDINA, WA 98039

JOB NO. 191875
DATE: 08/20/2021



Terrane

10801 Main Street, Suite 102, Bellevue, WA 98004
phone 425.458.4488 support@terrane.net

www.terrane.net

Commitment for Title Insurance

Title Officer: Eastside Title Unit
Email: CTIBellevueETU@ctt.com
Title No.: 0219164-ETU

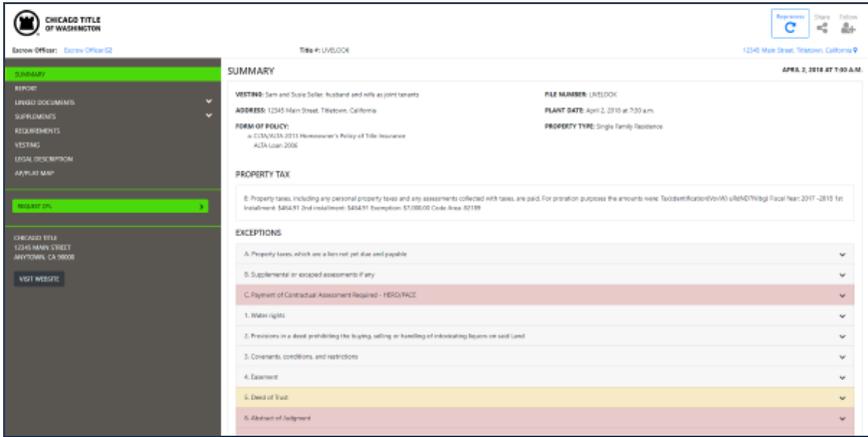
Property Address: 442 87th Avenue NE Medina, WA 98039

Introducing LiveLOOK

LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

Access title reports, exception documents, an easy-to-use summary page, and more, at your fingertips and your convenience.

[To view your new Chicago Title LiveLOOK report, Click Here](#)



The screenshot displays the Chicago Title LiveLOOK web interface. The header includes the Chicago Title of Washington logo, the title number "Title #: LIVELOOK", and the address "1246 Main Street, Trabicon, California". The date and time are "APR 2, 2019 AT 1:00 A.M.". The interface is divided into a left sidebar with navigation options like "SUMMARY", "REPORTS", "LINKED DOCUMENTS", "SUPPLEMENTS", "REQUIREMENTS", "VERIFYING", "LEGAL DESCRIPTION", and "APPLY FOR MAP". The main content area shows a "SUMMARY" section with details on the "VESTING" (Sole and Survive Seller, Husband and wife as joint tenants), "ADDRESS" (1246 Main Street, Trabicon, California), "FORM OF POLICY" (A-CITL/SL/SJ-2013 Homeowner's Policy of Title Insurance ALTA Loan 2006), "FILE NUMBER" (LIVELOOK), "PLANT DATE" (April 2, 2019 at 7:59 a.m.), and "PROPERTY TYPE" (Single Family Residence). Below the summary is a "PROPERTY TAX" section and an "EXCEPTIONS" section with a list of items: A. Property taxes which are a lien not yet due and payable; B. Supplemental or escaped assessments if any; C. Payment of Contractual Assessment Required - HES/INCE; 1. Water rights; 2. Provisions in a deed authorizing the buying, selling or handling of mineral rights on said land; 3. Covenants, conditions and restrictions; 4. Easement; 5. Deed of Trust; 6. Abstract of Judgment.

Effortless, Efficient, Compliant, and Accessible

SUBDIVISION

Issued By:



CHICAGO TITLE INSURANCE COMPANY

Guarantee/Certificate Number:

0219164-ETU

CHICAGO TITLE INSURANCE COMPANY
a corporation, herein called the Company

GUARANTEES

Ripple Design Studio

herein called the Assured, against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

Chicago Title Company of Washington
11900 NE 1st St., Suite 110
Bellevue, WA 98005

Countersigned By:

Nathan Warwick
Authorized Officer or Agent



Chicago Title Insurance Company

By:

Randy Quirk, President

Attest:

Marjorie Nemzura, Secretary

ISSUING OFFICE:

Title Officer: Eastside Title Unit
 Chicago Title Company of Washington
 11900 NE 1st St., Suite 110
 Bellevue, WA 98005
 Main Phone: (425)646-9883
 Email: CTIBellevueETU@ctt.com

SCHEDULE A

Liability	Premium	Tax
\$1,000.00	\$350.00	\$35.35

Effective Date: August 12, 2021 at 08:00 AM

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matter relative to the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Title to said real property is [vested in:](#)

Kenneth Liang and Laura Liang, Trustees of the Liang Family Trust, dated January 22, 2018

subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

END OF SCHEDULE A

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 383550-2385-05

ADJUSTED PARCEL M, CITY OF MEDINA LOT LINE ADJUSTMENT NO. P-LLA-20-003, RECORDED UNDER RECORDING NO. 20210610900049, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

LOTS 1, 2, 36 AND 37, BLOCK 15, KENWOOD PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 26, IN KING COUNTY, WASHINGTON.

TOGETHER WITH PARCEL A, CITY OF MEDINA, BOUNDARY LINE ADJUSTMENT NUMBER 2006-01, RECORDED UNDER RECORDING NUMBER 20070201900008, IN KING COUNTY, WASHINGTON, BEING A PORTION OF LOTS 19, 20 AND 21, BLOCK 12, OF SAID PLAT OF KENWOOD PARK;

TOGETHER WITH VACATED "E" STREET AND PORTION OF VACATED UPLAND ROAD AS WOULD ATTACH BY OPERATION OF LAW;

TOGETHER WITH LOTS 3, 4, 5, 33, 34 AND 35, BLOCK 15, OF SAID PLAT OF KENWOOD PARK;

EXCEPT THE SOUTHWESTERLY 15 FEET OF LOTS 5 AND 33;

TOGETHER WITH ALL OF VACATED HARMON AVENUE (87TH AVENUE NORTHWEST) AS SHOWN ON SAID PLAT LYING IN FRONT OF SAID LOT 3; TOGETHER WITH ADJOINING PROPERTY VACATED UNDER THE CITY OF MEDINA ORDINANCE 804 RECORDED NOVEMBER 2, 2007 UNDER RECORDING NO. 20071102000047.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

SCHEDULE B**GENERAL EXCEPTIONS:**

H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.

SPECIAL EXCEPTIONS:

1. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on the Plat of Kenwood Park, recorded in [Volume 8 of Plats, Page 26](#):

[Recording No: 89002](#)

2. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey:

[Recording No: 9602219001](#)

3. Notice of Charges by water, sewer and storm and surface water utilities and the terms and conditions thereof:

Recording Date: December 20, 1996

[Recording No.: 9612200938](#)

4. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on City of Medina Lot Line Adjustment No. 2006-01:

[Recording No: 20070201900008](#)

5. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey:

[Recording No: 20200214900022](#)

SCHEDULE B

(continued)

6. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Lot Line Adjustment No. PL-LLA-20-001:

[Recording No: 20200521900001](#)

7. The Terms, Conditions and Reservations as disclosed in "Ordinance No. 993":

Recording Date: January 22, 2021

[Recording No.: 20210122000722](#)

8. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on City of Medina Lot Line Adjustment No. P-LLA-20-003:

[Recording No: 20210610900049](#)

9. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2021
Tax Account No.:	383550-2385-05
Levy Code:	1836
Assessed Value-Land:	\$7,670,000.00
Assessed Value-Improvements:	\$1,653,000.00

General and Special Taxes:

Billed:	\$82,263.12
Paid:	\$41,131.56
Unpaid:	\$41,131.56

10. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.
11. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

NOTES:

SCHEDULE B

(continued)

Note: FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:

ADJUSTED PARCEL M, CITY OF MEDINA LLA NO. P-LLA-20-003, REC NO. 20210610900049

[Tax Account No.: 383550-2385-05](#)

Note: The Public Records indicate that the address of the improvement located on said Land is as follows:

442 87th Avenue NE
Medina, WA 98039

END OF SCHEDULE B

PAYMENT FOR APPRAISAL AGREEMENT

City of Medina
City Clerk
501 Evergreen Point Road
Medina, WA 98039

To Whom It May Concern:

I/we, the undersigned applicant(s), hereby agree to pay the full cost of an appraisal as provided for in MMC 12.44.080. MMC 12.44.070 provides that the city manager or designee is authorized to obtain an appraisal from a qualified, independent appraiser as part of preparing the staff report of the vacation.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

DATED at Medina, Washington, this 23 day of AUGUST, 2021.

APPLICANT

JIM DEARTH



**APPRAISAL REPORT ON
THE 510 SQUARE FOOT PORTION
LOCATED AT UPLAND ROAD
MEDINA, WASHINGTON**

FILE 21-MSV

PREPARED FOR

**STEPHANIE KEYSER, AICP
PLANNING MANAGER
CITY OF MEDINA
501 EVERGREEN POINT ROAD
MEDINA, WA 98039**

AS OF

SEPTEMBER 23, 2021

PREPARED BY

**JEFFREY A. SHERWOOD
PRINCIPAL**

**SHERWOOD APPRAISALS
1429 AVENUE D - PMB 401 ·
SNOHOMISH, WA 98290**

PHONE (425) 503-8526

Sherwood Appraisals
Real Estate Valuation & Consultation
1429 Avenue D - PMB 401 · Snohomish, WA 98290
Phone (425) 503-8526

September 27, 2021

File 21-MSV

Stephanie Keyser, AICP
Planning Manager
City of Medina
501 Evergreen Point Road
Medina, WA 98039

Re: Appraisal of the 510 square foot portion of the Upland Road right of way proposed for vacation abutting the southwesterly side of King County Tax Parcel 3835502385 also known as 442 Upland Drive within the City Limits of Medina, Washington.

Dear Ms. Keyser:

As authorized by you, I have now completed an appraisal report on the above property. Based on my research and analysis, I have concluded the following Market Value estimate of the Fee Simple Estate of this property as of September 23, 2021, the date of inspection.

“As Is” Market Value of the Fee Simple Estate of the Proposed 510 Square Foot Street Vacation as of September 23, 2021\$127,500

The above value conclusion is subject to the attached Certification and Assumptions and Limiting Conditions.

This value conclusion does not include the value, if any, of personal property. The Fee Simple Estate is appraised because there exists no arm's length leases encumbering the property.

I appreciate the opportunity to complete this assignment. If you should require any further assistance or information, please feel free to call.

Respectfully submitted,

SHERWOOD APPRAISALS



Jeffrey A. Sherwood, Principal

CONTENTS

Title Page
 Letter of Transmittal
 Summary of Salient Facts and Conclusions
 Subject Property Photographs
 Certification
 Assumptions and Limiting Conditions
 Qualifications of Appraiser

GENERAL DATA

Appraisal Authorization1
 Legal Description1
 Ostensible Owners.....1
 Property Location/Address1
 Purpose and Function of Appraisal.....1
 Description of Appraisal Problem/Scope2
 Appraisers Experience.....2
 Property Rights Appraised2
 Assumptions and Limiting Conditions 3
 Date of Inspection 3
 Effective Date of Valuation.....3
 Sale History3
 Neighborhood & Market Analysis4
 Site Description5
 Assessed Value and Real Estate Taxes6
 Zoning6
 Highest and Best Use7

PROPERTY VALUATION

Sales Comparison Approach8

FINAL CONCLUSION.....13

ADDENDA

Exhibit 1 Street Vacation Petition
 Exhibit 2 Soils Map
 Exhibit 3 Ordinance 804
 Exhibit 4 King County Assessor Property Information

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

PROPERTY APPRAISED	A 51 foot (northerly-southerly) by 10 foot (easterly-westerly) section of Upland Drive (87th Avenue NE) abutting the southwesterly side of King County Tax Parcel 3835502385 within the City Limits of Medina.
OSTENSIBLE OWNERS	Presumably the City of Medina.
PROPERTY RIGHTS APPRAISED	Fee Simple Estate subject to the four powers of government-police power, taxation, escheat and eminent domain.
LEGAL DESCRIPTION	See Exhibit 1 , the subject Street Vacation Petition.
LAND AREA	510 Square Feet.
BUILDINGS	None.
ZONING	R-16 (Single Family Residence) City of Medina.
HIGHEST AND BEST USE <i>As Vacant</i>	Contribution to development of one single family residence.
“AS IS” MARKET VALUE OF THE FEE SIMPLE ESTATE OF THE PROPOSED 510 SQUARE FOOT STREET VACATION AS OF SEPTEMBER 23, 2021	\$127,500

SUBJECT PHOTOS



LOOKING EASTERLY FROM UPLAND DRIVE AT LIANG FRONTAGE – SUBJECT STRIP OF RIGHT OF WAY LIES JUST TO THE RIGHT OF THE OPENING IN THE FENCE.

SUBJECT PHOTOS

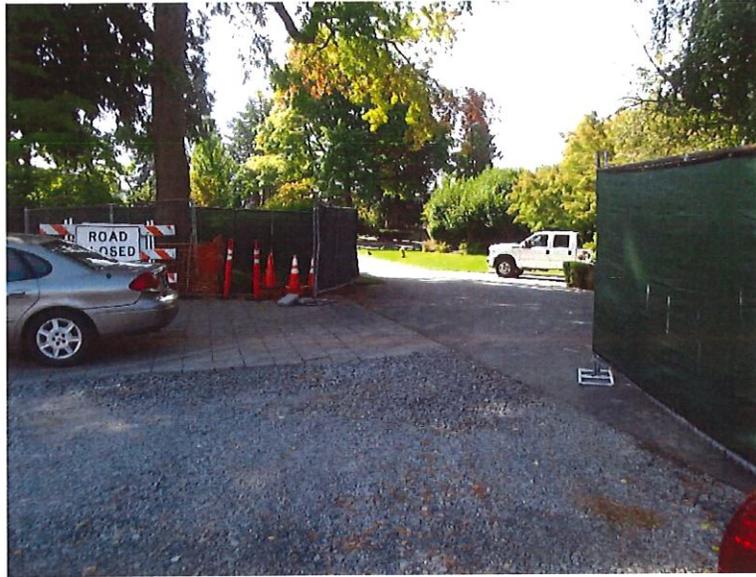


LOOKING NORTHERLY ON UPLAND DRIVE FROM NEIGHBORING PROPERTY – SUBJECT STRIP IS JUST BEYOND THE HEDGE AT THE RIGHT



LOOKING NORTHEASTERLY WITH SUBJECT STRIP AT RIGHT BEHIND FENCE

SUBJECT PHOTOS

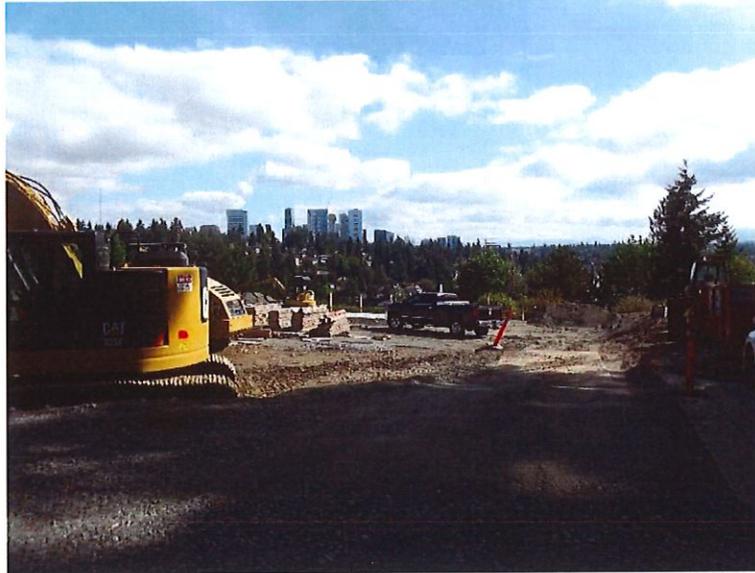


LOOKING SOUTHERLY WITH SUBJECT STRIP AT LEFT



LOOKING NORTHERLY FROM NEAR SOUTH END OF STRIP

SUBJECT PHOTOS



TYPICAL VIEW FROM STRIP AREA

CERTIFICATION

I certify that, to the best of my knowledge and belief except as otherwise noted in this appraisal report and/or letter of transmittal,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved. I previously appraised the subject property in 200 with an effective date of appraisal of July 12, 2020 with a report date of July 14, 2020.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the **Uniform Standards of Professional Appraisal Practice**.
8. I have made a personal inspection of the property that is the subject of this report.
9. No one provided significant real property appraisal assistance to the person signing this certification.



Jeffrey A. Sherwood, Principal
State of Washington Certified
Real Estate Appraiser-General-1100895

ASSUMPTIONS AND LIMITING CONDITIONS

Except where expressly stated to the contrary in the appraisal report, the following Assumptions and Limiting Conditions are governing upon this appraisal.

1. All dimensions and areas and legal descriptions are assumed to be correct as found through available records or on-the-ground inspection. If a survey is provided, it is assumed to be correct unless otherwise stated in the appraisal.
2. No responsibility is assumed in matters of legal character affecting the appraised property such as title defects, overlapping property lines, liens, encroachments, etc.
3. For purposes of this valuation, the valuation is assumed to be free of any encumbrances and has been appraised as though free and clear except as affected by the definition of Market Value under Item 9 below and otherwise stated in the report.
4. All information as found in data furnished is deemed to be reliable. If any errors are found, the right is reserved to modify the conclusions reached.
5. Where the value of the land and the improvements is shown separately, the value of each is segregated as only an aid to better estimate the value of the whole; and the value shown for either may, or may not, be its correct Market Value.
6. While various "approaches to value" and various mathematical calculations have been used in estimating value, these are but aids to the formulation of the opinion of value expressed in this report. In these calculations certain arithmetical figures are rounded off to the nearest significant amount.
7. The data and conclusions embodied in this appraisal are a part of the whole valuation. No part of this appraisal is to be used out of context, and, by itself alone - no part of this appraisal is necessarily correct, as being only part of the evidence upon which the final judgment as to value is based.
8. Employment to make this appraisal does not require the appraiser(s) to attend pre-trial conferences, public hearings or testimony in court with regard to the subject property unless mutually satisfactory arrangements are made in advance.

9. Market Value means:
- (i) The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:
 - a. buyer and seller are typically motivated;
 - b. both parties are well informed or well advised, and each acting in what he considers his own best interest;
 - c. a reasonable time is allowed for exposure in the open market;
 - d. payment is made in terms of cash or in U.S. dollars or in terms of financial arrangements comparable thereto; and
 - e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.
 - (ii) Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs that are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institution lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment. (USPAP)
10. Responsible ownership and competent management are assumed.
11. Where the discounted cash flow analysis is utilized, it has been prepared on the basis of the information and assumptions stipulated in this appraisal report. The achievement of any financial projections will be affected by fluctuating economic conditions and is dependent upon the occurrence of other future events that cannot be assured. Therefore, the actual results achieved may well vary from the projections and such variation may be material.
12. Disclosure of the contents of this appraisal report is governed by the By-laws and Regulations of the Appraisal Institute.
13. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or to the MAI or SRA designations) will be disseminated to the public through advertising media, public relations media, news media, sales

media or any other public means of communication without the prior written consent and approval of the appraiser(s).

14. Extensive experience indicates that the relationship of assessed value to Market Value may not be a dependable source of information. The assessed valuation, as shown in this report, is, therefore, not considered an indication of value for the property to this appraisal.
15. It is assumed that the hypothetical buyer is aware that this valuation conclusion does not serve as a warranty on the condition of the property, and is also aware that it is his responsibility (the buyer) to examine the property carefully, and to take all necessary precautions before signing a contract to purchase, lease, etc., and that he is also aware that the estimate for repairs, if any, is a non-warranted opinion of the appraiser, unless otherwise stated.
16. The value conclusion in this report is based entirely on information available through the date of valuation with the appraiser assuming no responsibility with respect to information subsequent to the valuation date which might have a bearing on the conclusion(s) reached in this report.
17. While it is our opinion that this appraisal report follows generally accepted and established appraisal practices, there may be differences of opinion and interpretation of the above requirements as adopted by a given institution or by third parties that may use this report. For this reason, modification and additional work may be requested. If additional research, analysis and/or report preparation are undertaken for this or any reason at a later date (upon client request or third party request with client approval), such shall be done at added fee for time and cost.
18. The appraiser(s) assume no responsibility or liability for the discovery of the existence, if any, of hazardous waste or pollutants under (soil and/or sub-soils) or above (building improvements, fixtures, air space, etc.) the subject property. Discovery of the presence or lack of hazardous waste or pollutants on the subject and/or adjoining properties is considered to be beyond the expertise of the appraiser(s). Any conclusions in this regard by environmental engineers and/or other comparable qualified experts, if used in this report, are assumed to be reliable.

The term "hazardous waste or pollutants," as used herein, refers to any substance defined as toxic, hazardous, etc., by any governmental agency which has legal authority or control over the subject property (i.e., local, state or federal statutes, ordinances, zoning regulations, etc.).

19. This appraisal and all value conclusion(s) reached in this report assume there are no hidden, unapparent, or apparent hazardous waste or pollutants (as defined in Item 18 above) under, on or above the subject property.

The appraiser(s) signing this report have no knowledge of presence or absence of toxic materials, hazardous waste, pollutants on the site, or urea-formaldehyde foam insulation and/or asbestos on or in the existing improvements.

If such is present, the value conclusions reached may be adversely affected; and a re-appraisal, at additional time and cost, would be necessary to estimate the effects of such.

QUALIFICATIONS OF JEFFREY A. SHERWOOD

EDUCATION

B. S., Natural Resources Studies, 1973,
University of Massachusetts - Amherst

M. S., Plant and Soil Science, 1975,
University of Massachusetts - Amherst

PhD work in Soil Physics, 1975-1976,
North Dakota State University

EXPERIENCE

Principal - Sherwood Appraisals, 1994 to present

Fee Appraiser - William R. Coffin & Associates, April 1986 to present

Staff Review Appraiser - Puget Sound Bank, June 1992 to February 1993

Fee Appraiser - Hoefer Associates, Inc., October 1983 to February 1984;
July 1985 to March 1986

Northwest Septic, Soil Scientist, February 1984 to July 1985

Washington Department of Natural Resources, Soil Scientist/Project Leader,
April 1979 to July 1982

Assisted in appraisal of some 500,000 acres of forest land for State Forest
Land Grading Program

AFFILIATIONS

Associate Member of the Appraisal Institute

CERTIFICATION/LICENSE

State of Washington Certified General Real Estate Appraiser - 1100895

CLIENTELE

Associated with the economic or real estate valuation for, but not limited to,
the following:

Action Mortgage Company
AT&T Capital Corp.
Bank of California
Bellevue School District

Center Mortgage
Champion International Corp.
Charter Bank
City of Seattle

Blackhawk Port Blakely Comm.	City of Tukwila
Burlington Northern	City of Marysville
Cadman Gravel Co.	Coast Mortgage
Catellus Management Corp.	Leen & Moore, P.S.
CBR Cement Canada Ltd.	Leo Fix Transfer, Inc.
Chrysler Realty	MacDonald Properties
City of Bellevue	McDonald's Corp.
City of Kent	Meridian Land Company
City of Monroe	National Public Life
City of Seattle	Northwest Fur Breeders
Colby Manor Nursing Home	Ogden, Murphy & Wallace
Coldwell Banker	Pacific Northwest Bank
Columbia Bank	Pacific First Bank
Colyn Clay Realty	Plum Creek Timber
Covenant Mortgage	Polyclinic
D & D Investments	Port of Seattle
Davis Wright Tremaine P.S.	Puget Sound Bank
Everett Mutual Savings	Redmond Christian School
Evergreen Medical Center	Rowley Agency
First Commercial Mngmnt.	Seafirst Bank
First Interstate Bank	Security Pacific Bank
First Mutual Bank	Shell Oil Company
First National Bank of Enumclaw	Skagit Valley Medical Center
Fletcher General Const.	Smith Brothers
Friend & Rikalo	South Seventh Corp. (i.e. United Parcel Service)
Frontier Bank	Sterling Savings Bank
Grand Ridge Partnership	Taylor-Edwards Whse. & Transfer Co., Inc.
Harmon & Associates	US Army Corps of Engineers
Harvard Union Co.	US Bancorp
Holzerland Enterprises	US Dept. of Justice
Horizon Bank	Virginia Manor Nursing Home
InterWest Savings Bank	Wallace Properties Group
Jensen Sand & Gravel	Washington First Intern'l Bank
Keating, Bucklin & McCormack, P.S.	Washington Mutual Bank
Key Bank	Washington State Dept. of Game
Lane Powell Spears & Lubersky	Washington State Dept. of Transportation
	Wilder Construction

**APPRAISAL
AUTHORIZATION**

Authorization to complete this appraisal was given via email by Stephanie Keyser, AICP Planning Manager, City of Medina, 501 Evergreen Point Road, Medina, WA 98039.

**LEGAL
DESCRIPTION**

See **Exhibit 1**, the subject Street Vacation Petition.

**OSTENSIBLE
OWNERS**

Presumably The City of Medina.

**PROPERTY
LOCATION/ADDRESS**

The property is located in the southerlymost portion of the City Limits of Medina just above the northwesterly shore of Meydenbauer Bay and nearby to the west of the southwesterlymost City Limits of Bellevue. This is an exclusively single family area with numerous waterfront residences and upland view sites like the Tax Parcel which abuts the proposed street vacation area.

Two addresses previously associated with the abutting Tax Parcel are 438 & 442 Upland Drive Medina, Washington 98039. The address for the home which is now under construction on the abutting Tax Parcel is 442 Upland Drive Medina, Washington 98039.

The subject's location with respect to the local environment is shown on the enclosed **Vicinity and Neighborhood Maps**.

**PURPOSE AND FUNCTION OF
APPRAISAL**

The purpose of this appraisal is to estimate the Market Value of the Fee Simple Estate of the portion of Upland Drive right of way proposed for vacation.

The function (use) of this appraisal is to provide my client and one intended user, The City of Medina, with valuation evidence to support decisions concerning the proposed right of way vacation. As such, other intended users include any parties involved in the execution of this process.

**DESCRIPTION OF APPRAISAL
PROBLEM/SCOPE**

To accomplish the purpose of this appraisal, a search was made for data concerning the subject property and the market in which it is located. This included physical and governmental data, local and regional sales of similar upland properties and data concerning the local area and economy.

These sources provided an adequate amount of data to complete this appraisal assignment.

Due to the availability of sufficiently similar sales to compare with the subject, the Sales Comparison Approach was the only methodology used for the valuation.

Because the subject property is vacant and not generating a reliable stream of income, both the Cost and Income Approaches are excluded. Their exclusion represents a typical scope of work for such vacant properties.

In addition, substantial local economic, demographic, and regulatory information, coupled with the above data, was used to determine the Highest and Best Use of the subject property to aid in the appraisal process.

**APPRAISER'S EXPERIENCE REGARDING APPRAISAL
PROBLEM**

I have appraised a number of vacant and improved residential properties in the greater Eastside market.

Based on my experience with the subject market area and property type, I am competent to perform this appraisal assignment.

**PROPERTY RIGHTS
APPRAISED**

This appraisal includes all rights inherent in and accruing to the owner by virtue of the Fee Simple Estate which is subject to easements and encumbrances of record and the four powers of government which are police power, taxation, escheat, and eminent domain.

Fee Simple Estate is defined as: *"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power*

and escheat.”

Source: *The Dictionary of Real Estate Appraisal*, Appraisal Institute, Sixth Edition 2015.

**ASSUMPTIONS AND LIMITING
CONDITIONS**

This appraisal report is based on and subject to the Assumptions and Limiting Conditions found at the beginning of the text portion of the report. These Assumptions and Limiting Conditions include, as Item 9, the definition of Market Value used herein.

**DATE OF
INSPECTION**

I inspected the subject property and its immediate neighborhood on September 23, 2021.

**EFFECTIVE DATE OF
VALUATION**

The effective date of the valuation of the property in its “As Is” condition is September 23, 2021, the date of inspection.

**SALE
HISTORY**

Being a long established right of way, there have been no sales of the subject property in the past three years. Also, it is neither for sale nor presently under contract.

I understand that the results of this appraisal will be used to assist in setting a price for the proposed vacation and sale of the property.

The abutting ±.46 acre Tax Parcel 3835502395 (now defunct) sold to the current owners in October 2019 for a recorded price of \$4,470,000. Tax Parcel 3835502385 (±.91 acre), which now includes Tax Parcel 3835502395, sold in March 2019 to the current owners for a recorded price of \$5,700,000.

Thus, the combined abutting ownership of some 1.37 acres sold for a total of \$10,170,000 or an average of \$170.98 per square foot.

After purchase, the buyer demolished both of the existing homes and most of the attendant site improvements in order to build a new

residence. This residence of some 12,000 square feet is now under construction with most of the preliminary site and foundation work well underway.

Acquisition of the subject right of way will help round out this abutting ownership.

NEIGHBORHOOD AND MARKET ANALYSIS

The property, as shown on the following **Vicinity and Neighborhood Maps** is located in the southerlymost extent of the City Limits of Medina. Medina is primarily a single family residential community with some commercial uses along the primary arterials.

Because the City Limits are comparatively small and because most of its extent is now developed, the population in 2010 of 2,969 has grown only marginally over the past decade to $\pm 3,300$ or roughly 1.0% per year. Thus, the City can be characterized as stable being unlikely to grow significantly in population into the foreseeable future.

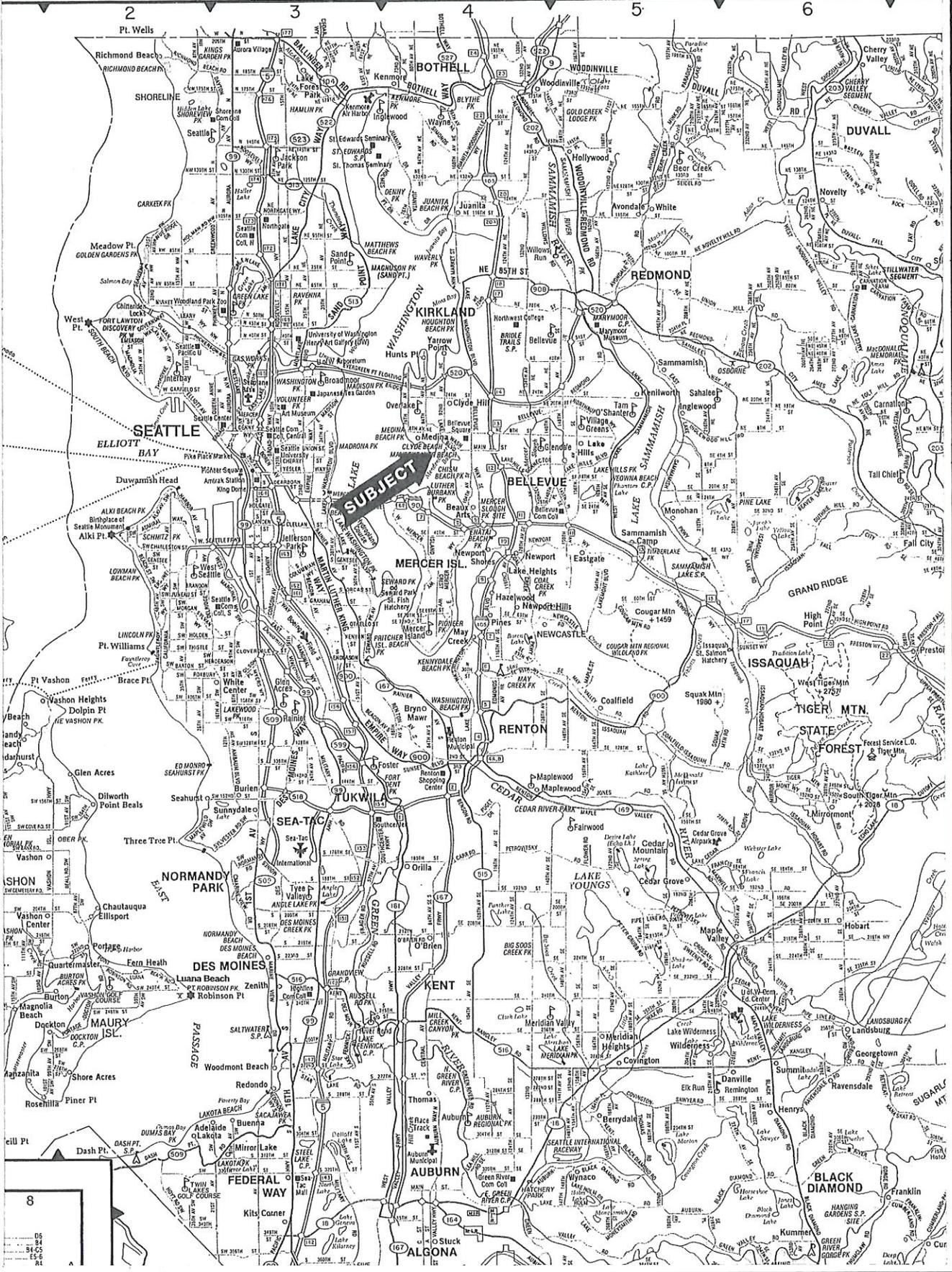
With the volume of listings at any given time in Medina being so low with only six in the subject's immediate neighborhood, it is difficult to render cogent statistical analyses using the available data. The six available, non-waterfront properties have a mean asking price of $\pm \$3,600,000$. This compares to all of King County at some $\$750,000$.

Thus, it can be concluded, even with the paucity of available data, that Medina is one of the highest priced communities within the County and that both listing and sale volumes are comparatively low with the current volume of listings roughly half of that one year ago.

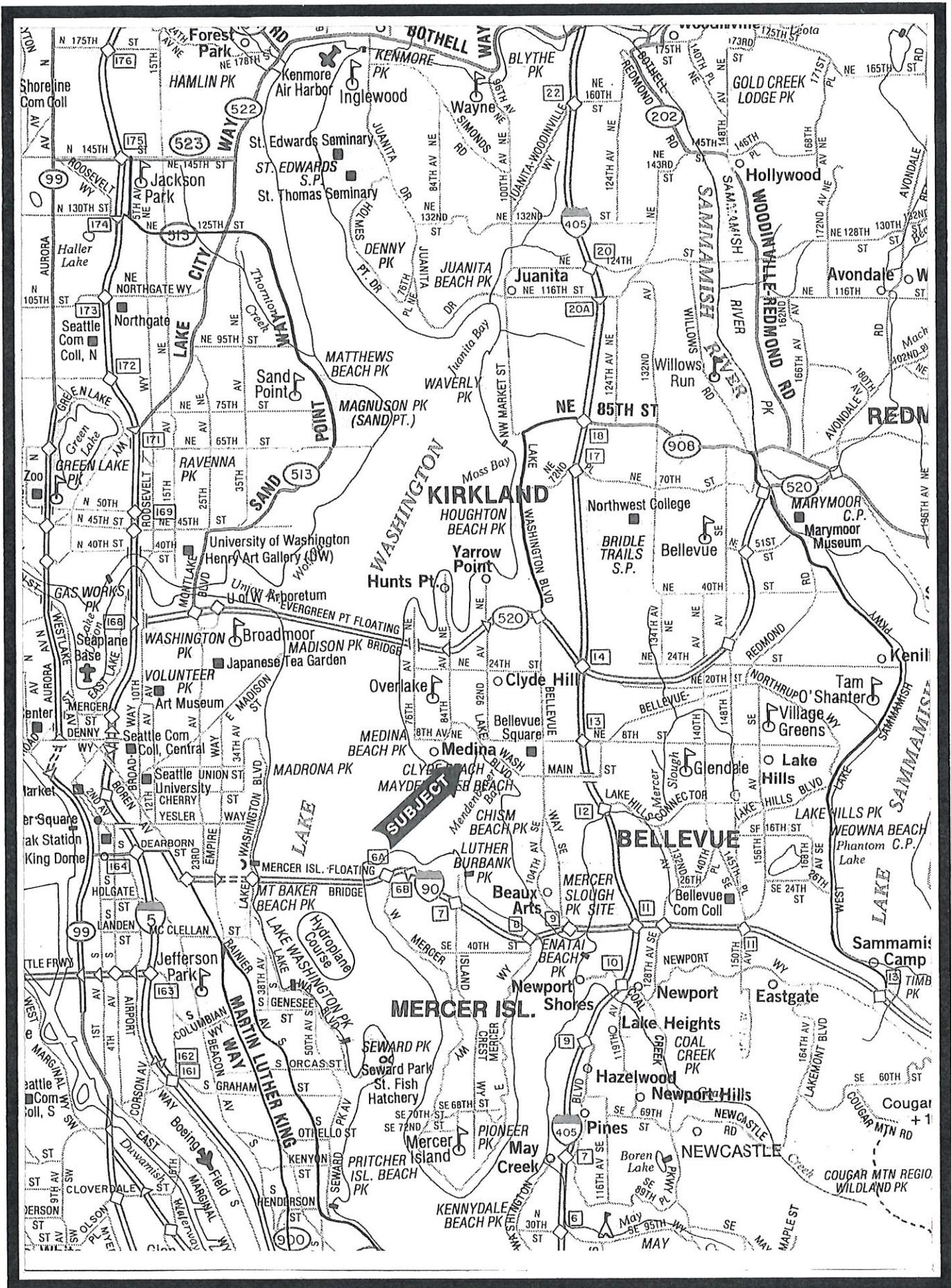
Another phenomenon within this local market is the purchase of existing homes in order to demolish them and repurpose the underlying land for new home construction. This behavior is necessitated by the fact that there are so few vacant lots in existence in Medina, and, especially, on the market at any given time.

This is what the property owner abutting the right of way strip being appraised did in buying two abutting properties, both with substantially sized homes; and then demolishing both to allow for the construction of a single new home. Of all the sale information considered for this appraisal, only one sale property did not have an existing home while the balance had existing homes in place at the time of sale.

In spite of the fact that local home values are comparatively high, the



Vicinity Map



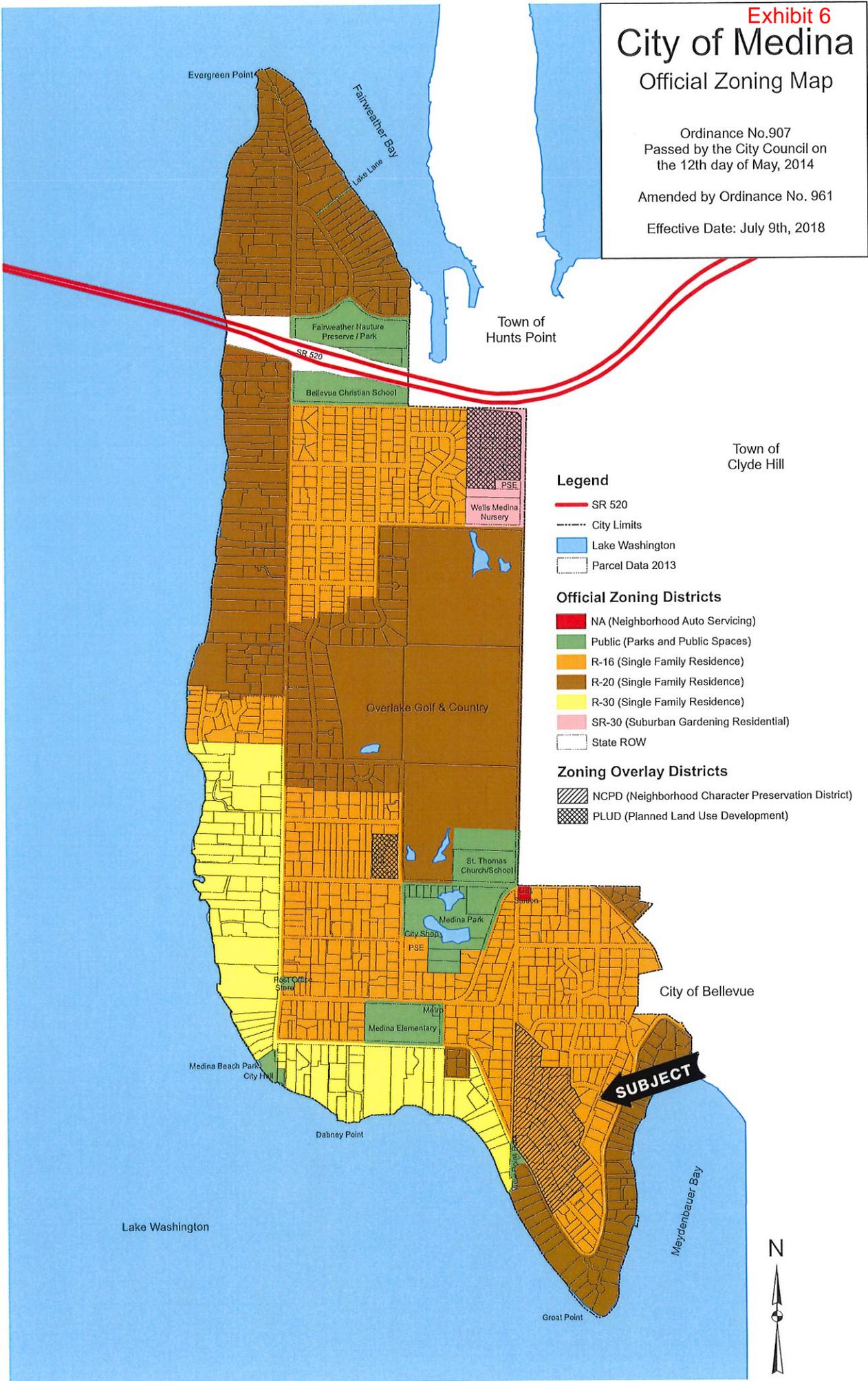
Vicinity Map

Exhibit 6
City of Medina
Official Zoning Map

Ordinance No.907
 Passed by the City Council on
 the 12th day of May, 2014

Amended by Ordinance No. 961

Effective Date: July 9th, 2018



Legend

- SR 520
- City Limits
- Lake Washington
- Parcel Data 2013

Official Zoning Districts

- NA (Neighborhood Auto Servicing)
- Public (Parks and Public Spaces)
- R-16 (Single Family Residence)
- R-20 (Single Family Residence)
- R-30 (Single Family Residence)
- SR-30 (Suburban Gardening Residential)
- State ROW

Zoning Overlay Districts

- NCPD (Neighborhood Character Preservation District)
- PLUD (Planned Land Use Development)



limited volume of listings keeps this market in balance. Although comparison with pricing one year ago is difficult due to the limited market data, it appears that appreciation has been roughly 20% over that time.

With the overall market showing some resistance to the ongoing uptick in pricing, it would not appear supported to predict such an increase in the next year. However, I do conclude that the local market will be stable to gradually increasing.

**SITE
DESCRIPTION**

Shape and size

As shown on the following **Plat Maps**, which are two scales of the King County Assessor's maps for all or a portion of the NW 1/4 Section 31, Township 25 North, Range 5 East, W.M., the subject consists of a 51 foot (northerly-southerly) by 10 foot (easterly-westerly) portion of right of way for Upland Drive. As with most right of way vacations, the parcel is narrow; however, it is adequately functional as an adjunct to the abutting Tax Parcel.

On the first map, the right of way vacation area is indicated by the red arrow while the abutting Tax Parcel is indicated by the black arrow.

On the third following page is a "Vacation Exhibit" survey of the proposed vacation area performed by Terrane. This exhibit confirms the dimensions of the proposed vacation area and its total gross land area of 510 square feet.

Assumed Total Gross

Vacation Area±510 Square feet

Topography, soils & vegetation

The vacation area is effectively level with no topographically related limitations to its use.

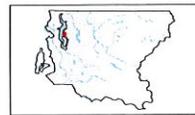
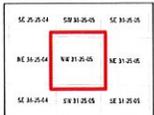
According to the NRCS soil survey (See **Exhibit 2**), the property is mapped with the Arents-Alderwood Material, 6-15% slopes, soil group. The Alderwood Material reference is to indurated basal till (hardpan) overlain by a surface soil which is an admixture of loess, volcanic ash and ablation till.

Being the most common soil type in the Puget Sound region and with its extent having been heavily developed with both residential and commercial building improvements, the underlying soil should be

King County
Dept of Assessments

- Correl
- RightWay
- Plat
- Street/Plat
- OriginalPlat
- Parcel
- Lot
- Easement
- Survey
- GovernmentLot
- High
- DistrictLandClaim
- Proposed
- Parcel
- Platted Major Number
- City

The information indicated on this map has been compiled by King County GISD from a variety of sources and is a representation of the current information. King County does not warrant the accuracy or completeness of the information. King County is not liable for any errors or omissions. The information is provided for informational purposes only. It is not intended to be used for legal purposes. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose.



NW 31-25-05

1 inch = 100 feet
 Date: 7/15/2021

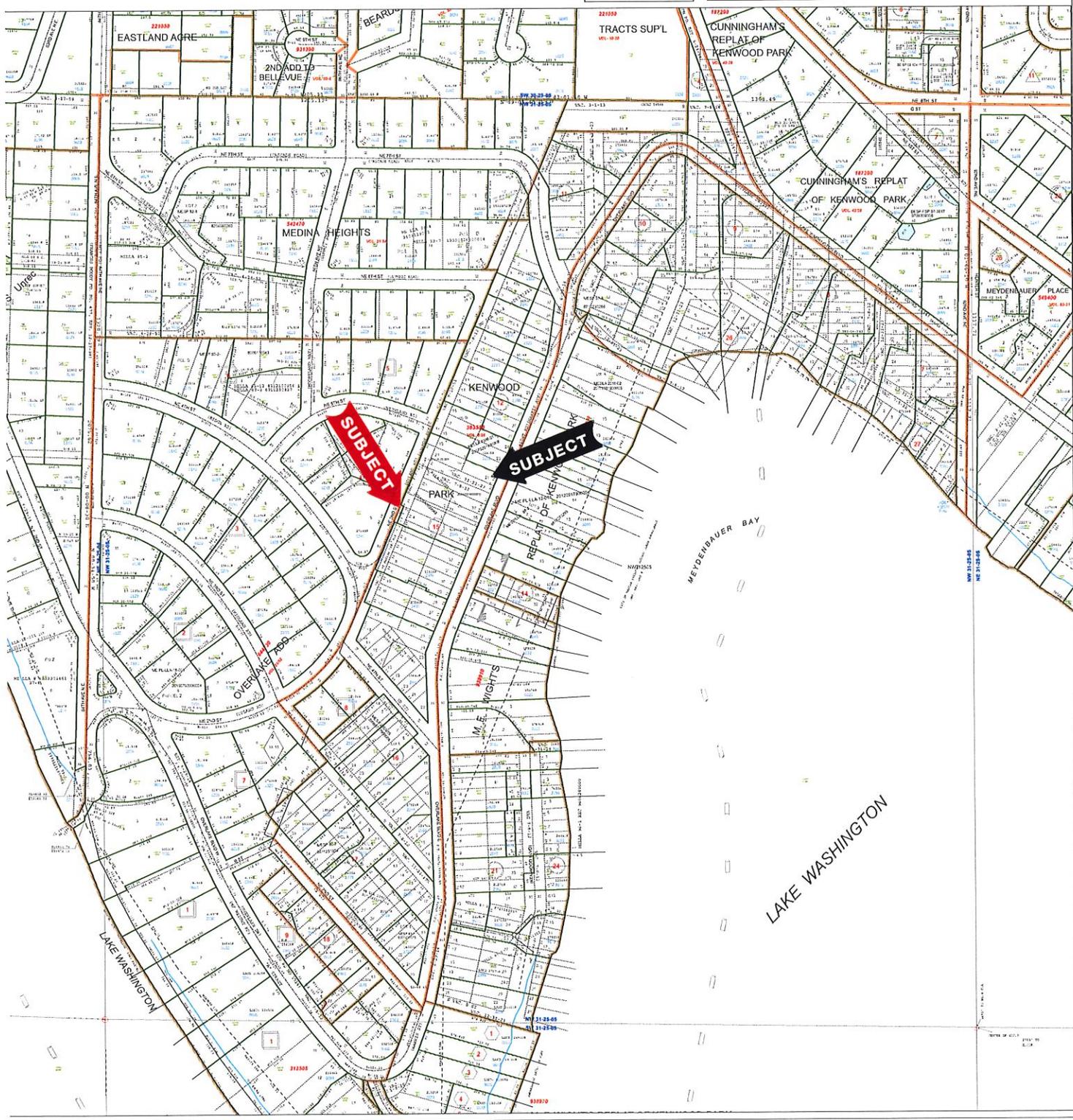
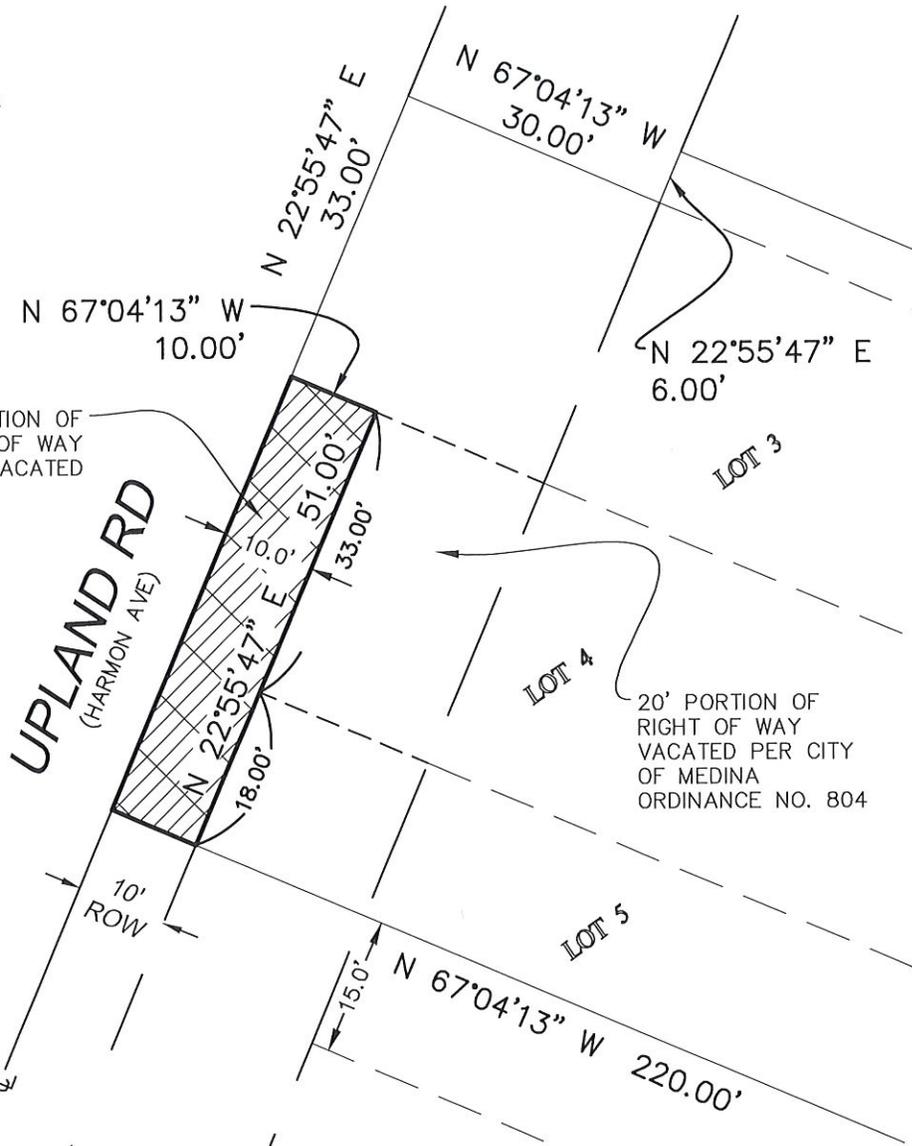


EXHIBIT B



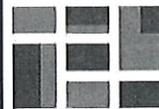
10' PORTION OF
RIGHT OF WAY
TO BE VACATED



VACATION EXHIBIT

438 UPLAND RD
MEDINA, WA 98039

JOB NO. 191875
DATE: 08/20/2021



Terrane

10801 Main Street, Suite 102, Bellevue, WA 98004
phone 425.458.4488 support@terrane.net
www.terrane.net

supportive of whatever, if any, improvements may be placed thereon.

The area proposed for vacation presently supports a mostly cleared area with a small amount of landscaping.

Street improvements and access

Upland Drive is presently a narrow, two lane roadway with minimal ancillary improvements. With this roadway unlikely to access any additional homes into the foreseeable future and with it being a minor, lightly traveled street, these existing street improvements provide the local residents with access adequate to serve their needs.

This is part of the reasoning that led the City of Medina to vacate a significant length of right of way abutting the subject on both its easterly and southerly sides. This action (See **Exhibit 3**), along with prior vacations to the north, rendered the subject an isolated remnant leading to the current vacation proposal, which will round out the Upland Drive right of way in this area.

Utilities

The immediate area is supplied with all public and private utilities necessary to support the local residential uses.

ASSESSED VALUE AND REAL ESTATE TAXES

The subject section of right of way is not assessed as it is public property. Generally, local land assessments are mostly in the range of \pm \$100 to \pm \$150 per square foot.

The Assessor's information for abutting Tax Parcel 3835502385 is included as **Exhibit 4** for reference.

ZONING

The immediate area of the subject has the City of Medina R-16 zoning. This is a single family zone with an ostensible minimum lot size of 16,000 square feet. This zone has a requirement of 70 feet for both minimum lot width and minimum street frontage.

Setbacks from the front and rear property lines for a lot the size of that abutting the subject are 30 feet with side setbacks are between 10 and 20 feet.

For large lots like that abutting the subject, the maximum lot coverage is 21% and the maximum impervious surface is 55%.

**HIGHEST AND
BEST USE**

The concept of Highest and Best Use is based on the following definition:

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the Highest and Best Use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability.

(Source: The Dictionary of Real Estate Appraisal, Fifth Edition, published by the Appraisal Institute, 2015).

There are two dimensions to Highest and Best Use, one for the property as vacant and one for the property as improved. Because the subject strip is vacant, only the former will be addressed here.

As If Vacant

The prior Fourth Edition provides a definition of Highest and Best Use As Vacant as follows:

Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements.

Applying the four criteria from the above definition:

Legal permissibility

The underlying zoning permits primarily single-family residential use.

Physical possibility

Considering the comparatively small size of the proposed vacation, it would serve best as an adjunct to an abutting lot, and this is what is being proposed.

Financial feasibility and maximum profitability

The highest possible price for the proposed vacation area is supported by its addition to the abutting property, as proposed.

**SALES COMPARISON
APPROACH**

This Sales Comparison Approach is based on the premise that the prudent purchaser/investor will pay no more for the subject than the price of acquiring a similar, competitive property in the same or a competing market (Principle of Substitution).

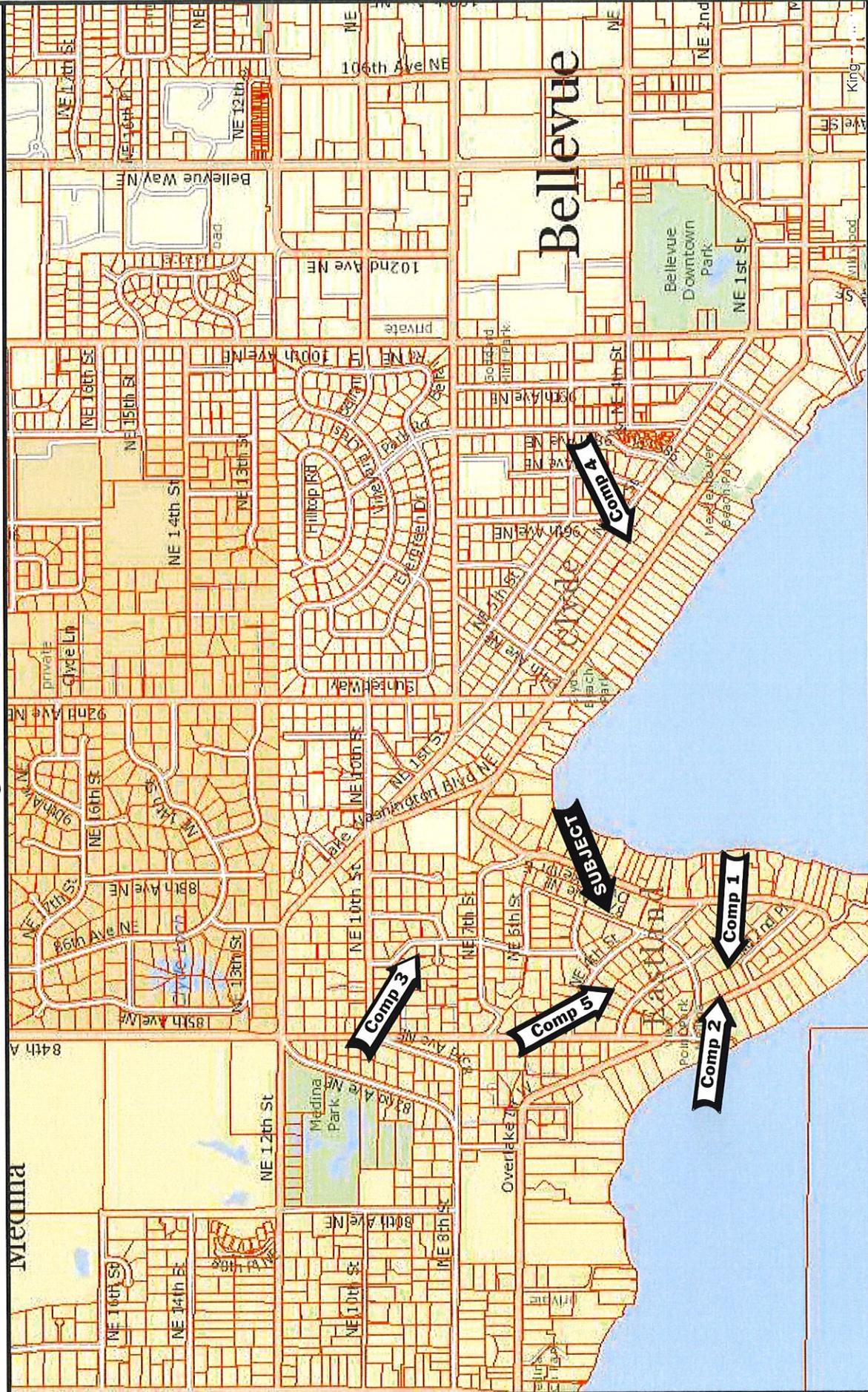
It should be noted that this is an "across the fence" valuation using sales of fully functional properties to assist in estimating the value of the subject strip. This is the most common and most accepted means of valuing small strip properties like the subject.

The basic details of the land or value-in-land sales used are summarized below followed by a location map and discussion and correlation.

LAND SALE SUMMARY

No.	Location/ Address	Sale Date	Sale Price	Approx. Size (SF)	Ind. Price/SF
L-1	8726 Overlake Dr W, Medina 6447300310	08/21	\$3,005,000	13,105	\$229.30
L-2	8700 Blk Overlake Dr W, Medina 6447300305	Pend.	\$3,000,000 Asking	12,878	\$232.96
L-3	8458 NE 9th St, Medina 9313900005	09/21	\$2,505,000	10,095	\$248.14
L-4	9552 Lake Washington Blvd NE, Bellevue 4389200870	07/21	\$4,550,000	15,300	\$297.39
L-5	8430 Midland Rd, Medina 6447300210	08/21	\$3,800,000	12,810	\$300.81

King County iMap



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 9/27/2021



King County



COMPARABLE SALES PHOTOS

L1



L2



COMPARABLE SALES PHOTOS

L3



L4



COMPARABLE SALES PHOTOS

L5



Correlation and Conclusion

These five sales are all within the immediate Meydenbauer Bay market with 4 of the 5 in the subject's immediate neighborhood. All but one, L-2, have homes in place which have reached the ends of their effective economic lives due to the pressures on local properties for available land. L-2 is improved with a tennis court.

An examination of the local market dynamic and the Assessor's opinion of the contributory values of the existing improvements on these sale properties makes it clear that most properties without newer and larger home improvements are being seen by the market as sites available for redevelopment with new homes.

All of these comparables have view potential.

The sales range in price per square foot from \$229.30 to \$300.81 with a mean of \$261.72 and a median of \$248.14 showing some tendency toward the lower end of the range.

Because there is no compelling reason to find at either end of the range, I conclude that a most reasonable value in balance with the market is to be found at the central tendency indicated by the median at a rounded \$250.00 per square foot or a total of \$127,500 for the 510 square feet of proposed vacation area.

Sales Comparison Approach

Value Indication\$127,500

FINAL CONCLUSION

Because the Sales Comparison Approach was the only appropriate means of valuations, its result at \$127,500 is appropriated as the final, correlated value conclusion.

Correlated Market Value\$127,500

Exposure and Marketing Times

All of the sales researched as part of the appraisal process occurred within one year or less of listing. Only overpriced properties or those with difficulties which needed to be overcome prior to closing might take longer than one year to close.

Thus, the value estimate herein assumes an exposure time of less than one year. Also, if the property were listed for sale at the value concluded herein, it would likely sell within one year, probably less.

Thus, no discounting for the prospect of an extended marketing time is necessary.

Exhibit 1



DEVELOPMENT
SERVICES

STREET VACATION PETITION

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

Complete this form for the following:

- When applying for a street vacation pursuant to RCW Chapter 35.79 and MMC 12.44

General Information

Applicant Name: JIM DEARTH	Email: PROJECTS@RIPPLEDESIGNSTUDIO.COM
Contact Phone: 206.913.2333	Alternative Phone:
Mailing Address: 4303 STONE WAY N	City: SEATTLE State: WA Zip: 98103
Applicant's Interest in Property: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Purchaser <input type="checkbox"/> Other:	
Property Owner's Name (If other than Applicant): KEN LIANG	Email: kenliangman@gmail.com
Contact Phone: 818.817.1922	Alternative Phone:
Mailing Address: 442 UPLAND DR	City: MEDINA State: WA Zip: 98039
Subject Property Address: 442 UPLAND DR	
Legal Description: SEE ATTACHED	
Tax Parcel Number: 383550-2385	Size of subject property to be vacated (in square feet): 510 SF
Zoning District: <input checked="" type="checkbox"/> R-16 <input type="checkbox"/> R-20 <input type="checkbox"/> R-30 <input type="checkbox"/> SR-30 <input type="checkbox"/> Public <input type="checkbox"/> NA (Neighborhood Auto)	
Does the subject property abut any body of water? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If yes, please describe:	

Certification

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Property Owner's Signature 

Date 8/17/2021

Applicant's Signature 

Date 6 AUGUST 2021

COMPLETE LEGAL DESCRIPTION

ADJUSTED PARCEL M

LOTS 1, 2, 36 AND 37, BLOCK 15, KENWOOD PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 26, IN KING COUNTY, WASHINGTON.

TOGETHER WITH PARCEL A, CITY OF MEDINA, BOUNDARY LINE ADJUSTMENT NUMBER 2006-01, RECORDED UNDER RECORDING NUMBER 20070201900008, IN KING COUNTY, WASHINGTON, BEING A PORTION OF LOTS 19, 20 AND 21, BLOCK 12, OF SAID PLAT OF KENWOOD PARK;

TOGETHER WITH VACATED "E" STREET AND PORTION OF VACATED UPLAND ROAD AS WOULD ATTACH BY OPERATION OF LAW;

TOGETHER WITH LOTS 3, 4, 5, 33, 34 AND 35, BLOCK 15, OF SAID PLAT OF KENWOOD PARK;

EXCEPT THE SOUTHWESTERLY 15 FEET OF LOTS 5 AND 33;

TOGETHER WITH ALL OF VACATED HARMON AVENUE (87TH AVENUE NORTHWEST) AS SHOWN ON SAID PLAT LYING IN FRONT OF SAID LOT 3;

TOGETHER WITH ADJOINING PROPERTY VACATED UNDER THE CITY OF MEDINA ORDINANCE 804 RECORDED NOVEMBER 2, 2007 UNDER RECORDING NO. 20071102000047.

Vacation Criteria

The following is a list of criteria that council shall consider when determining whether to vacate the subject property. Please respond to each item by providing as much detailed information as possible to support your request. Attach more pages if necessary.

1. **Whether a change in use or vacation of the subject property will provide a benefit to the city as determined by the council, including but not limited to any of the following examples: reduction of unnecessary ROW; preservation of streetscape character; expanding the city's property tax roll; addressing neighborhood requests related to traffic impacts; better accommodation of pedestrians, bicyclists, motorists and/or emergency responders; reservation of an easement will accommodate the city's current or projected need.**

THE BENEFIT PROVIDED WILL BE MULTI-FOLD; A REDUCTION IN UNNECESSARY R.O.W. (BOTH ADJACENT LOTS HAVE SMALLER ROW), THE ENTIRETY OF THE 442 PROPERTY WILL HAVE A CONSISTENT R.O.W. AS DOES EACH LOT ON THIS STREET, AND THIS WILL EXPAND THE CITY'S PROPERTY TAX ROLL.

2. **Whether the subject property is no longer required for public use or public access.**

WITH THE RECENT VACATION OF THE ADJACENT PROPERTY TO THE SOUTH (426 87TH/UPLAND), THE REQUESTED PORTION OF THE 438 PROPERTY BECAME LESS ACCESSIBLE AND USEFUL AS PUBLIC PROPERTY, AND DOES NOT CURRENTLY PROVIDE PUBLIC ACCESS.

3. **Whether the substitution of a new and different public way would be more or less useful to the city and/or the public.**

THE VACATED PORTION OF UPLAND DRIVE WILL BE MORE USEFUL DUE TO THE CONSISTENCY OF THE RIGHT OF WAY.

4. **Whether conditions may or could change in the future, creating or providing a greater or different public use or need than presently exists.**

THIS REQUESTED VACATION WILL ALIGN WITH OTHER PROPERTIES ALONG THIS ROAD SO ANY FUTURE CHANGES TO THE R.O.W. WILL LIKELY AFFECT ALL PROPERTIES WITH NO ADDITIONAL DETRIMENT DUE TO THIS VACATION.

5. **Whether existing property access will be restricted or denied as a result of the vacation.**

THE VACATED PORTION OF UPLAND DRIVE WILL NOT RESTRICT OR DENY ACCESS TO ANY PROPERTIES.

6. **Whether objections to the petition or proposed vacation are made by (i) owners of private property (exclusive of petitioners) abutting or in proximity to the subject property, (ii) governmental agencies, (iii) private users of the subject property, and/or (iv) members of the general public.**

NO OBJECTIONS HAVE BEEN MADE TO OUR KNOWLEDGE. RECENT STREET VACATION(S) IN THE IMMEDIATELY VICINITY SUGGEST THAT THERE IS GENERAL SUPPORT BY NEIGHBORING PROPERTIES.

PETITION NO. _____
CITY OF MEDINA, WASHINGTON
PETITION TO VACATE STREET OR ALLEY

To the City Council of the City of Medina, Washington.

We, the owners of two-thirds of the real property abutting the public street, alley, sidewalk, trail and any other public grant, dedication and easement related to street, pedestrian, or travel purposes within the city, legally described on Page 1 of this Street Vacation Petition, petition the City Council of the City of Media to vacate this public street, alley, sidewalk, trail and any other public grant, dedication and easement related to street, pedestrian, or travel purposes within the city, pursuant to RCW Chapter 35.79 and MMC 12.44.

Property
Owner #1

Name KEN LIANG - LIANG LIVING TRUST

Address 442 UPLAND DR, MEDINA, WA 98039

Legal Description SEE ATTACHED

Signature  Date 8/17/2021

Property
Owner #2

Name _____

Address _____

Legal Description _____

Signature _____ Date _____

Property
Owner #3

Name _____

Address _____

Legal Description _____

Signature _____ Date _____

Property
Owner #4

Name _____

Address _____

Legal Description _____

Signature _____ Date _____

EXHIBIT A

A PORTION OF HARMON AVE PER PLAT OF KENWOOD PARK AS RECORDED IN BOOK 8 OF PLATS ON PAGE 26, IN KING COUNTY WASHINGTON, DESCRIBED AS FOLLOWS;

ALL THAT PORTION OF SAID HARMON AVE LYING IN FRONT OF LOTS 4 AND 5, BLOCK 15 OF SAID KENWOOD PARK;

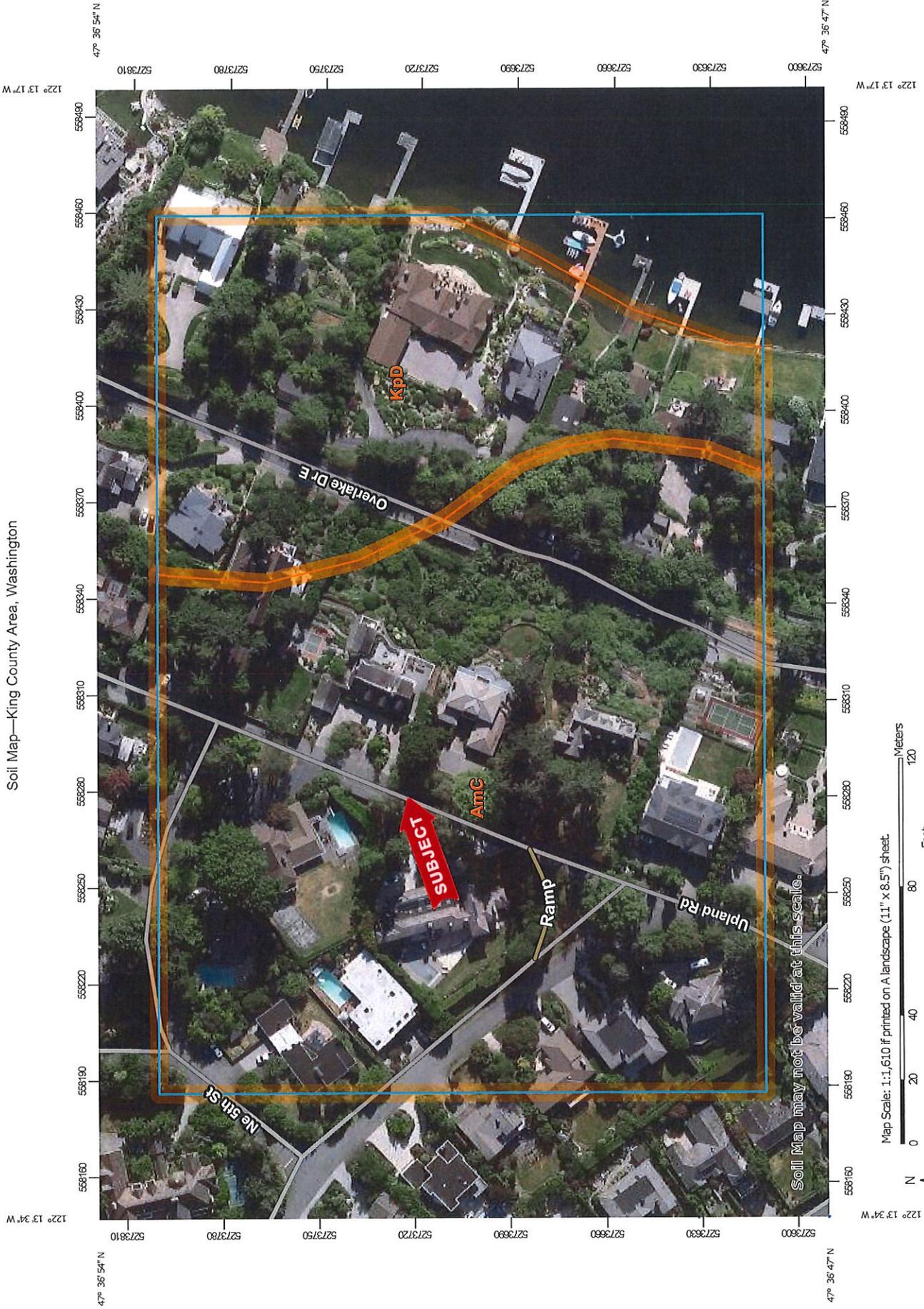
EXCEPT THE SOUTHWESTERLY 15 FEET ADJOINING LOT 5;

EXCEPT THAT PORTION OF HARMON AVE VACATED UNDER THE CITY OF MEDINA ORDINANCE NO. 804, RECORDED NOVEMBER 2, 2007 UNDER RECORDING NO. 20071102000049.



08/20/2021

Exhibit 2



MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot

- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: King County Area, Washington
 Survey Area Data: Version 16, Jun 4, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 6, 2020—Jul 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AmC	Arents, Alderwood material, 6 to 15 percent slopes	8.6	66.5%
KpD	Kitsap silt loam, 15 to 30 percent slopes	3.7	29.1%
Totals for Area of Interest		12.9	100.0%

Exhibit 3

Return Address:
 CITY OF MEDINA, WA
 Attn: Rachel Baker, City Clerk
 201 Evergreen Point Rd
 Medina, WA 98039



20071102000047
 BAKER ORD 94.00
 PAGE 001 OF 005
 11/02/2007 09:10
 KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)**

Document Title(s) (or transactions contained therein): (all areas applicable to your document **must** be filled in)

1. Ordinance No. 804 2. _____
 3. _____ 4. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name, first name, initials)

1. City of Medina, WA
 2. _____

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

① Neumann, Marc + Vicki ③ Loyd, Everil + Vesta
 ② Hansen, Donald + Susan

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

LOTS FOUR THROUGH TWELVE OF BLOCK FIFTEEN
OF THE PLAT OF KENWOOD PARK

Additional legal is on page 4 of document.

Assessor's Property Tax Parcel/Account Number Assessor Tax # not yet assigned

383550-2395, 383550-2430, 383550-2406

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

R Baker Signature of Requesting Party

ORDINANCE NO. 804

AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, VACATING A PORTION OF THE UPLAND ROAD RIGHT-OF-WAY, ESTABLISHING COMPENSATION FOR THE VACATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the owners of the property abutting portions of Upland Road have petitioned for a street vacation, and

WHEREAS, the proposed street vacation is for the area depicted in the site plan attached as Exhibit A and the legal description attached as Exhibit B, and

WHEREAS, Resolution No. 324 set a public hearing date of March 12, 2007 for a public hearing on the vacation of the right-of-way, and

WHEREAS, notice of the public hearing was given in the manner provided by law for street vacation hearings and the City Council held the public hearing as scheduled and heard testimony from all interested parties, and

WHEREAS, the hearing on March 12, 2007 was continued until May 14, 2007, and

WHEREAS, at that time the hearing was conducted and all who wished to testify were afforded an opportunity to do so, and

WHEREAS, the right of way to be vacated has been appraised as provided in RCW 35.79.030, and

WHEREAS, after considering the public testimony and the information presented by City staff the City Council decided to vacate the right-of-way and hereinafter provided, now, therefore.

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Medina City Council finds that:

- A. That portion of Upland Road right-of-way for which vacation is sought is surplus to the City of Medina's needs for road purposes; and
- B. The vacation of the right-of-way would not impair access to any property or otherwise impinge upon the property rights of the City of Medina or any private landowner.

Section 2. Vacation/Compensation. The right of way legally described in Exhibit B is hereby vacated. Pursuant to RCW 35.79.030 the City Council establishes the compensation to be paid by the abutting owners at \$ 163,000.

Section 3. Duties of Medina City Clerk. The Medina City Clerk is hereby authorized and directed to record a copy of this ordinance with the King County Department of Records and Elections, upon payment of the compensation specified above. In the event such payment is not made prior to November 1, 2007, this Ordinance shall terminate and be of no force or effect.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Medina, Washington, at a regular meeting thereof held this 14 day of May, 2007.

CITY OF MEDINA, WASHINGTON



Miles R. Adam, Mayor

ATTEST:

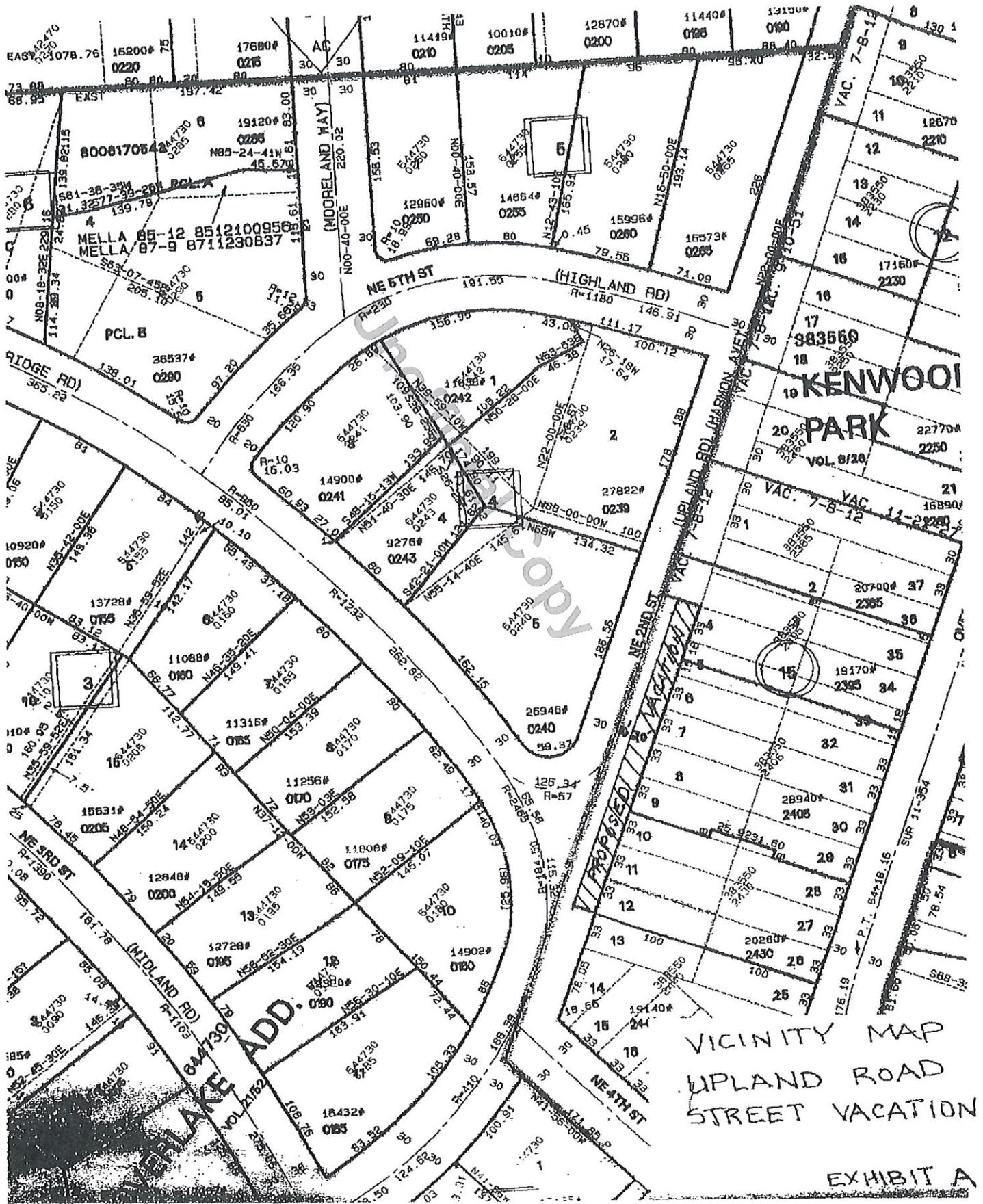


Rachel Baker, City Clerk,

APPROVED AS TO FORM:
OFFICE OF CITY ATTORNEY


Wayne D. Tanaka, City Attorney

Published 5/17/07
Effective 5/22/07



**EXHIBIT B
PROPOSED UPLAND ROAD STREET VACATION**

LEGAL DESCRIPTION OF THE PROPOSED STREET VACATION:

THE EASTERLY TWENTY FEET (20') FRONTING UPON LOTS FOUR THROUGH TWELVE OF BLOCK 15 OF THE PLAT OF KENWOOD PARK AS RECORDED IN VOLUME 8 OF PLATS, PAGE 26 RECORDS OF KING COUNTY, WASHINGTON, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF THE PUBLIC RIGHT-OF-WAY OF UPLAND ROAD, AS SHOWN ON EXHIBIT A, ALSO KNOWN AS HARMON AVENUE ON THE ORIGINAL PLAT OF KENWOOD PARK AS RECORDED IN VOLUME 8 OF PLATS, PAGE 26 RECORDS OF KING COUNTY, WASHINGTON.

Official Copy

Exhibit 4

Refer

[King Link](#)

[Prop](#)

[Was Dep Rev link](#)

[Was Boa App link](#)

[Boa App](#)

[Dist](#)

[iMap](#)

[Rec](#)

[Scan surv map](#)

[Scan plat](#)

Notice 09/23/2

ADVERTISEMENT

- [New Search](#)
- [Property Tax Bill](#)
- [Map This Property](#)
- [Glossary of Terms](#)
- [Area Report](#)
- [Print Property Detail](#)

PARCEL DATA

Parcel	383550-2385
Name	LIANG LIVING TRUST
Site Address	
Residential Area	033-005 (NE Appraisal District)
Property Name	

Jurisdiction	MEDINA
Levy Code	1836
Property Type	R
Plat Block / Building Number	12&15
Plat Lot / Unit Number	PORTIONS
Quarter-Section-Township-Range	NW-31-25-5

Legal Description

KENWOOD PARK ADD PCL "M" OF MEDINA LLA# P-LLA-20- 003 REC# 20210610900049 SD BLA BEING POR LOTS 1-5 & 33-37 BLK 15 & LOTS 19-21 BLK 12 OF SD ADD; TGW VAC ST ADJ TO LOT 3; TGW ADJ PROP VAC BY MEDINA ORD REC# 20071102000049
 PLat Block: 12&15
 Plat Lot: PORTIONS

LAND DATA

 Click the camera to see more pictures.



Highest & Best Use As If Vacant	SINGLE FAMILY
Highest & Best Use As Improved	PRESENT USE
Present Use	Single Family(Res Use/Zone)
Land SqFt	59,480
Acres	1.37

Percentage Unusable	
Unbuildable	NO
Restrictive Size Shape	NO
Zoning	R16
Water	WATER DISTRICT
Sewer/Septic	PUBLIC
Road Access	PUBLIC
Parking	ADEQUATE
Street Surface	PAVED

Views

Rainier	GOOD
Territorial	EXCELLENT
Olympics	
Cascades	AVERAGE
Seattle Skyline	
Puget Sound	
Lake Washington	GOOD
Lake Sammamish	
Lake/River/Creek	
Other View	AVERAGE

Waterfront

Waterfront Location	
Waterfront Footage	0
Lot Depth Factor	0
Waterfront Bank	
Tide/Shore	
Waterfront Restricted Access	
Waterfront Access Rights	NO
Poor Quality	NO
Proximity Influence	NO

Designations

Historic Site	
Current Use	(none)
Nbr Bldg Sites	
Adjacent to Golf Fairway	NO
Adjacent to Greenbelt	NO
Other Designation	YES
Deed Restrictions	NO

Nuisances

Topography	YES
Traffic Noise	
Airport Noise	
Power Lines	NO
Other Nuisances	NO

Problems

Water Problems	NO
----------------	----

ADVERTISEMENT

Development Rights Purchased	NO
Easements	NO
Native Growth Protection Easement	NO
DNR Lease	NO

Transportation Concurrency	NO
Other Problems	NO
Environmental	
Environmental	NO

BUILDING

TAX ROLL HISTORY

Account	Valued Year	Tax Year	Omit Year	Levy Code	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total Value (\$)	New Dollars (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total Value (\$)	Tax Value Reason
383550238505	2021	2022		1836	4,056,000	0	4,056,000	418,000	4,056,000	0	4,056,000	
383550238505	2020	2021		1836	7,670,000	1,653,000	9,323,000	0	7,670,000	1,653,000	9,323,000	
383550238505	2019	2020		1836	5,226,000	880,000	6,106,000	0	5,226,000	880,000	6,106,000	
383550238505	2018	2019		1836	1,812,000	1,189,000	3,001,000	0	1,812,000	1,189,000	3,001,000	
383550238505	2017	2018		1836	1,615,000	1,060,000	2,675,000	0	1,615,000	1,060,000	2,675,000	
383550238505	2016	2017		1836	1,485,000	974,000	2,459,000	0	1,485,000	974,000	2,459,000	
383550238505	2015	2016		1836	1,374,000	901,000	2,275,000	0	1,374,000	901,000	2,275,000	
383550238505	2014	2015		1836	1,298,000	851,000	2,149,000	0	1,298,000	851,000	2,149,000	
383550238505	2013	2014		1836	1,142,000	735,000	1,877,000	0	1,142,000	735,000	1,877,000	
383550238505	2012	2013		1836	1,646,000	203,000	1,849,000	0	1,646,000	203,000	1,849,000	
383550238505	2011	2012		1836	1,646,000	203,000	1,849,000	0	1,646,000	203,000	1,849,000	
383550238505	2010	2011		1836	1,646,000	203,000	1,849,000	0	1,646,000	203,000	1,849,000	
383550238505	2009	2010		1836	1,733,000	369,000	2,102,000	0	1,733,000	369,000	2,102,000	
383550238505	2008	2009		1836	2,039,000	623,000	2,662,000	5,000	2,039,000	623,000	2,662,000	
383550238505	2007	2008		1836	1,837,000	557,000	2,394,000	0	1,837,000	557,000	2,394,000	
383550238505	2006	2007		1836	1,019,000	1,008,000	2,027,000	0	1,019,000	1,008,000	2,027,000	
383550238505	2005	2006		1836	927,000	815,000	1,742,000	0	927,000	815,000	1,742,000	
383550238505	2004	2005		1836	883,000	717,000	1,600,000	0	883,000	717,000	1,600,000	
383550238505	2003	2004		1836	803,000	611,000	1,414,000	0	803,000	611,000	1,414,000	
383550238505	2002	2003		1836	780,000	611,000	1,391,000	0	780,000	611,000	1,391,000	
383550238505	2001	2002		1836	737,000	509,000	1,246,000	0	737,000	509,000	1,246,000	
383550238505	2000	2001		1836	664,000	429,000	1,093,000	20,000	664,000	429,000	1,093,000	
383550238505	1999	2000		1836	595,000	362,000	957,000	0	595,000	362,000	957,000	
383550238505	1998	1999		1836	460,000	312,000	772,000	0	460,000	312,000	772,000	
383550238505	1997	1998		1836	0	0	0	0	392,000	266,000	658,000	
383550238505	1996	1997		1836	0	0	0	0	360,000	250,100	610,100	
383550238505	1994	1995		1836	0	0	0	0	360,000	250,100	610,100	
383550238505	1992	1993		1836	0	0	0	0	336,300	273,800	610,100	
383550238505	1990	1991		1836	0	0	0	0	300,300	244,500	544,800	
383550238505	1988	1989		1836	0	0	0	0	180,000	160,400	340,400	
383550238505	1986	1987		1836	0	0	0	0	167,700	122,500	290,200	
383550238505	1984	1985		1836	0	0	0	0	75,600	140,500	216,100	
383550238505	1982	1983		1836	0	0	0	0	75,600	140,500	216,100	

SALES HISTORY

Excise Number	Recording Number	Document Date	Sale Price	Seller Name	Buyer Name	Instrument	Sale Reason
<u>2978208</u>	<u>20190320000354</u>	3/14/2019	\$5,700,000.00	BENTZ KIMBERLY M+JOHN A	LIANG KENNETH+LAURA (TTEES)	Statutory Warranty Deed	Trust
<u>2311686</u>	<u>20070921000707</u>	9/11/2007	\$4,200,000.00	NORDSTROM ERIK B+JULIE A	BENTZ KIMBERLY M+JOHN A	Statutory Warranty Deed	None
<u>1603108</u>	<u>199804021510</u>	3/4/1998	\$0.00	WELLS FARGO BANK	NORDSTROM ERIK B+JULIE A	Quit Claim Deed	Trust
<u>1468629</u>	<u>199602060736</u>	2/2/1996	\$1,400,000.00	HOWE WALTER JR	FIRST INTERSTATE BANK OF WA	Statutory Warranty Deed	None

REVIEW HISTORY

PERMIT HISTORY

Permit Number	Permit Description	Type	Issue Date	Permit Value	Issuing Jurisdiction	Reviewed Date
B-21-023	PERMANENT SHORING WALL,	Other	6/18/2021	\$250,000	MEDINA	8/9/2021
B-20-059	New Single Family Residence,	Building, New	6/18/2021	\$4,500,000	MEDINA	8/9/2021
D-20-018	Demo of existing structure and construction of new SFR ,	Demolition	5/17/2021	\$0	MEDINA	
P-19-058	SFR,		2/11/2021	\$0	MEDINA	
P-20-054	Demo of exiting structure and construction of new SFR,		12/18/2020	\$0	MEDINA	8/9/2021
P-LLA-20-001	1st Lot Line Adjustment,	Other	12/3/2020	\$0	MEDINA	8/9/2021
B091307-2045	Addition/alteration	Remodel	11/13/2007	\$165,000	MEDINA	6/1/2009
B050220-0121	Reconstruction - sport court	Accessory, New	4/17/2003	\$12,000	MEDINA	4/20/2007
3915	Accessoty building, deck expansion, addition	Accessory, New	6/25/1999	\$112,000	MEDINA	8/7/2000
3728		Remodel	5/22/1998	\$75,000		
3498		Remodel	3/8/1996	\$80,000		
D125		Demolition	2/13/1996	\$0		

HOME IMPROVEMENT EXEMPTION

Exempt Number	Building Number	Received Date	Estimated Cost	Estimated Completion Date	Begin Year	End Year	Amount	Permit Jurisdiction
12851	0	8/19/1998	\$75,000	8/21/1998	0	0	\$0	MEDINA

- [New Search](#)
[Property Tax Bill](#)
[Map This Property](#)
[Glossary of Terms](#)
[Area Report](#)
[Print Property Detail](#)


ADVERTISEMENT

Liang
Street Vacation Petition

CITY OF MEDINA DECLARATION OF MAILING

Stephanie Keyser does declare as follows:

That s/he is an employee of the city of Medina and that on the 16th day of September 2021 s/he caused a true and correct legible copy of the following described documents to be mailed to all residences which are within 300 feet of the property in question described by its street address as follows:

442 Upland Road

Description of document:

NOH – Street Vacation Petition

A copy of the mailed item and the addresses to which it was mailed are attached hereto.

Signed under the penalties of perjury of the laws of the state of Washington at Medina, Washington this:

16 day of September 20 21



Signature of mailing employee



CITY OF MEDINA NOTICE OF VIRTUAL HEARING

NOTICE IS HEREBY GIVEN that the Medina City Council will conduct a virtual public hearing on **Monday, November 8, 2021, at 4:00 PM** or as called as soon thereafter via MS Teams. The purpose of this hearing is to consider public testimony for and against amendments to the following:

Street Vacation Petition: Request to vacate 510 square feet of right-of-way adjacent to 442 Upland Road

Applicant: Jim Dearth of Ripple Design Studio (agent)
Ken and Laura Liang (owners)

Address: 442 Upland Road

YOU ARE INVITED to attend the virtual public hearing and provide oral and written public testimony regarding this issue. The Medina City Council has the discretion to limit testimony to relevant, non-repetitive comments and to set time limits. **If you are unable to attend, written comments may be submitted to Aimee Kellerman, City Clerk, at akellerman@medina-wa.gov. Comments received by 2:00 PM on November 8, 2021, will be provided to the Council electronically for consideration prior to the meeting. Comments received after that deadline will be provided to the Council at the meeting.**

FOR INFORMATION ON HOW TO ATTEND THE REMOTE HEARING, INCLUDING THE DIRECT MEETING LINK AND TELEPHONE NUMBER, PLEASE SEE THE CITY'S WEBSITE FOR THE MEDINA CITY COUNCIL MEETING AGENDA WHICH WILL BE POSTED BY FRIDAY, NOVEMBER 5, 2021, BY 4:00 PM. PLEASE EITHER LOG IN OR CALL IN AT THE BEGINNING OF THE MEETING TO PARTICIPATE. IF YOU NEED SPECIAL ACCOMMODATIONS, PLEASE CONTACT AIMEE KELLERMAN.

STATE ENVIRONMENTAL POLICY ACT: This proposal is exempt from SEPA review pursuant to WAC 197-11-800(2)(i)

QUESTIONS: City Hall remains closed to the public. However, the complete petition may be reviewed by emailing the staff contact below.

STAFF CONTACT: Stephanie Keyser, Planning Manager, at (425) 233-6416 or skeyser@medina-wa.gov.

Stephanie Keyser, AICP, Planning Manager

9/16/2021

Notice Issued

WARNING!

Posted notice is not to be removed, mutilated, or concealed in any way.

Exhibit 7a

ALEXANDRA L + JEFFREY A TEPER

432 OVERLAKE DRIVE E
MEDINA, WA 98039

JERRY + MAUREEN HUNTER

508 UPLAND RD
MEDINA, WA 98039

ALEXANDER + JOY STEWART

PO BOX 63
MEDINA, WA 98039

POLLY + WHERRY LAU

1661 HARBOR AVE SW #600
SEATTLE, WA 98126

TRENTON DYKES

426 UPLAND RD
MEDINA, WA 98039

ROBERT RICHMOND

500 86TH AVE NE
MEDINA, WA 98039

STUART + CLAUDIA LERWICK

518 UPLAND ROAD
MEDINA, WA 98039

PETER + TREMPER VAN SANT

8637 NE 6TH ST
MEDINA, WA 98039

STEVEN CHESTNUT

8612 NE 5TH ST
MEDINA, WA 98039

RICHARD + KATHRYN DALZELL

PO BOX 269
MEDINA, WA 98039

JIANG CHANGHUA + YAN YULAN

8629 NE 6TH ST
MEDINA, WA 98039

JEFF + CATHERINE JOHNSON

8622 NE 5TH ST
MEDINA, WA 98039

ANTHONY FUTRELL

NE 4TH ST
MEDINA, WA 98039

LOUIS LUNDQUIST

8621 NE 6TH ST
MEDINA, WA 98039

KIRK ALAN JOHNSON

4301 FOREST AVE SE
MERCER ISLAND, WA 98040

LHAM + FOROUTA MORSHEDZADEH

515 OVERLAKE DRIVE E
MEDINA, WA 98039

SAMEDY OUK

8447 RIDGE ROAD
MEDINA, WA 98039

MEDINA OVERLAKE 1 LLC

PO BOX 4206
BELLEVUE, WA 98009

CYNTHIA GILLISON + ERIC GOLDSBOROUGH

525 OVERLAKE DRIVE E
MEDINA, WA 98039

BRUCE RANSOM

435 UPLAND RD
MEDINA, WA 98039

BRUCE + DENISE NEU

484 OVERLAKE DRIVE E
MEDINA, WA 98039

MING SONG

531 OVERLAKE DRIVE E
MEDINA, WA 98039

NASER ATAEE

439 UPLAND ROAD
MEDINA, WA 98039

JKH FAMILY TRUST

494 OVERLAKE DRIVE E
MEDINA, WA 98039

SUSAN SULLIVAN

1645 RAMBLING LANE
MEDINA, WA 98039

JAY + SUMATHY PATHY

8457 NE 5TH ST
MEDINA, WA 98039

PEACE LAND LLC

520 OVERLAKE DRIVE E
MEDINA, WA 98039

JASON JOSEPH WEBER

446 OVERLAKE DR E
MEDINA, WA 98039

JAMES + KAREN HAAK

8605 NE 5TH ST
MEDINA, WA 98039

PEYMAN KHODABAKHSH

PO BOX 833
BELLEVUE, WA 98009

Exhibit 7a

ARNE M JOSEFSBERG

402 UPLAND RD

MEDINA, WA 98039

JAMES P + CARMEN R NOBLITT

8461 RIDGE ROAD

MEDINA, WA 98039

PETER J + MARTHA C WOODMAN

401 UPLAND RD

MEDINA, WA 98039

KIRK JOHNSON

515 UPLAND RD

MEDINA, WA 98039

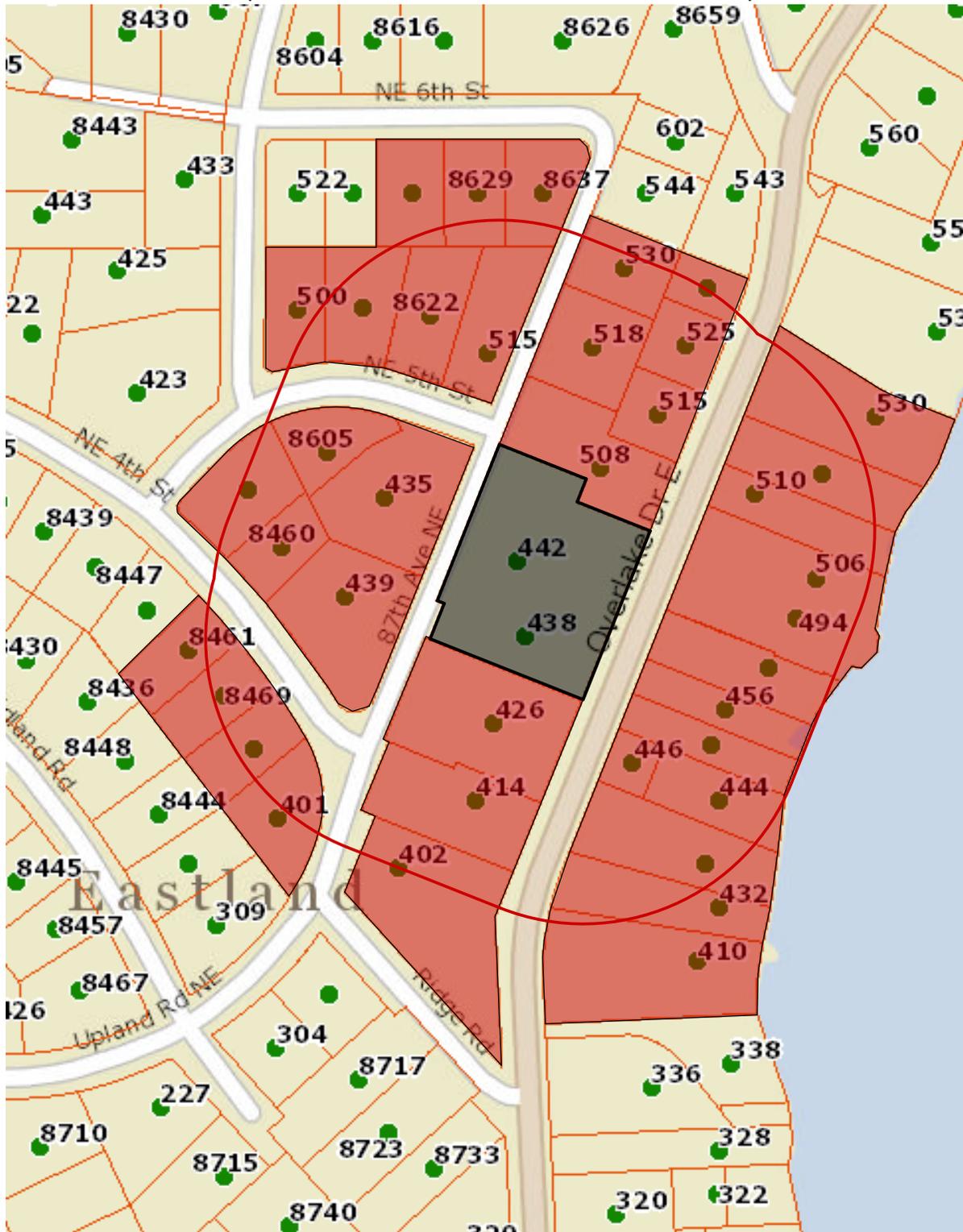
MICHAEL JOHNSON

414 UPLAND RD

MEDINA, WA 98039

Empty rounded rectangular box

VICINITY MAP (PROPERTIES WITHIN 300')



CITY OF MEDINA DECLARATION OF POSTING

PAT CRICKMORE does declare as follows:

That s/he is an employee of the city of Medina and that on the:

16th day of September 20 21

s/he caused a true and correct legible copy of the following described documents to be posted at each of the following indicated locations:

PN Medina City Hall, 501 Evergreen Point Road, Medina

PN City Website

PL Medina Post Office, 816 Evergreen Point Road, Medina

PL Public notice board at Medina Park Northeast 12th Street parking lot.

PL At two locations within 300 feet of the property in question described by its street address as follows:

442 Upland Road

Description of document:
NOH – Street Vacation Petition

A copy of the posted item is attached hereto.

Signed under the penalties of perjury of the laws of the state of Washington at Medina, Washington this:

16th day of September 20 21

Pat Crickmore
Signature of posting employee



CITY OF MEDINA NOTICE OF VIRTUAL HEARING

NOTICE IS HEREBY GIVEN that the Medina City Council will conduct a virtual public hearing on **Monday, November 8, 2021, at 4:00 PM** or as called as soon thereafter via MS Teams. The purpose of this hearing is to consider public testimony for and against amendments to the following:

Street Vacation Petition: Request to vacate 510 square feet of right-of-way adjacent to 442 Upland Road

Applicant: Jim Dearth of Ripple Design Studio (agent)
Ken and Laura Liang (owners)

Address: 442 Upland Road

YOU ARE INVITED to attend the virtual public hearing and provide oral and written public testimony regarding this issue. The Medina City Council has the discretion to limit testimony to relevant, non-repetitive comments and to set time limits. **If you are unable to attend, written comments may be submitted to Aimee Kellerman, City Clerk, at akellerman@medina-wa.gov. Comments received by 2:00 PM on November 8, 2021, will be provided to the Council electronically for consideration prior to the meeting. Comments received after that deadline will be provided to the Council at the meeting.**

FOR INFORMATION ON HOW TO ATTEND THE REMOTE HEARING, INCLUDING THE DIRECT MEETING LINK AND TELEPHONE NUMBER, PLEASE SEE THE CITY'S WEBSITE FOR THE MEDINA CITY COUNCIL MEETING AGENDA WHICH WILL BE POSTED BY FRIDAY, NOVEMBER 5, 2021, BY 4:00 PM. PLEASE EITHER LOG IN OR CALL IN AT THE BEGINNING OF THE MEETING TO PARTICIPATE. IF YOU NEED SPECIAL ACCOMMODATIONS, PLEASE CONTACT AIMEE KELLERMAN.

STATE ENVIRONMENTAL POLICY ACT: This proposal is exempt from SEPA review pursuant to WAC 197-11-800(2)(i)

QUESTIONS: City Hall remains closed to the public. However, the complete petition may be reviewed by emailing the staff contact below.

STAFF CONTACT: Stephanie Keyser, Planning Manager, at (425) 233-6416 or skeyser@medina-wa.gov.

Stephanie Keyser, AICP, Planning Manager

9/16/2021

Notice Issued

WARNING!

Posted notice is not to be removed, mutilated, or concealed in any way.

Stephanie Keyser

From: Legals <legals@seattletimes.com>
Sent: Tuesday, September 14, 2021 11:13 AM
To: Stephanie Keyser
Subject: RE: 14779 - 14880 - City of Medina Legal Ads
Attachments: 14880Proof.pdf; 14879Proof.pdf

Hi Stephanie,
These are both scheduled to publish on 9/16. Proofs are attached.
Thank you!
Order 14879, \$220.77
Order 14880 \$144.95

Holly Botts

Legal Advertising Representative
p: (206) 652-6604
e: hbotts@seattletimes.com



From: Stephanie Keyser <skeyser@medina-wa.gov>
Sent: Tuesday, September 14, 2021 8:25 AM
To: Legals <legals@seattletimes.com>
Subject: 14779 - 14880 - City of Medina Legal Ads

Good Morning!

Attached please find two legal ads for publication on Thursday, September 16th.

Thanks!

Stephanie

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**CITY OF MEDINA
NOTICE OF VIRTUAL
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Medina City Council will conduct a virtual public hearing on Monday, November 8, 2021, at 4:00 p.m. or as called as soon thereafter via MS Teams. The purpose of this hearing is to consider public testimony for and against the following:

Street Vacation Petition: Request to vacate 510 square feet of right-of-way adjacent to 442 Upland Road.

Applicant: Jim Dearth of Ripple Design Studio (agent)
Ken and Laura Liang (owners)

Address: 442 Upland Road

YOU ARE INVITED to attend the virtual public hearing and provide oral and written public testimony regarding this issue. The Medina City Council has the discretion to limit testimony to relevant, non-repetitive comments and to set time limits. If you are unable to attend, written comments, may be submitted to Aimee Kellerman, City Clerk, at akellerman@medina-wa.gov. Comments received by 2:00 PM on November 8, 2021, will be provided to the Council electronically for consideration prior to the meeting. Comments received after that deadline will be provided to the Council at the meeting.

For information on how to participate in the virtual public hearing, including the direct meeting link and telephone number, please see the City's website for the Medina City Council meeting agenda which will be posted by Friday, November 5, 2021 by 4:00 PM. Please either log in or call in at the beginning of the meeting to participate. If you need special accommodations, please contact Aimee Kellerman.

STATE ENVIRONMENTAL POLICY ACT (SEPA): This proposal is exempt from SEPA review pursuant to WAC 197-11-800(2)(i)

QUESTIONS: City Hall remains closed to the public. However, the complete ordinance may be reviewed by emailing the staff contact below.

STAFF CONTACT: Stephanie Keyser, Planning Manager, at (425) 233-6416 or skeyser@medina-wa.gov

CITY OF MEDINA, WASHINGTON

RESOLUTION NO. 419

A RESOLUTION OF THE CITY COUNCIL OF MEDINA, WASHINGTON, SETTING A LEGISLATIVE HEARING ON THE NOVEMBER 8, 2021, CITY COUNCIL AGENDA TO CONSIDER A PETITION FOR THE VACATION OF 510 SQUARE FEET OF RIGHT-OF-WAY AT 442 UPLAND ROAD (AKA 442 87TH AVENUE N.E.), MEDINA, WASHINGTON, AND DIRECTING NOTIFICATIONS THEREOF, ALL IN ACCORDANCE WITH RCW CHAPTER 35.79 AND MEDINA MUNICIPAL CODE CHAPTER 12.44.

WHEREAS, a street vacation petition (Petition) was submitted to the City of Medina on August 23, 2021, by Jim Dearth, of Ripple Design Studio, on behalf of Ken Liang, owner of and resident at 442 Upland Road (aka 442 87th Avenue N.E.), Medina, Washington (Property), seeking to vacate 510 square feet of Upland Road right-of-way (Subject ROW) immediately adjacent to and abutting the Property; and

WHEREAS, the Subject ROW to be vacated comprises a strip of land 10' x 51' in size abutting only the property of Ken Liang, and the Petition is therefore signed by more than two-thirds of the owners abutting the portion of Upland Road for which the vacation is sought; and

WHEREAS, the existing Property is legally described in attached **Exhibit A** and shown in the Vacation Exhibit attached as **Exhibit B**; and

WHEREAS, Medina Municipal Code (MMC) Chapter 12.44 and RCW Chapter 35.79 require that when a vacation petition has been filed with a city and is signed by more than two-thirds of the owners abutting the ROW to be vacated, as is the Petition filed in this instance, the City Council shall by resolution set a hearing on the Petition for a date which is not more than sixty days nor less than twenty days after the date of passage of such resolution; and

WHEREAS, upon passage of such resolution the City shall give 20 days' notice of the pendency of the Petition and hearing as specified in MMC 12.44.100, which shall include posting a written notice thereof in three of the most conspicuous public places in the City, and posting such notice in a conspicuous place on the Subject ROW, and on the City website, and shall further publish the notice in the Seattle Times as the City's official newspaper, and shall mail such notice to all property owners within 300 feet of the subject property; and

WHEREAS, the Council's meeting date of November 8, 2021 satisfies the statutory time limit requirements for the hearing and enables timely posting and publication thereof as required by law; and

WHEREAS, the foregoing recitals are hereby adopted as the Council's findings on this matter;

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

Section 1. Hearing Date and Time Scheduled. The hearing date and time for the Petition described above is hereby set for November 8, 2021, commencing at 4:00 p.m. or as soon thereafter as called by the Council from its meeting agenda. The hearing date and time may be continued from time to time as determined necessary or appropriate by the Council to complete the statutory review specified under MMC Chapter 12.44 and RCW Chapter 35.79 and enable the Council to make a fully informed legislative decision on and concerning the Petition.

Section 2. Notice of Hearing. The City Clerk is directed to timely post and publish and mail notices of the Petition and hearing date/time/place in the form and places and manner specified herein and as required by MMC Chapter 12.44 and RCW Chapter 35.79, and to maintain a record of such actions.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON SEPTEMBER 13, 2021 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE ON SAID DATE.


Jessica Rossman, Mayor

Approved as to form:
Ogden Murphy Wallace, PLLC

Attest:


Scott M. Missall, City Attorney


Aimee Kellerman, City Clerk

FILED WITH THE CITY CLERK: 09/14/2021
PASSED BY THE COUNCIL: 09/13/2021
RESOLUTION NO. 419

EXHIBIT A

A PORTION OF HARMON AVE PER PLAT OF KENWOOD PARK AS RECORDED IN BOOK 8 OF PLATS ON PAGE 26, IN KING COUNTY WASHINGTON, DESCRIBED AS FOLLOWS;

ALL THAT PORTION OF SAID HARMON AVE LYING IN FRONT OF LOTS 4 AND 5, BLOCK 15 OF SAID KENWOOD PARK;

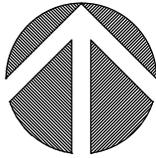
EXCEPT THE SOUTHWESTERLY 15 FEET ADJOINING LOT 5;

EXCEPT THAT PORTION OF HARMON AVE VACATED UNDER THE CITY OF MEDINA ORDINANCE NO. 804, RECORDED NOVEMBER 2, 2007 UNDER RECORDING NO. 20071102000049.

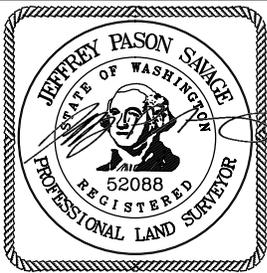
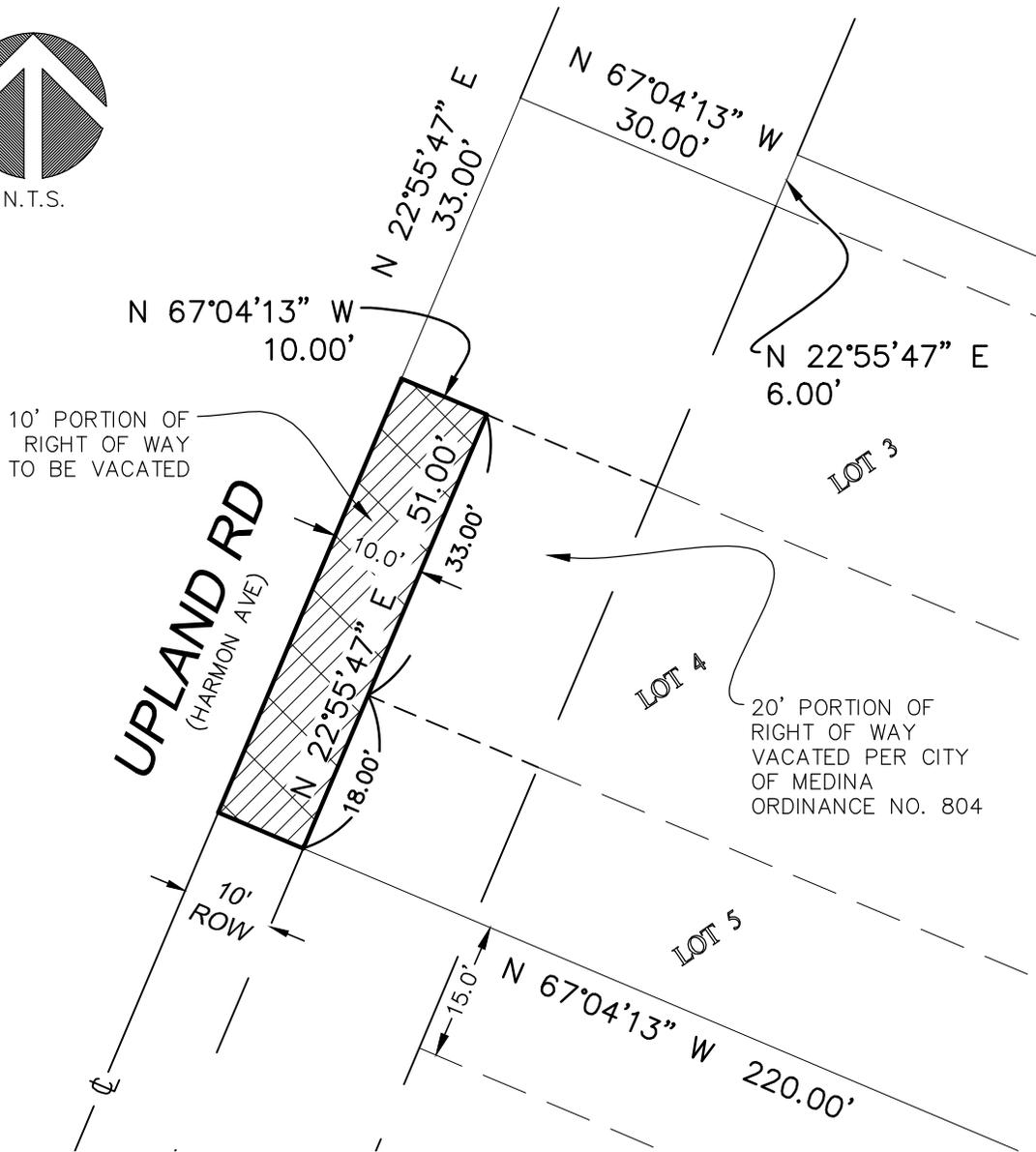


08/20/2021

EXHIBIT B



N.T.S.



VACATION EXHIBIT

438 UPLAND RD
MEDINA, WA 98039

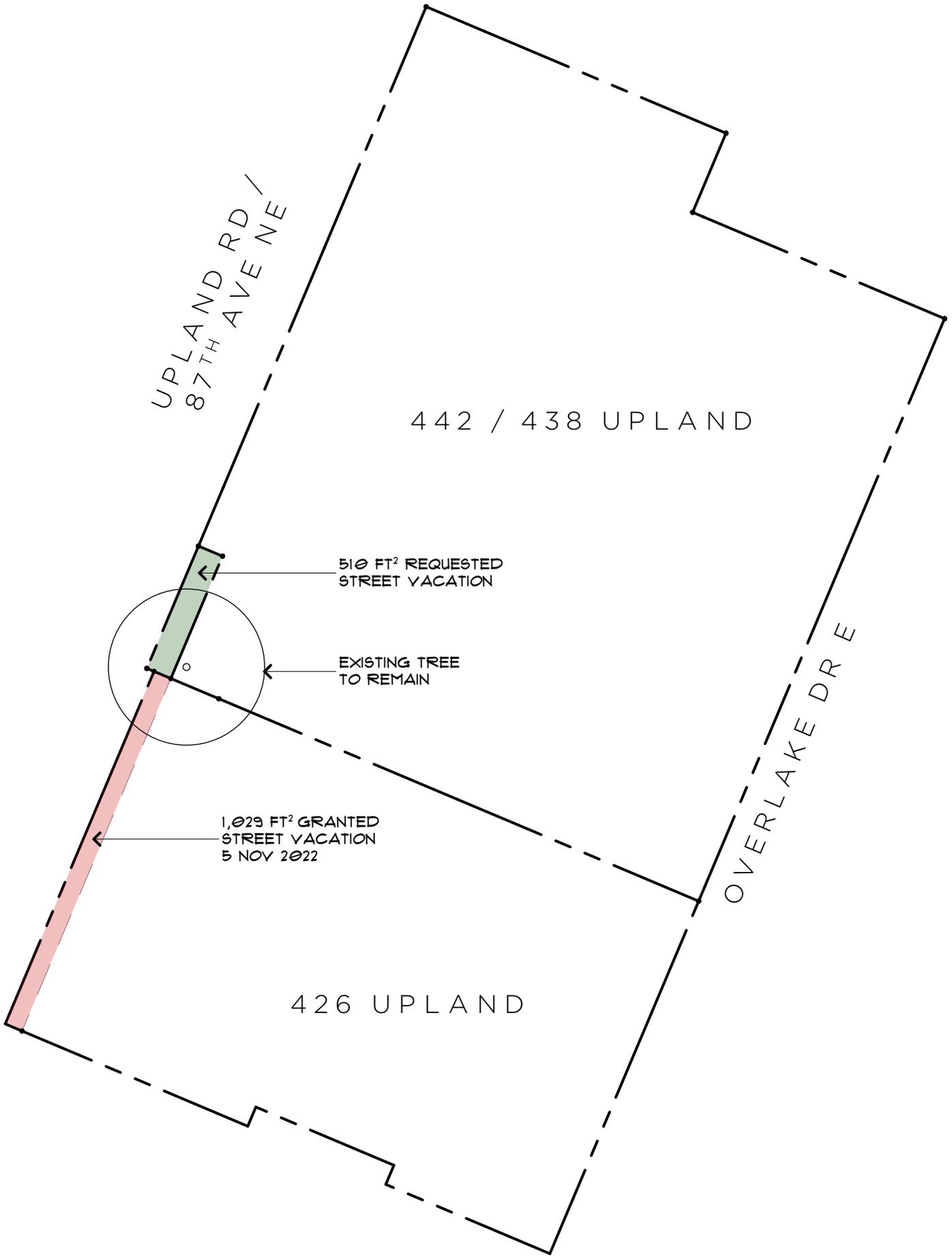
JOB NO. 191875
DATE: 08/20/2021



Terrane

10801 Main Street, Suite 102, Bellevue, WA 98004
phone 425.458.4488 support@terrane.net

www.terrane.net



Stephanie Keyser

From: Ken Liang <kenliangman@gmail.com>
Sent: Monday, October 25, 2021 12:02 PM
To: Jessica Rossman; Harini Gokul; Jen Garone; Cynthia Adkins; Roger Frey; Bob Zook; Alex Morcos; Stephanie Keyser; Scott Missall
Cc: Ken Liang; Brad (RE Litigator) Thoreson; Jim Dearth; Jeffrey Almeter; Laura Liang
Subject: Owner/Applicant's Response and Objections to City of Medina Appraisal for 442/438 Upland Road Street Vacation
Attachments: Owner Response & Objection to Appraisal- 442438 Upland Road Street Vacation.pdf; Exhibit A-Diagram Comparing 442438 v 426 Street Vacation.pdf; Exhibits B--E of 442438 Upland Owner's Response.pdf

Ladies and Gentlemen, pursuant to City of Medina's staff instructions to provide written response and objections for the above referenced matter, please find the following documents relating the above referenced matter.

1. Response and Objection by Ken and Laura Liang to City of Medina's Appraisal for 442/438 Upland Road
2. Exhibit A: Diagram comparing 442/438 Upland Road street vacation to previously approved 426 Upland Road street vacation
3. Exhibits B-E:

Please let me know if did not receive the 3 attachments or have any questions. My contact information is set forth below.

Regards
Ken

Ken Liang
Email: kenliangman@gmail.com
Mobile: 818-817-1922

To: City of Medina City Council
City of Medina Staff (Stephanie Keyser)

CC: Brad P. Thoreson, Esq. (Buchalter)
Scott Missall, Esq. (Medina City Attorney)

From: Ken and Laura Liang (Owner/Applicant)

Date: October 25, 2021

Re: Formal Objection to City of Medina Appraisal for 442/438 Upland Road Street Vacation– 1,667% higher than identical next door contiguous ROW appraisal adopted by City in 11/2020 – Spite/Retaliatory Appraisal

1. Brief Summary of Specious Appraisal

This is the Ken and Laura Liang's (Owner/Applicant) response and formal objection to errant Sherwood Appraisal prepared for the City of Medina for the 510 sq ft area at 442/438 Upland Road dated September 23, 2021. (the "Medina 442/438 Appraisal") **Remarkably, the Medina 442/438 Appraisal values the 510 sq ft at \$127,500 or \$250 per square feet (PSF), or 1,667% higher than both an appraisal, and review appraisal, of an identical abutting right of way ("ROW") at 426 Upland Road approved by the City less than 10 months ago on November 5, 2020. (See Exhibit B)** The 442/438 Appraisal is either a grand mistake or a spite appraisal, meant only to damage its only obvious purchaser, Owner/Applicant. Stated simply, if the Medina 442/438 Appraisal is valid, every property in Medina has effectively increased from \$10M to \$167M in 10 months.

2. Appraisal not Obtained by Owner/Applicant because the City of Medina directed them to not do so

Owner/Applicant was directed by the City of Medina staff to not submit an appraisal as part of the street vacation application process, and as a result, Owner/Applicant has not undertaken the same. Owner/Applicant complied with the City of Medina's directive to not submit their own appraisal as they had reviewed the King appraisal, and Barnes review appraisal, and concluded it would be a simple process, as an abutting strip located at 426 Upland Road had been appraised by Mr. King of King Appraisal and reviewed by well-regarded MAI Ken Barnes of McKee Appraisal representing the City of Medina, less than 10 months ago (November 5, 2020), who both agreed the range should be \$15 to \$30 PSF, using well established MAI appraisal standards and practices. **(See Exhibits A-D)** We understand that appraisers are currently in high demand and it takes approximately 2-6 months to engage a reputable appraiser in the Bellevue/Seattle area.

However, it would appear that if McKee & Associates and MAI Ken Barnes (City of Medina appraisers of the abutting ROW from November 2020) were retained by Owner/Applicant, Mr. Barnes would blow holes through the Sherwood appraisal, as not based on standard and accepted valuation methodology for ROW – in particular the City of Medina. Mr. Barnes has attained the highest status for an appraiser with a MAI designation. Mr. Sherwood has not.

That would then leave to **WHY** and **HOW** questions for the City. WHY staff accepted an appraisal so contrary to others completed in the recent past and the use of odd and outlandish appraisal methodology to arrive at a valuation that is almost 2,000% higher than comparable and, in particular, the abutting ROW valued late last year. WHY the City Council is being asked by staff to adopt this appraisal so out of line, it literally cries for review?

HOW does one square the 2020 abutting ROW valuation, which was appraised and reviewed, with one where the value for identical ROW has come back at \$250 PSF, versus a well debated range of \$15-30 PSF.

3. Helpful reference documents attached: We assume you have access to full documents referenced in Exhibits B-E) through the City's staff as it is voluminous but we can provide if needed.
 - a. Exhibit A: Diagram comparing 442/438 Upland Road street vacation and prior City approved (11/05/2020) street vacation on abutting strip located at 426 Upland Road
 - b. Exhibit B: Portions of City of Medina approval of street vacation for 426 Upland Road dated November 5, 2020
 - c. Exhibit C: Portions of Appraisal of King Appraisal re 426 Upland Road street vacation
 - d. Exhibit D: Portions of Appraisal Review by Ken Barnes at McKee & Associates re 426 Upland Road street vacation.
 - e. Exhibit E: Portions of City of Medina approval of street vacation dated May 14, 2007 re 438, 426 and 414 Upland Road.

4. Valuation Impossibility - \$15-30 PSF to \$250 PSF in 10 months

The Medina 442/438 Appraisal does not make any sense to us and does not, according to other appraisers, use appropriate valuation methodology for City property ancillary to abutting property which is to be vacated and sold. The best examples are the most recent appraisal of Mr. King and the review appraisal prepared by Ken Barnes of McKee & Associates for Scott Missall, City Attorney for Medina, in November of 2020 on the right

of way next to the subject area. Both concluded a value, based on a “before and after” valuation methodology. The methodology made sense and came up with a range of \$15-30 PSF for the vacated property. We suspect that if we pulled other like kind appraisals within the City of Medina, we would find identical methodologies used by MAI’s. So, completely abandoning prior and appropriate methodologies, using an approach that ignores assessed value and other comp’s for vacated property, and making a first ever (novel) determination that all properties in Medina are “raw land” are incredible reaches that do not comply with acceptable MAI appraisal standards and practices. We suggest the City of Medina re-engage Mr. Barnes to perform a review of the Sherwood appraisal to see if he can justify an increase in value of almost 1,700% in less than 10 months.

5. November 5, 2020 City Council approval of 426 Upland Road Street Vacation

On November 5, 2020, the Medina City council approved a street vacation at the property located at 426 Upland Road, Medina, the adjoining lot to the Owner/Applicant’s lot at 442/438 Upland Road. In the 426 Upland Road street vacation, the Medina City Council approved on November 5, 2020 a purchase price of \$15,435 for 1,029 sq ft of land or \$15 PSF. (See Exhibit B). As indicated above, there were two appraisals done in the 426 Upland Road street vacation. The owner’s appraiser (King Appraisal) recommended a price of \$15 PSF. The appraiser engaged by the City of Medina (Ken Barnes of McKee & Associates) recommended a price of \$30 PSF. The Medina 442/438 Appraisal now concludes the price to be paid for 510 sq ft of land subject to the street vacation at 442/438 Upland that adjoins the 426 Upland Road vacated property is \$127,500 or \$250 PSF. An increase of 1,667% in 10 months or 2,000% annualized. (**See Exhibits A-D**):

- a. Can the City of Medina explain/justify how the price approved by the City of Medina for street vacation for two adjoining strips of land differ from \$15 PSF to \$250 PSF within a one-year period? How can Owner/Applicant be charged **1,667%** higher price 10 months later? Why is there such a difference in treatment given the identical (except size) connecting right of way 426 Upland Road and 442/438 Upland Road?
- b. Can the City of Medina explain how Medina 442/438 Appraisal for land subject to a street vacation application so differ from a very detailed appraisal, and review appraisal, for the identical right of way being valued about 10 months apart. Sherwood does not even reference the November 5, 2020 street vacation of 426 Upland Road as a comparable in his appraisal and provides no reason for not doing so. Owner/Applicant’s prior inquiries to City of Medina staff for rationale did not yield any response other than Owner/Applicant can voice its concerns at the scheduled November 8, 2021 City Council meeting. This memo is written to comply with staff’s response.
- c. In prior street vacation proceedings on May 22, 2007 involving these two adjoining lots, the City of Medina did not distinguish between 438 and 426 Upland Road and

treated them exactly the same in terms of valuation along with 414 Upland Road (the property abutting 426 Upland Road to the south). How can the City of Medina explain such a difference in treatment now? (See Exhibit E).

- d. Although we hope not intended, this situation seems to be retaliatory. We are the obvious buyer for the vacated property and the City is aware of that fact. There have been speed bumps with the City along the way and we hope a new very odd appraisal increasing the value by close to 1,700% IS NOT a way to make it difficult for us relative to the owner at 426 Upland or generally. But having thoroughly reviewed the King and Barnes valuation work, and our attorney having spoken directly with Mr. Barnes of McKee & Associates, we feel very confident that the work of Mr. Sherwood is not appropriate or proper. We simply do not understand why the City of Medina would adopt the Medina 442/438 Appraisal by Sherwood.
- e. If the very odd methodology used by Mr. Sherwood is going to become the new standard for City of Medina's right of way vacation and valuation, we would appreciate confirmation of this fact and would like to know if any other MAI (Mr. Sherwood does not hold seem to hold such a designation) agrees with his approach and whether it is, in fact, legal.

6. Flawed Appraisal Methodology – Improvements Valued at -0-

The Medina 442/438 Appraisal methodology seems to be flawed or inconsistent to other market type residential appraisals analyzing single family residences. The Medina 442/438 Appraisal uses a market analysis of single-family residences sold during the last 12 months. It has no reference to the 426 Upland Road street vacation and provides no explanation for its exclusion as a comp right next door and within the last 10 months. However, the Medina 442/438 Appraisal attributes 100% of the sales price in those single-family residences sales to the land even though they were sold with houses on them. It attributes a value of -0- to the houses located on such properties used for its comparable sales. The Medina 442/438 Appraisal takes the sale prices for those single-family residences and divides it by the square footage of the lot size and comes up with a PSF price that attributes 100% of the sale price to the land only. Based on this methodology, the sale comps for house and land are skewed to higher value per sq ft of land because it attributed -0- value to the house and assumes the market does not attribute value to the house. The Medina 442/438 Appraisal using this flawed technique creates a skewed range of value of \$229.30 to \$300.81 PSF for the land value for those single-family residences and a -0- value for houses on those properties. This methodology does not seem to be rational given the disparity in treatment by the City of Medina towards the Owner/Applicant.

- a. The Medina 442/438 Appraisal refers to the sales prices of 442 Upland Road paid by Owner/Applicant at \$5.7mm and 438 Upland Road at \$4.47mm in 2019 or \$10.170mm in aggregate. 442 had a 4,080 sq ft house at the time

of purchase in 2019 and 438 had a 3,370 sq ft house in 2019. However, the Medina 442/438 Appraisal refers to the sales price of the land of 442 and 438 at \$170.98 PSF by taking the combined purchase price of \$10.170mm and dividing it by 1.37 acres. Each of the houses were fully habitable at the time of the purchase. Applying \$250 PSF valuation used in the Medina 442/438 Appraisal to the whole lot at 442/438 Upland Road would result in a value of approx. \$15mm after demolishing two multi-million dollar houses. Owner/Applicant has never seen any residential appraisals adopt this methodology.

- b. The Medina 442/438 Appraisal attributes -0- value to the comparable houses and deems them to be at the end of their 'effective' life. How was this determination made?

7. Contributory Value is the Standard and Accepted Appraisal Methodology

The Medina 442/438 Appraisal does not consider the size of the strip of land being vacated relative the size of whole parcel or lot. The Medina 442/438 Appraisal assumes there is no difference of the value of 510 sq ft of land relative to a 10,000 sq ft lot, 20,000 sq ft lot, 30,000 sq ft lot or 60,000 sq ft lot in the case of 442/438 Upland Road.

- a. Prior appraisals by King and Barnes apply a before and after valuation technique, which is typical for this type of a valuation. It evaluates the value of the property with the vacated strip and without the vacated strip. Please see expressly Ken Barnes (McKee & Associates appraisal in Exhibit D) assessment for the abutting strip in November of 2020 adopting "Contributory Value" methodology which is defined as considering the value of the component contributed to the value of the whole property. The larger the lot relative to the proposed vacated land, the less valuable vacated land is to that whole lot.
- b. For 426 Upland, the vacated land of 1,029 sq ft relative to a 31,880 sq ft lot represented approx. 3.0 %. Here, the 510 sq ft strip relative to 1.37 acres is approx. 0.8%.

8. Disparate Impact Between Two Neighbors

The Medina 442/438 Appraisal methodology compared to the methodology applied on November 5, 2020 for 426 Upland Road seems inconsistent with no apparent rationale for the change from a public viewpoint. It results in a very significant disparate, harmful and prejudicial treatment to Owner/Applicant relative to its neighbor in less than 12 months even though both are similar situated from geographical and location stand point.

- a. In prior street vacation proceeding with the City of Medina in 2007, 438 Upland and 426 Upland were treated exactly the same (see Exhibit E).
- b. Was there a particular reason why the appraiser (McKee) used by the City of Medina in the 426 Upland street vacation in November 2020 case was not engaged here?
- c. Was the appraiser used in this case (Sherwood Appraisal) aware of the prior appraisal by McKee and methodology adopted by the City of Medina Council on November 5, 2020? And what has the City done to evaluate the incredibly disparate outcomes in the two separate appraisals for connecting right of way – 1,667% difference in 10 months. We believe Mr. Barnes or Mr. King or countless other appraiser's use by the City for ROW vacation could point out the errors in the Sherwood appraisal.
- d. Was there a reason or intent to change to an inapplicable and possibly 'illegal' methodology? The disparate treatment resulting from the change in methodology between Owner/Applicant and the 426 Upland owner and property seems extreme to charge one owner 1,667% higher price within a 10 month period. There should be a consistent valuation methodology application by the City of Medina in valuing land in Medina residential settings?
- e. Will City of Medina use this methodology if it was purchasing land in Medina if this was an eminent domain case or in future cases?

9. Equal Treatment

Given the similarities between the 426 Upland Road street vacation on November 5, 2020 to 442/438 Upland Road, it would seem rationale to follow the precedent and methodology adopted on November 5, 2020 and apply it in this similar situated case with some additional consideration for the market value change during the last year. There does not seem to be a rational basis to treat such similar situations with such a different, harmful and prejudicial outcome to Owner/Applicant. Or, did owner of 426 Upland Road received a huge preferential treatment in November 2020 relative to Owner/Applicant?

Ken and Laura Liang

EXHIBIT A

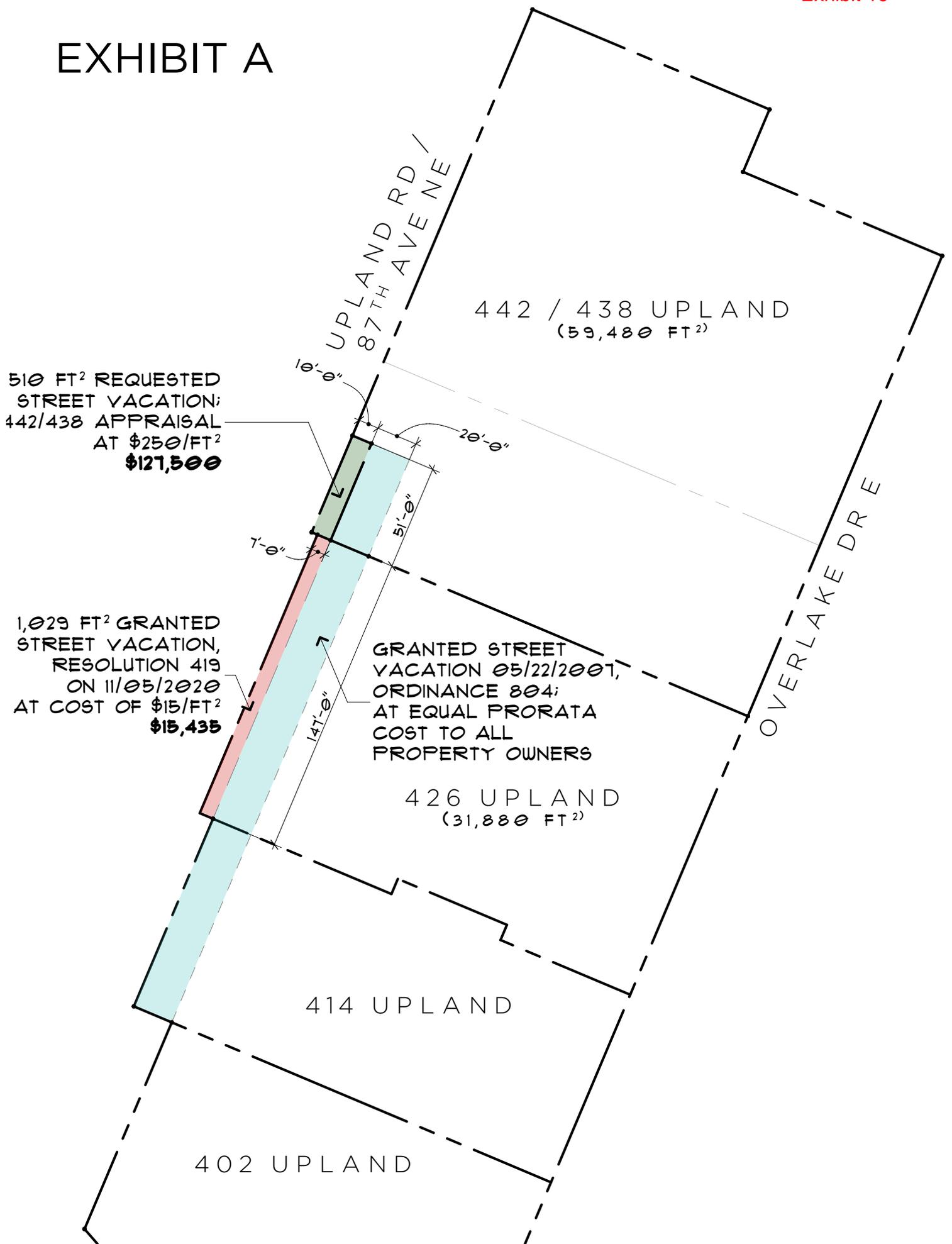


EXHIBIT B

AGENDA ITEM 6.1



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

STAFF REPORT

ANALYSIS AND RECOMMENDATION
FOR THE UPLAND ROAD VACATION
LEGISLATIVE HEARING

Prepared by:

Michael Sauerwein, City Manager & Ryan Osada, Public Works Director

November 5, 2020

Part 1 – Subject: Street Vacation Petition

A street vacation petition was filed with the City on August 11, 2020 (**Petition**) by Trenton C. Dykes. *Att. 1.* Street vacations are governed by RCW Chapter 35.79 (Streets—Vacation). *Att. 6.* The Petition asks the City Council to vacate a portion of Upland Road, one of the City's public rights-of-way, so that it can be converted to private ownership and incorporated into the Dykes property located at 426 Upland Road (Dykes Property or Property). *Att. 2, 3.*

The specific area of the requested vacation totals 1,029 sq. ft. of public right-of-way in the shape of a 7' x 147' rectangle. The long side of the rectangle abuts the westerly boundary of the Dykes Property from the southerly to the northerly limit of the Property, and extends west to the middle of the hedge planted and maintained by Dykes in the existing Upland Road right-of-way. If granted, the new Upland Road right-of-way width along the Dykes Property would be 33 feet.

Part 2 – Attachments

The following documents are pertinent to the Petition and referenced throughout this Staff Report for consideration by the Council in hearing and deciding the Petition. For those reasons, the Staff Report and its attached and incorporated exhibits will be entered as exhibits to the Council hearing.

1. Upland Road Vacation Petition and Valuation Study (8.11.2020)
2. Vicinity and Location Maps/Diagrams (2)
3. Upland Road Utility Diagrams (5)
4. City Review Appraisal (10.26.2020)
5. Medina Ord. No. 804 (2007 Upland Vacation; King Co. Rec. No. 20071102000047)
6. RCW Chapter 35.79 (Streets—Vacations)
7. Agenda Bill Item 8.1 (Street Vacation 101) (10.12.2020)
8. Council Resolution No. 412 setting legislative hearing (9.14.2020)
9. King County Property Report for 426 Upland Road (current)

AGENDA ITEM 6.1

Part 5 – Applicant & Property Information

<u>PROPOSAL:</u>	Request to vacate <u>1,029 sq. ft. of adjoining Upland Road (7' x 147')</u> and combine with existing residential property
<u>APPLICANT:</u>	Trenton C. Dykes
<u>PROPERTY OWNER:</u>	Trenton C. Dykes
<u>LOCATION:</u>	426 Upland Road [426 87 th Ave. NE 98039]
<u>TAX PARCEL NO.:</u>	383550-2406
<u>LEGAL DESCRIPTION:</u>	KENWOOD PARK ADD LOTS 6 THRU 9 & LOTS 29 THRU 32 & SWLY 15 FT OF LOT 33 & OF LOT 5 LESS S 8 FT OF SELY 25.92 FT OF LOT 9 & LESS S 8 FT OF NWLY 31.6 FT OF LOT 29 TGW POR VAC RD ADJ PER MEDINA ORD #804; PLAT BLOCK:15
<u>ACCESS:</u>	Ingress and egress from Upland Road
<u>COMP. PLAN DESIG.:</u>	Single Family Residential
<u>ZONING:</u>	Single Family Residence (R-16)
<u>EXISTING LOT SIZE:</u>	<u>31,880 SF</u>
<u>CRITICAL AREAS:</u>	Erosion Hazard Critical Area on easterly side of property
<u>SEPA STATUS:</u>	Street vacations exempt per WAC 197-11-800(2)(i)

Part 6 – Upland Road ROW, Public Use & Utilities

Upland Road has been in existence for many decades and provides utility services, and vehicular and pedestrian access, to residential portions of the City. *Att. 2, 3.* Upland Road was originally created and dedicated as a 60-foot platted right-of-way. In 2007 it was partially vacated along its easterly side, adding 20 feet of width to the lots on the easterly side of the road in that area, and correspondingly reducing the right-of-way to 40-feet. *Att. 5.* The Dykes Property was one of those benefitted properties. Other properties along the easterly side of Upland Road further to the northeast were granted a 30-foot vacation, resulting in an existing right-of-way width of 30 feet in that area.

Upland Road contains a variety of public and private utilities and services serving the surrounding properties, including Bellevue sewer, Bellevue water, PSE power, PSE gas, Centurylink services, Comcast services, and Medina stormwater services. Sewer and communications utilities are located adjacent, along and/or under the hedge planted and maintained by Dykes in the Upland Road right-of-way. *Att. 2, 3.* A communications utility box is located immediately west of the hedge (i.e., on the Upland Road side). *Att. 2, 3.* The proposed westerly line of the 7' x 147' area to be vacated runs down the middle of hedge. There are no sidewalks along Upland Road in the vicinity of the Property.

Part 7 – Applicable Statutes; City Policies and Regulations**A. Statutes**

RCW Chapter 35.79 contains several requirements, largely focused on street vacation procedure and compensation to the City. These are summarized in *Att. 7.* The City has followed the required procedures. See Parts 3 and 4 above. Because Upland Road is more than 25 years old, Council has authority to require payment of up to 100% of the appraised value for any portion of Upland Road that is vacated, whether in fee or in the nature of an easement or other limited interest.

B. Comprehensive Plan Policies

The Medina Comprehensive Plan (**Plan**) contains much discussion, and several adopted goals and policies, that reference roads, streets and rights-of-ways, and utilities. Those elements of the

AGENDA ITEM 6.1

B. Valuation and Compensation Determination.

After determining the preferred right-of-way status and options discussed above, the Council must decide what compensation amount is appropriate for the action taken.

Part 11 – Staff Recommendation; Proposed Motion

A. Recommendation

Based on the preceding analysis, Staff recommends that Council approve the vacation as outlined in Option 3 at Part 10(A) above, and require compensation payable to the City in the amount of \$15,435, being 50% of the appraised fair market value determined by the City's Appraisal Review.

B. Proposed Motion

I move that Council adopt the Staff Recommendation stated in Option 3 at Part 10(A) of its Staff Report on this matter and require compensation payable to the City in the amount of \$15,435, and direct the City Attorney to prepare an Ordinance and related documents to effectuate those terms for Council review and final approval.

Part 12 – Final Council Decision

Based on the outcome of the Council's discussion and preliminary or final decision (if any), Staff will prepare an appropriate Ordinance and related documents for final consideration and action by the Council.



Michael Sauerwein, City Manager

Date: 11-6-2020



Ryan Osada, Public Works Director

Date: 11/6/2020

Attachment 6.6

EXHIBIT C

July 20, 2020

Contributory Value Study Medina, WA

Prepared by:

**William King
William King & Associates, Inc.
P.O. Box 24422
Federal Way, WA 98093
Tel: 206-409-5017 Fax: 888-401-5737**

1 Part I – Introductory Details

1.1 Purpose of Appraisal

The purpose of this assignment is to develop a current opinion of contributory value of 1,029 square feet of land to an existing homesite in the City of Medina. The research and analysis were done primarily in February and March of 2020; additional analyses were made in April and May 2020. There are certain assignment-specific assumptions and conditions made in conjunction with development of my opinion of value which are discussed throughout the body of the report. This is *not* an appraisal of the entire property at 426 Upland Road.

1.2 General Information

Appraisal Client: My client is Trenton Dykes

Intended Users: Intended users are Trenton Dykes, The City of Medina and their respective advisors. There are no intended users other than you and those parties deemed necessary to complete the negotiation process.

Intended Use: The contributory value opinion and report is intended for the sole and exclusive purpose of assisting you negotiating an agreement with the City of Medina for your acquisition of some or all of the City owned property you are seeking to acquire through a vacation of public right-of-way. The report is not intended for use for any other purpose or by any other party.

Value Conclusion: **\$15,400**

Important Dates:

Effective date of Value:	February 22, 2020
Date of property visit:	February 22, 2020
Report/Signature Date:	July 9, 2020

Property Interest Appraised:

Fee Simple – my opinion of contributory value is for the unencumbered fee simple interest in the real property appraised.

Scope of Work Comments:

The purpose of this appraisal is to develop an opinion of the contributory value of 1,029 square feet (a 7' x 147' strip) on the west side of the property. This assignment does not include an appraisal of the whole property.

October 26, 2020

Scott M. Missall
Ogden Murphy Wallace P.L.L.C.
901 Fifth Avenue, Suite 3500
Seattle, WA 98164

<i>Description:</i>	<i>Review of appraisal prepared by William King & Associates, Inc.</i>
<i>Property Address:</i>	<i>426 Upland Road, Medina, WA</i>
<i>Assessor's Parcel Nos.:</i>	<i>383550-2406</i>
<i>McKee & Schalka Reference No.:</i>	<i>40230</i>

Dear Mr. Missall:

I have prepared this Appraisal Review Report ("Appraisal Review"). The work under review is an Appraisal Report prepared by William King & Associates, Inc. for the above-referenced property. The client and intended user of this Appraisal Review is you. The City of Medina is also an intended user. The intended use of this Appraisal Review is for assistance in establishing a basis for payment for vacation of right of way. The purpose of the Appraisal Review is to determine if appropriate appraisal methods and techniques were used, and to evaluate the reasonableness of the appraisal results. The effective date of this Appraisal Review is February 22, 2020, which is consistent with the effective date of the William King & Associates, Inc. appraisal.

This Appraisal Review has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP), and with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute. This Appraisal Review is subject to the Certification and General Assumptions & Limiting Conditions contained in this report, as well as assumptions found in the original appraisal.

As a result of my investigation and analysis, I have concluded that the appraisal results documented in the original report are not reasonable as a basis for purchase of the right of way to be vacated. With additional analysis in this Appraisal Review I have concluded the Fair Market Value for the Contributory Value of the right of way to be vacated to be \$30,870.

Respectfully submitted,


Ken Barnes, MAI, CRE

Washington State Certified General Real Estate Appraiser (1100578)

This is the concept that the value of particular component is measured in terms of its contribution to the value of the whole property, or as the amount that its absence would detract from the value of the whole.

Source: The dictionary of real estate appraisal, fourth edition, page 63

RCW 35.79 requires only "appraised value" without definition. I agree that Contributory Value is an appropriate approach for the purpose of this appraisal.

The methodology the appraiser has utilized is an appropriate approach to estimate Contributory Value. He has compared land sales of different sizes in order to estimate the marginal additional value of having a larger yard. As an example, if a 10,000sf land parcel sells for \$1 million and an 11,000sf land parcel sells for \$1,050,000, the additional 1,000sf of land added \$50,000 in Contributory Value to the larger property, all other things being the same. It is reasonable to conclude that the contributory value per square foot for additional land is worth less than the average value of a lot, and is consistent with my observations. However, I don't agree that the data used to make the specific conclusion of contributory value is the best data. The tables below summarize the data utilized.

Pair Set 1						
	Address	Date	Size	Price	Shape	Marginal \$/sf
Base	7611 NE 12th St	May-17	8,424	\$ 1,600,000	Rectangular	-
Property 1	7819 NE 10th St	Mar-17	10,650	\$ 1,500,000	Rectangular	\$ (44.92)
Property 2	7842 NE 14th St	Nov-16	19,868	\$ 1,500,000	Skinny/deep	\$ (8.74)

Pair Set 2						
	Address	Date	Size	Price	Shape	Marginal \$/sf
Base	7611 NE 12th St	May-17	8,424	\$ 1,600,000	Rectangular	-
Property 1	7650 NE 10th St	May-16	16,051	\$ 1,750,000	Skinny/deep	\$ 19.67
Property 2	7823 NE 14th St	Apr-18	19,862	\$ 1,725,000	Skinny/sloped	\$ 10.93

Pair Set 3						
	Address	Date	Size	Price	Shape	Marginal \$/sf
Base	2154 94th Ave NE	Jul-16	20,022	\$ 1,620,000	Rectangular	-
Property 1	2217 94th Ave NE	Jul-16	22,574	\$ 1,650,000	Rect./Access Easement	\$ 11.76
Property 2	9232 NE 31st St.	Dec-17	30,091	\$ 1,900,000	Rectangular	\$ 27.81

In all cases the appraiser selected a small parcel as a base case, and then compared larger parcels to estimate the Contributory Value of the additional land area in the larger parcels. The execution of this analysis is flawed, however. The small parcel selected as a base case is rectangular and flat. The larger parcels used for comparison are typically very narrow or otherwise less desirable in shape. One of the larger parcels has a driveway access easement for the benefit of a parcel behind it. This property therefore does not have a large of an effective area.

Matched Pair 1						
Address	Date	Size	Price	Shape	Adjusted Price (10.6%/Yr)	Marginal \$/sf
7823 NE 14th St	Apr-18	19,862	\$1,725,000	Skinny/sloped	\$ 1,725,000	
9232 NE 31st St.	Dec-17	30,091	\$1,900,000	Skinny/deep	\$ 1,967,133	\$ 23.67

Matched Pair 2						
Address	Date	Size	Price	Shape	Adjusted Price (10.6%/Yr)	Marginal \$/sf
7842 NE 14th St	Nov-16	19,868	\$1,500,000	Skinny/deep	\$ 1,672,250	
9232 NE 31st St.	Dec-17	30,091	\$1,900,000	Skinny/deep	\$ 1,900,000	\$ 22.28

Matched Pair 3						
Address	Date	Size	Price	Shape	Adjusted Price (10.6%/Yr)	Marginal \$/sf
2217 94th Ave NE	Jul-16	22,574	\$1,650,000	Rect./Access Easement	\$ 1,824,900	
2104 92nd Ave NE	Jul-17	33,119	\$2,250,000	Flag lot access	\$ 2,250,000	\$ 40.31

Matched Pair 4						
Address	Date	Size	Price	Shape	Adjusted Price (10.6%/Yr)	Marginal \$/sf
2154 94th Ave NE	Jul-16	20,022	\$1,620,000	Rectangular	\$ 1,863,270	
9232 NE 31st St.	Dec-17	30,091	\$1,900,000	Rectangular	\$ 1,900,000	\$ 3.65

These analyses indicate a contributory value range of \$3.65 to \$40.31/sf, with three of the four pairs in the range of \$22 to \$40/sf. My conclusion is also affected by the placement of this contributory land as well as its characteristics. In the case of the subject the land to be added is flat, highly usable and contributes significantly to the overall site utility. It is the level area out front of the house, not the sloped area to the rear. In some of these matched pairs above the additional site area is essentially making a deep yard even deeper.

Overall, I conclude that the appraisal under review does not provides a reasonable basis for the purchase price for the street area to be vacated. I have concluded to a contributory value per square foot of \$30, for a total of \$30,870.

EXHIBIT E

Return Address:

CITY OF MEDINA, WA
Attn: Rachel Baker, City Clerk
501 Evergreen Point Rd
Medina, WA 98039



20071102000047
BAKER
PAGE 001 OF 005 ORD 94.00
11/02/2007 09:10
KING COUNTY, WA

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

- 1. Ordinance No. 804
- 2. _____
- 3. _____
- 4. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name, first name, initials)

- 1. City of Medina, WA
- 2. _____

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

- ① Neumann, Marc + Vicki
- ② Hansen, Donald + Susan
- ③ Loyd, Everil + Vesta

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

LOTS FOUR THROUGH TWELVE OF BLOCK FIFTEEN
OF THE PLAT OF KENWOOD PARK

Additional legal is on page 4 of document.

Assessor's Property Tax Parcel/Account Number

383550-2395, 383550-2430, 383550-2406

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

ORDINANCE NO. 804

AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, VACATING A PORTION OF THE UPLAND ROAD RIGHT-OF-WAY, ESTABLISHING COMPENSATION FOR THE VACATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the owners of the property abutting portions of Upland Road have petitioned for a street vacation, and

WHEREAS, the proposed street vacation is for the area depicted in the site plan attached as Exhibit A and the legal description attached as Exhibit B, and

WHEREAS, Resolution No. 324 set a public hearing date of March 12, 2007 for a public hearing on the vacation of the right-of-way, and

WHEREAS, notice of the public hearing was given in the manner provided by law for street vacation hearings and the City Council held the public hearing as scheduled and heard testimony from all interested parties, and

WHEREAS, the hearing on March 12, 2007 was continued until May 14, 2007, and

WHEREAS, at that time the hearing was conducted and all who wished to testify were afforded an opportunity to do so, and

WHEREAS, the right of way to be vacated has been appraised as provided in RCW 35.79.030, and

WHEREAS, after considering the public testimony and the information presented by City staff the City Council decided to vacate the right-of-way and hereinafter provided, now, therefore.

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Medina City Council finds that:

- A. That portion of Upland Road right-of-way for which vacation is sought is surplus to the City of Medina's needs for road purposes; and
- B. The vacation of the right-of-way would not impair access to any property or otherwise impinge upon the property rights of the City of Medina or any private landowner.

Section 2. Vacation/Compensation. The right of way legally described in Exhibit B is hereby vacated. Pursuant to RCW 35.79.030 the City Council establishes the compensation to be paid by the abutting owners at \$ 163,000.

Section 3. Duties of Medina City Clerk. The Medina City Clerk is hereby authorized and directed to record a copy of this ordinance with the King County Department of Records and Elections, upon payment of the compensation specified above. In the event such payment is not made prior to November 1, 2007, this Ordinance shall terminate and be of no force or effect.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Medina, Washington, at a regular meeting thereof held this 14 day of May, 2007.

CITY OF MEDINA, WASHINGTON

Miles R. Adam
Miles R. Adam, Mayor

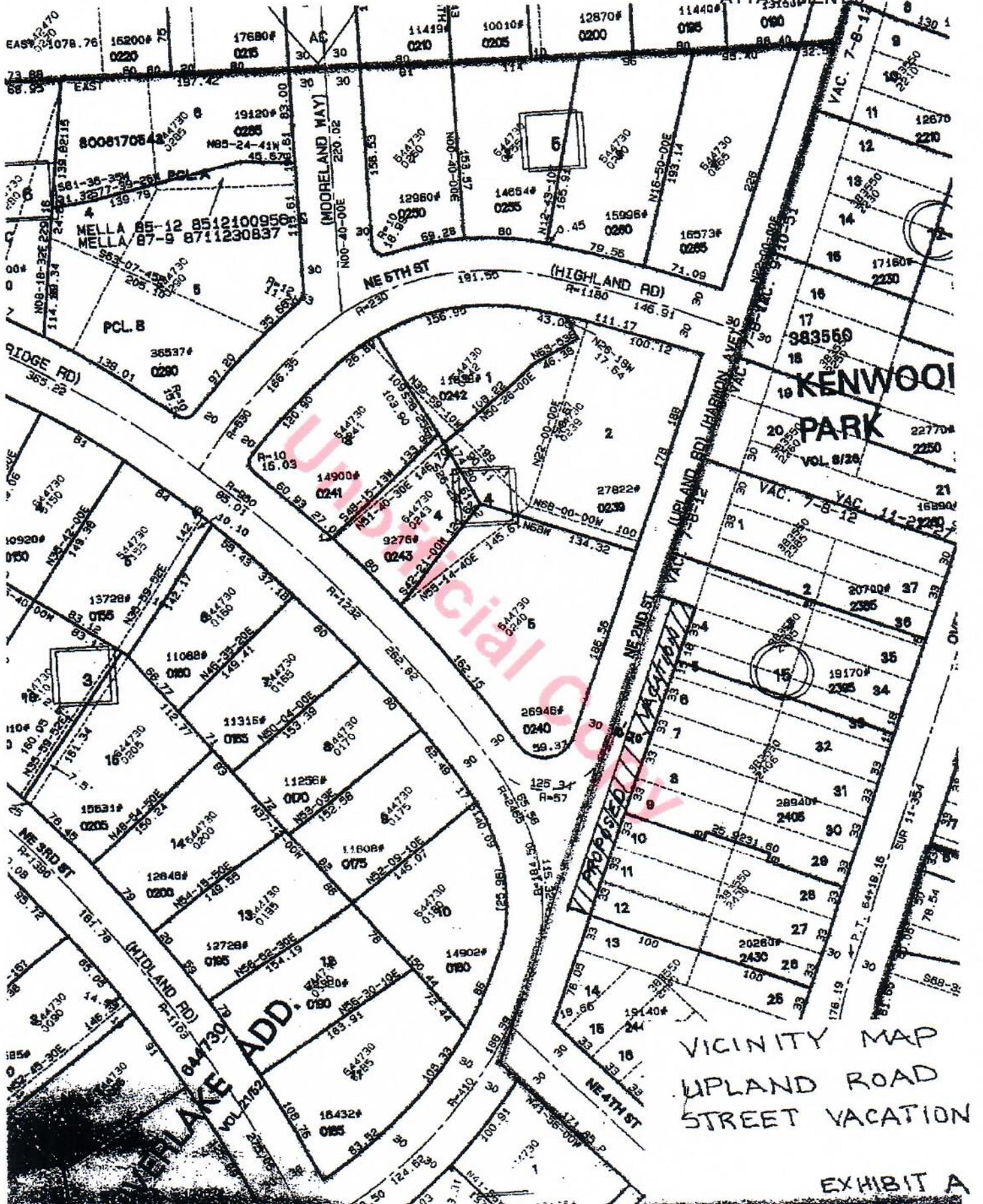
ATTEST:

Rachel Baker
Rachel Baker, City Clerk,

APPROVED AS TO FORM:
OFFICE OF CITY ATTORNEY

Wayne D. Tanaka
Wayne D. Tanaka, City Attorney

Published 5/17/07
Effective 5/22/07



VICINITY MAP
UPLAND ROAD
STREET VACATION

EXHIBIT A