



MEDINA, WASHINGTON

AGENDA BILL

Monday, September 23, 2024

Subject: Ordinance Amending Medina Municipal Code (MMC) Chapter 12.44 Street Vacation

Category: Consent

Staff Contacts: Stephen R. Burns, City Manager and Jennifer S. Robertson, City Attorney

Summary

On October 23, 2023 the City Council adopted a moratorium on processing right of way vacation petitions via adoption of Resolution No. 438 and extended the moratorium for additional six-month period on April 8, 2024 via Resolution No. 442 which included adopting a work plan to study the same desire to undertake the work described above without having disruptions or interruptions that would be created by the filing of any ROW vacation petition. That work plan included review of Chapter 12.44 MMC and consideration of adopting a policy regarding property vacations.

The City Attorney's office has reviewed Chapter 12.44 MMC and proposed changes to incorporate prior Council input. In addition, a proposed draft policy that may be issued by the City Manager is also included in Council materials. Please note that the policy is written so that it can also be used for vacating streets as well as for vacating utility property (which is not addressed in your code).

The attached ordinance includes the following revisions to Chapter 12.44 MMC and incorporates the changes to 12.44.025 and 12.44.100 as directed by the Council:

Two new sections are added:

12.44.015: Specifically allows the City Manager to adopt policies to implement the Chapter.

12.44.025: Sets forth a general policy of the City Council which expresses how much the City values its unopened rights of way and expresses the policy that due to the "broad public benefits provided by public rights of way, street vacations should be rarely granted and should only approved after the city council performs meticulous review and consideration of all unintended consequences of the vacation" and that that the Council will only vacate rights of way "either as a property exchange which provides greater public benefit than existing facilities or if the council cannot foresee any possible potential future use of the property."

The following sections were changed:

12.44.040: This adds the requirement of the city's application as part of the submittal for property vacation.

12.44.050.D: This fixes a typo that the code revisor found where the word "days" was missing.

- 12.44.090:** The change here allows the Council to hold extra meetings both before and after setting the public hearing (and following the public hearing).
- 12.44.100:** This section is amended to require posting of signs, mailing of postcards to properties within 300 feet of the property subject to the petition, and notice to be placed on the City website when a petition for vacation is deemed complete. This public notice will be in addition to the notice requirements that exist in the code for after the public hearing is set.
- 12.44.120.A:** This change references the new policy at MMC 12.44.025 as a required component in drafting the staff report and also requires the staff to inform the Council about land use implications that may result from the vacation and the impacts, if any, on the surrounding properties.
- 12.44.130.B:** The change here allows the Council to take additional time following the public hearing to make a decision on the petition.
- 12.44.140:** This change references the new policy at MMC 12.44.025 as a required component of the decision on the vacation.
- 12.44.180.A:** This change confirms that the petitioner will pay all costs and fees of the vacation, in addition to the appraisal amount.

Once this ordinance is adopted, it is appropriate to terminate the moratorium that was first adopted under Resolution No. 438 and extended by Resolution No. 442. Therefore, Section 10 of the ordinance terminates the moratorium.

The Council had previously been provided with a draft policy implementing this ordinance. That policy will be brought forward to council at a later date for further discussion prior to it being issued by the City Manager.

This meets and supports Council's priorities 2 through 5.

Council Priorities:

1. Financial Stability and Accountability
2. **Quality Infrastructure**
3. **Efficient and Effective Government**
4. **Public Safety and Health**
5. **Neighborhood Character and Community Building**

Attachment:

- Ordinance No. 1030

Budget/Fiscal Impact: N/A

Recommendation: Approve Ordinance No. 1030.

City Manager Approval: 

Proposed Council Motion: "I move adoption of Ordinance No. 1030 amending Chapter 12.44 of the Medina Municipal Code and terminating the moratorium adopted under Resolution No. 438 and extended under Resolution No. 442."