

CITY OF MEDINA, WASHINGTON

RESOLUTION NO. 438

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 36.70A.390 AND RCW 35A.63.220, IMPOSING A TEMPORARY EMERGENCY MORATORIUM UPON THE SUBMISSION, RECEIPT AND PROCESSING OF STREET VACATION PETITIONS AFFECTING ANY RIGHTS OF WAY WITHIN THE CITY; SUPERCEDING MEDINA COUNCIL RESOLUTION NO. 434; ADOPTING PRELIMINARY SUPPORTIVE FINDINGS; SETTING A PUBLIC HEARING DATE WITHIN 60 DAYS HEREOF FOR FURTHER CONSIDERATION OF SAID MORATORIUM; DIRECTING THE CITY CLERK TO POST AND PUBLISH ALL REQUIRED PUBLIC NOTICES; DECLARING A PUBLIC EMERGENCY; ESTABLISHING AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Medina (City) regulates the use and development of land within the City through the standards and procedures codified in the Medina Municipal Code (MMC), including the vacation, acquisition, use and development of the City's roads and rights-of-way (collectively ROW) under MMC Chapter 16.12; and

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

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

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

WHEREAS, the City and Council desire to undertake the work described above without having disruptions or interruptions that would be created by the filing of any ROW vacation petition; and

WHEREAS, the City Council wishes to temporarily suspend filing of any ROW vacation petitions in order to enable the City's comprehensive and timely review, promulgation and adoption of street vacation policies and regulatory changes, and to that end shall use the statutory authorities above and others as applicable, to perform, extend, complete and terminate the moratorium(s) authorized by this Resolution, all as the City Council may then determine to be necessary or appropriate; and

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

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

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

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

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

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

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

Section 3. Effective Date of Resolution and Moratorium. This Resolution and the emergency moratorium adopted herein shall be immediately effective on the date of its adoption by the City Council as set forth in Section 8 below (Effective Date).

Section 4. Medina Resolution No.434 Superseded. Upon the Effective Date of this Resolution, former City Council Resolution No. 434 shall be superseded and of no further force or effect.

Section 5. Initial Public Hearing. The Medina City Clerk is hereby authorized and directed to: (a) schedule a Council public hearing on December 11, 2023 (Initial Public Hearing), a date within 60 days of the Effective Date of this Resolution, for the purposes of obtaining public comment and enabling further City Council consideration of this Resolution and the emergency moratorium adopted herein; and (b) provide notice thereof in accordance with applicable statutes and City policies and regulations. Under the direction of the City Manager, City Staff shall prepare pertinent materials for Council review and consideration at the Initial Public Hearing.

Section 6. Subsequent Actions. Pursuant to RCW 35A.63.220, RCW 36.70A.390 and other applicable statutes and regulations, the Initial Public Hearing is expressly set so that the City Council may timely hear, consider and adopt additional findings in support of or related to this Resolution and may determine and direct the performance of additional studies, reviews and analyses pertinent to the subject matter of this Resolution. The City Council may conduct additional hearings and may undertake other considerations relevant to Medina's ROW as it deems appropriate; and may extend, renew, replace or terminate the emergency moratorium as permitted by law.

Section 7. Interpretation. Under the direction of the City Manager, City Staff is authorized to apply, construe, administer, and issue interpretations of this Resolution.

Section 8. Declaration of Emergency; Effective Date. Based upon the findings set forth above, the City Council hereby declares a public emergency requiring this Resolution to take effect immediately. This Resolution accordingly shall be in full force and effect immediately upon the date of its passage and shall remain effective for a period of up to six (6) months unless terminated earlier.

Section 9. Severability. If any section, sentence, clause or phrase of this Resolution should be held to be invalid or unconstitutional by a court or other tribunal of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON OCTOBER 23, 2023 BY A VOTE OF ____ FOR, ____ AGAINST, AND ____ ABSTAINING, AND SIGNED IN AUTHENTICATION THEREOF ON THE 23RD DAY OF OCTOBER 2023.

Jessica Rossman, Mayor

APPROVED AS TO FORM:

ATTEST:

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

Aimee Kellerman, City Clerk

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