



To: Mayor Sherrell and City Council Members
From: William L. Cameron, City Attorney
Date: January 16, 2018
Re: Public Hearing – Ordinance for Street Vacation of portion of Emerald Street related to Falk Development, Inc.

ATTACHMENTS: Vacation Ordinance for the unused portion of Emerald Street

TYPE OF ACTION:

Information Only Discussion Action Public Hearing Expenditure

Recommended Action: Take public testimony.

Financial Impact: None

Issue: A more complete explanation of the current situation with the Falk Development property at Meridian and Emerald was provided to Council on January 2, at which time Council approved Resolution 18-1898 authorizing a concomitant agreement with Falk Development.

The vacation of the now unused portion of Emerald Street is now before Council. A Public Hearing will be held to take any public testimony at 7pm on January 16, 2018, as provided by previous resolution. The ordinance was presented for a first reading at the January 8, 2018 Council Meeting, and it will be presented for second reading/adoption at the February 5, 2018 Council Meeting.

ORDINANCE _____

**AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON,
VACATING RIGHT-OF-WAY NO LONGER NECESSARY FOR
EMERALD STREET BETWEEN 28TH AVENUE AND MERIDIAN
AND LYING THREE FEET SOUTH OF THE SOUTH SIDEWALK,
AS MORE PARTICULARLY SET FORTH HEREIN.**

WHEREAS, the City Council by the adoption of a Resolution on December 4, 2017, fixed a time and place for a public hearing to vacate the hereinafter described portion of Emerald Street fixing the hearing for 7:00 PM on January 16, 2018, or as soon thereafter as the public may be heard; said date is not more than sixty days nor less than twenty days after the date of passage of the resolution and fixing the place of hearing at the Milton Council Chambers, 1000 Laurel Street, Milton, Washington; and

WHEREAS, pursuant to RCW 35.79.020, notices for the time and place of the hearing were properly given; and

WHEREAS, all steps and procedures required by law to vacate the hereinafter described portion of Emerald Street have been duly taken and carried out; and

WHEREAS, the execution of a Concomitant Agreement with Falk Development, Inc. is found to be adequate consideration for the vacated property; and

NOW, THEREFORE, the City Council of the City of Milton, Washington do ordain as follows:

Section 1. That the portion of Emerald Street lying more than three feet south of the present south sidewalk on Emerald street between 28th and Meridian is hereby vacated, subject to the city retaining an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

Section 2. Effective Date. This ordinance shall take effect and be in full force five (5) days from and after publication.

Approved this 5th day of February 2018.

ATTEST

Katie Bolam, City Clerk

Shanna Styron Sherrell, Mayor

APPROVED AS TO FORM:

William L. Cameron, City Attorney

Published: _____
Effective Date: _____