



King County

**Metropolitan King County Council
Budget and Fiscal Management Committee**

Staff Report

Agenda Item No: **18**
Ordinance No: **2009-0372**

Date: **July 21, 2009**
Prepared by: **Wendy Soo Hoo**

SUBJECT

Proposed Ordinance 2009-0372 would declare as surplus King County's interest in King County tax assessor's parcel numbers 192105-9008, 192105-9082, and 192105-9010. These parcels are located on the east side of M Street SE near 12th Street SE, in Auburn, Washington. The proposed ordinance would also authorize the executive to execute a quit claim deed for such interest.

SUMMARY

Proposed Ordinance 2009-0372 would authorize the Executive to execute a quit claim deed for King County tax assessor's parcel numbers 192105-9008, 192105-9082, and 192105-9010. King and Pierce Counties hold a remote and unexercised interest in certain abandoned portions of the White River riverbed that run through the three parcels. The Miles Sand and Gravel Company has asserted ownership since the 1940s. Pierce County has agreed to quitclaim whatever interest it might have to Miles, subject to the King County Council authorizing a similar conveyance of its interest.

BACKGROUND

King County and Pierce County hold a remote and unexercised interest in certain abandoned portions of the White River riverbed. The three parcels that would be surplused lie inside a three mile stretch of the White River that was rechanneled from its existing bed to another location through the joint efforts of King and Pierce Counties in the early 1900s. The property is located on the east side of 'M' Street SE near 12th Street SE in the City of Auburn.

The state previously held navigable rights to this area of the White River in the early 1900s. From the 1880s through the early 1900s, "King County and Pierce County settlers, sometimes armed with shotguns and dynamite, had changed the channels of the White River back and forth to reduce their flood damage at the expense of the

other." (Mike Sato, *The Price of Taming a River: The Decline of Puget Sound's Duwamish/Green Waterways*)

In 1906, the White River flooded the valley to Tacoma, cutting a new permanent channel. In 1915, after the river's rechanneling, the state conveyed whatever interest it may have had in the abandoned riverbed area to Pierce and King Counties jointly in Revised Code of Washington 86.13.100 (Attachment 2).

The two counties formed an Inter-County River Improvement commission to manage the property. Based on a summary of the commission's minutes provided by Miles Sand and Gravel, the commission discussed surveying and selling the abandoned White River bed in 1921, but records about this effort were incomplete.

ANALYSIS

According to the Prosecuting Attorney's Office, there appear to be no deeds of record to show a transfer of the property; any interest held by the counties lies solely within the Revised Code of Washington. Note that the state's property interests were conveyed to both counties, but the actual parcels are located in King County (Auburn).

The 2009 King County assessed value for the three parcels totals \$2.4 million, although the county's interests are only in the portions of the parcels where the former riverbed lay. The Prosecuting Attorney's Office has suggested that it might be a significant challenge to determine the precise location and size of the riverbed.

Miles Sand and Gravel has operated in portions of the property since the 1940s (Attachment 3). Miles has been paying property taxes on and asserts ownership of the property. Miles now wishes to sell the property. The title report for the property includes the following exception: "Right, title and interest of the State of Washington in that portion of the property herein described, if any, lying within the former bed of the White River." The purchaser has requested that Miles have this title exception removed as a condition of sale, leading to the request of King and Pierce Counties to quitclaim their interests.

Neither county has exercised ownership rights over the property since the 1920s, although no documentation has been identified showing a transfer of title. The county's property database includes no records of properties associated with the abandoned riverbed. The abandoned riverbed lies within the city of Auburn and has been developed substantially (Attachment 4).

Council staff confirmed with the Water, Land and Resources Division (the county's likely custodial agency) that the Executive does not foresee any potential to assert a future claim to the property that Miles seeks to sell.

On June 16, 2009, the Pierce County Council approved Ordinance 2009-43 (Attachment 5) authorizing the Pierce County Executive to quitclaim Pierce County's interest, subject to the King County Council authorizing a similar conveyance of King County's interest.

REASONABLENESS

Staff analysis is complete, so it would be a reasonable and prudent business decision for the Committee to take action on Proposed Ordinance 2009-0372.

ATTACHMENTS

1. Proposed Ordinance 2009-0372
2. Revised Code of Washington 86.13.100
3. Aerial Photo of Miles Sand & Gravel
4. Aerial Photo of Abandoned River Bed
5. Pierce County Ordinance 2009-43
6. Miles Sand and Gravel Transmittal Letter, dated April 14, 2009

INVITED

1. Kathy Brown, Director, Facilities Management Division
2. Anne Lockmiller, Property Agent, Real Estate Services Section
3. Joe Rochelle, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office
4. Lisa Kremer, Attorney, Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, on behalf of Miles Sand and Gravel



KING COUNTY

Signature Report

July 17, 2009

Ordinance

Proposed No. 2009-0372.1

Sponsors von Reichbauer

1 AN ORDINANCE declaring as surplus King County's
2 interest in King County assessor's tax parcel numbers
3 192105-9008-02, 192105-9082-01 and 192105-9010-08,
4 located on the east side of M Street SE Near 12th Street SE,
5 in Auburn, Washington; and authorizing the county
6 executive to execute a quit claim deed for such interest.

7
8 **STATEMENT OF FACTS:**

- 9 1. Before 1906, the White river varied in its course in the Auburn, King
10 County, area sometimes flowing north through south King County, and
11 sometimes flowing south into the Puyallup river.
- 12 2. In 1906, the course of the White river was permanently diverted south
13 into the Stuck river and then the Puyallup river, leaving an approximately
14 three-mile stretch of abandoned riverbed in south King County.
- 15 3. In 1915, pursuant to RCW 86.13.110, the state of Washington granted
16 to King and Pierce counties, jointly, title to the abandoned bed of the
17 White river.

18 4. In 1915, pursuant to RCW 86.13.100, the state of Washington granted
19 to King and Pierce counties, jointly, the power to dispose of lands
20 acquired pursuant to RCW 86.13.110.

21 5. Miles Sand & Gravel Co. and/or Frank Miles (collectively "Miles")
22 owns a portion of the former bed of the White River identified by King
23 County assessor's tax parcel numbers 192105-9008-02, 192105-9082-01
24 and 192105-9010-08, located on the east side of M Street SE near 12th
25 Street SE, in Auburn, Washington, King County ("the property"), and
26 legally described in Attachment A to this ordinance.

27 6. Miles's title to the property states that Miles owns any rights to the
28 centerline of the abandoned bed of the White river subject to any rights
29 that King and Pierce counties may have acquired in 1915 under RCW
30 86.13.110.

31 7. Miles has obtained permits and has paid taxes on the property over the
32 years.

33 8. Much of the three mile stretch of the abandoned bed of the White river
34 of which the property forms a part has been developed.

35 9. Pursuant to K.C.C. 4.56.080, the King County executive has examined
36 the title to Property and has determined:

37 (a) Any interest in the Property that King County may have under RCW
38 86.13.110 is remote, speculative and of no value to King County; and

39 (b) Even if King County's interest in the property was not remote,
40 speculative or of no value, King County otherwise has no present or future

41 use for property and recommends that King County's interest therein, if
42 any, be declared surplus.

43 10. Pursuant to RCW 86.13.100, the property may not be disposed of
44 except by joint action of the legislative authorities of King and Pierce
45 counties.

46 11. It is the best interest of the people of King County to resolve any
47 questions regarding ownership of the property in favor of Miles and to
48 convey the property to Miles by joint action with Pierce county.

49 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

50 SECTION 1. King County's interest in the property, the description of which is in
51 Attachment A to this ordinance and incorporated herein by reference, is hereby declared
52 to be remote, speculative and of no value to King County.

53 SECTION 2. The property is hereby declared to be surplus to King County's
54 present and future needs.

55 SECTION 3. The King County council, in accordance with K.C.C. 4.56.080,
56 hereby authorizes the executive or his designee to convey to Miles by quit claim deed, in
57 substantially the form of Attachment B to this ordinance, all of King County's right, title
58 and interest, if any, in the property; provided, however, that pursuant to the joint action
59 requirements of RCW 86.13.100, the executive shall not execute and deliver a quit claim
60

Ordinance

61 deed of the property to Miles unless and until the Pierce county council shall have
62 authorized a similar conveyance to Miles of Pierce county's interest in the property.
63

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments A. Legal Description, B. Quit Claim Deed

Attachment A

Legal Description

TAX PARCEL 192105-9008-02:

That portion of Government Lots 9 and 10 of abandoned channel of the White River, situated in the southeast quarter of northeast quarter, Section 19, Township 21 north, Range 5 east, W.M., in King County, Washington; being described as follows:

Commencing at a point on the south line of said southeast quarter from which the southeast corner of said southeast quarter bears north $89^{\circ}38'25''$ east 97.20 feet; thence north $32^{\circ}38'14''$ west a distance of 35.48 feet, to the north margin of 17th Street southeast and the TRUE POINT OF BEGINNING; thence continuing north $32^{\circ}38'14''$ west a distance of 438.32 feet, to the north line of the south 400.59 feet of said southeast quarter; thence north $89^{\circ}38'25''$ east, along said north line, a distance of 17.16 feet, to the east line or the west 985.59 feet of said southeast quarter; thence north $00^{\circ}13'55''$ east, along said east line, a distance of 233.02 feet; thence north $45^{\circ}27'33''$ west a distance of 162.93 feet, to the north line of south 748.62 feet of said southeast quarter; thence south $89^{\circ}38'25''$ west, along said north line, a distance of 440.02 feet, to the east line of the west 429.00 feet of said southeast quarter; thence north $00^{\circ}13'55''$ east, along said east line, a distance of 241.83 feet, to the south line of the north 330.80 feet of said southeast quarter; thence north $89^{\circ}29'39''$ east, along said south line, a distance of 601.05 feet, to the east line of the west 1030.00 feet of said southeast quarter; thence north $00^{\circ}13'55''$ east, along said east line, a distance of 330.83 feet, to the north line of said southeast quarter; thence north $89^{\circ}29'39''$ east, along said north line, a distance of 288.82 feet, to the northeast corner of said southeast quarter; thence south $00^{\circ}03'35''$ west, along the east line of said southeast quarter, a distance of 1268.58 feet, to the north line of the south 55.00 feet of said

northeast quarter; thence south 89°38'25" west, along said line, a distance of 31.14 feet; thence south 00°21'35" east a distance of 5.00 feet; thence southwesterly along the arc of a curve to the right with a radius of 20.00 feet, a central angle of 90°00'00" and an arc length of 31.42 feet, to the north margin of 17th Street southeast; thence south 89°38'25" west, along said margin, a distance of 65.41 feet, to the TRUE POINT OF BEGINNING.

(ALSO KNOWN AS Proposed Parcel A of City of Auburn Application for Lot Line Adjustment recorded under Recording Number 20001218001244.)

TAX PARCEL 192105-9082-01:

The east 1000 feet of the west 1030 feet of the north 330.80 feet of the following:

Government Lots 9 and 10 and the abandoned White River channel lying between same.

All in Section 19, Township 21 north, Range 5 east, W.M., in King County, Washington.

TAX PARCEL 192105-9010-08:

That portion of Government Lot 10, Section 19, Township 21 North, Range 5 East, W.M., in King County, Washington, and of the old channel bed of White River, described as follows:

Commencing at a point on the south line of the northeast quarter of Section 19, Township 21 North, Range 5 East, W.M., in King County, Washington, 97.20 feet south 89°38'35" west of the southeast corner of the northeast quarter of Section 19; thence north 32°38'14" west 442.191 feet; thence south 0°13'55" west 373.868 feet to the south line of said northeast quarter; thence along said south line north 89°38'35" east 240.00 feet to the TRUE POINT OF BEGINNING;

EXCEPT that portion thereof conveyed to the City of Auburn for street purposes by deed recorded under Recording Number 6526353.

ATTACHMENT B

QUIT CLAIM DEED

PREAMBLE. Whereas the White River formerly flowed through South King County, but permanently moved to a southerly route in 1906, leaving a stretch of abandoned riverbed; and

Whereas the State of Washington transferred state interests in the abandoned riverbed to King and Pierce counties, jointly, in 1915, through RCW 86.13.110, and the two counties have authority to dispose of these interests pursuant to RCW 86.13.100; and

Whereas, Pierce County and King County have each determined that whatever interests they may have in the parcels described in Exhibit A are remote and speculative and of no value to either of them; and

Whereas, King County has declared that the parcels described in Exhibit A are surplus to King County's present and future needs; and

Whereas, Pierce County has authorized a similar conveyance of Pierce county's interests in the parcels described in Exhibit A to Miles Sand and Gravel Company; therefore,

In recognition of these facts, this deed is hereby granted to assist Miles Sand and Gravel in clearing title to the property described in Exhibit A.

Grantor: King County

Grantee: Miles Sand & Gravel Company

Legal Description (abbreviated): A portion of Govt. Lots 9 and 10 of abandoned channel of the White River in the SE 1/4 of NE 1/4, Sec 19, Twn 21 north, R 5 east, W.M., Additional legal(s) on page 2.

Assessor's Tax Parcel ID#: 192105-9008-02 (called parcel A); 192105-9082-01 (called parcel B); and 192105-9010-08 (called parcel E)

Reference Nos. of Documents Released or Assigned: _____

The Grantor, King County, a political subdivision in the state of Washington, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, conveys and quit

claims to Grantee, Miles Sand & Gravel Company, a Washington corporation, all of King County's right, title and interest in the following described real estate:

SEE EXHIBIT "A"

DATED this ____ day of _____, 2009.

KING COUNTY, a political subdivision
in the state of Washington

Approved as to form:

By: _____
Its: _____

By: _____
Its: _____

EXHIBIT "A"

PARCEL A:

That portion of Government Lots 9 and 10 of abandoned channel of the White River, situated in the southeast quarter of northeast quarter, Section 19, Township 21 north, Range 5 east, W.M., in King County, Washington; being described as follows:

Commencing at a point on the south line of said southeast quarter from which the southeast corner of said southeast quarter bears north 89°38'25" east 97.20 feet; thence north 32°38'14" west a distance of 35.48 feet, to the north margin of 17th Street southeast and the TRUE POINT OF BEGINNING; thence continuing north 32°38'14" west a distance of 438.32 feet, to the north line of the south 400.59 feet of said southeast quarter; thence north 89°38'25" east, along said north line, a distance of 17.16 feet, to the east line or the west 985.59 feet of said southeast quarter; thence north 00°13'55" east, along said east line, a distance of 233.02 feet; thence north 45°27'33" west a distance of 162.93 feet, to the north line of south 748.62 feet of said southeast quarter; thence south 89°38'25" west, along said north line, a distance of 440.02 feet, to the east line of the west 429.00 feet of said southeast quarter; thence north 00°13'55" east, along said east line, a distance of 241.83 feet, to the south line of the north 330.80 feet of said southeast quarter; thence north 89°29'39" east, along said south line, a distance of 601.05 feet, to the east line of the west 1030.00 feet of said southeast quarter; thence north 00°13'55" east, along said east line, a distance of 330.83 feet, to the north line of said southeast quarter; thence north 89°29'39" east, along said north line, a distance of 288.82 feet, to the northeast corner of said southeast quarter; thence south 00°03'35" west, along the east line of said southeast quarter, a distance of 1268.58 feet, to the north line of the south 55.00 feet of said northeast quarter; thence south 89°38'25" west, along said line, a distance of 31.14 feet; thence south 00°21'35" east a distance of 5.00 feet; thence southwesterly along the arc of a curve to the right with a radius of 20.00 feet, a central angle of 90°00'00" and an arc length of 31.42 feet, to the north margin of 17th Street southeast; thence south 89°38'25" west, along said margin, a distance of 65.41 feet, to the TRUE POINT OF BEGINNING.

(ALSO KNOWN AS Proposed Parcel A of City of Auburn Application for Lot Line Adjustment recorded under Recording Number 20001218001244.)

Tax Parcel 192105-9008-02

PARCEL B:

The east 1000 feet of the west 1030 feet of the north 330.80 feet of the following:

Government Lots 9 and 10 and the abandoned White River channel lying between same. All in Section 19, Township 21 north, Range 5 east, W.M., in King County, Washington.

Tax Parcel 192105-9082-01

PARCEL E:

That portion of Government Lot 10, Section 19, Township 21 North, Range 5 East, W.M., in King County, Washington, and of the old channel bed of White River, described as follows:

Commencing at a point on the south line of the northeast quarter of Section 19, Township 21 North, Range 5 East, W.M., in King County, Washington, 97.20 feet south $89^{\circ}38'35''$ west of the southeast corner of the northeast quarter of Section 19; thence north $32^{\circ}38'14''$ west 442.191 feet; thence south $0^{\circ}13'55''$ west 373.868 feet to the south line of said northeast quarter; thence along said south line north $89^{\circ}38'35''$ east 240.00 feet to the TRUE POINT OF BEGINNING;

EXCEPT that portion thereof conveyed to the City of Auburn for street purposes by deed recorded under Recording Number 6526353.

Tax Parcel 192105-9010-08

RCW 86.13.100

Lease or disposal of property — Disposition of proceeds.

Whenever two counties of this state, acting under a contract made pursuant to RCW 86.13.010 through 86.13.090, shall make an improvement in connection with the course, channel or flow of a river, shall acquire property by statute, purchase, gift or otherwise, said counties, acting through their boards of county commissioners jointly shall have the power, and are hereby authorized to sell, transfer, trade, lease, or otherwise dispose of said property by public or private, negotiation or sale. The deeds to the property so granted, transferred, leased or sold shall be executed by the chairman of the meeting of the joint boards of county commissioners, and attested by the secretary of said joint meeting where the sale is authorized. The proceeds of the sale of said property shall be used by said counties for the carrying on, completion or maintenance of said improvement, as directed by the boards of county commissioners of said counties acting jointly.

[1915 c 103 § 1; RRS § 9660. Formerly RCW 86.12.080.]

Notes:

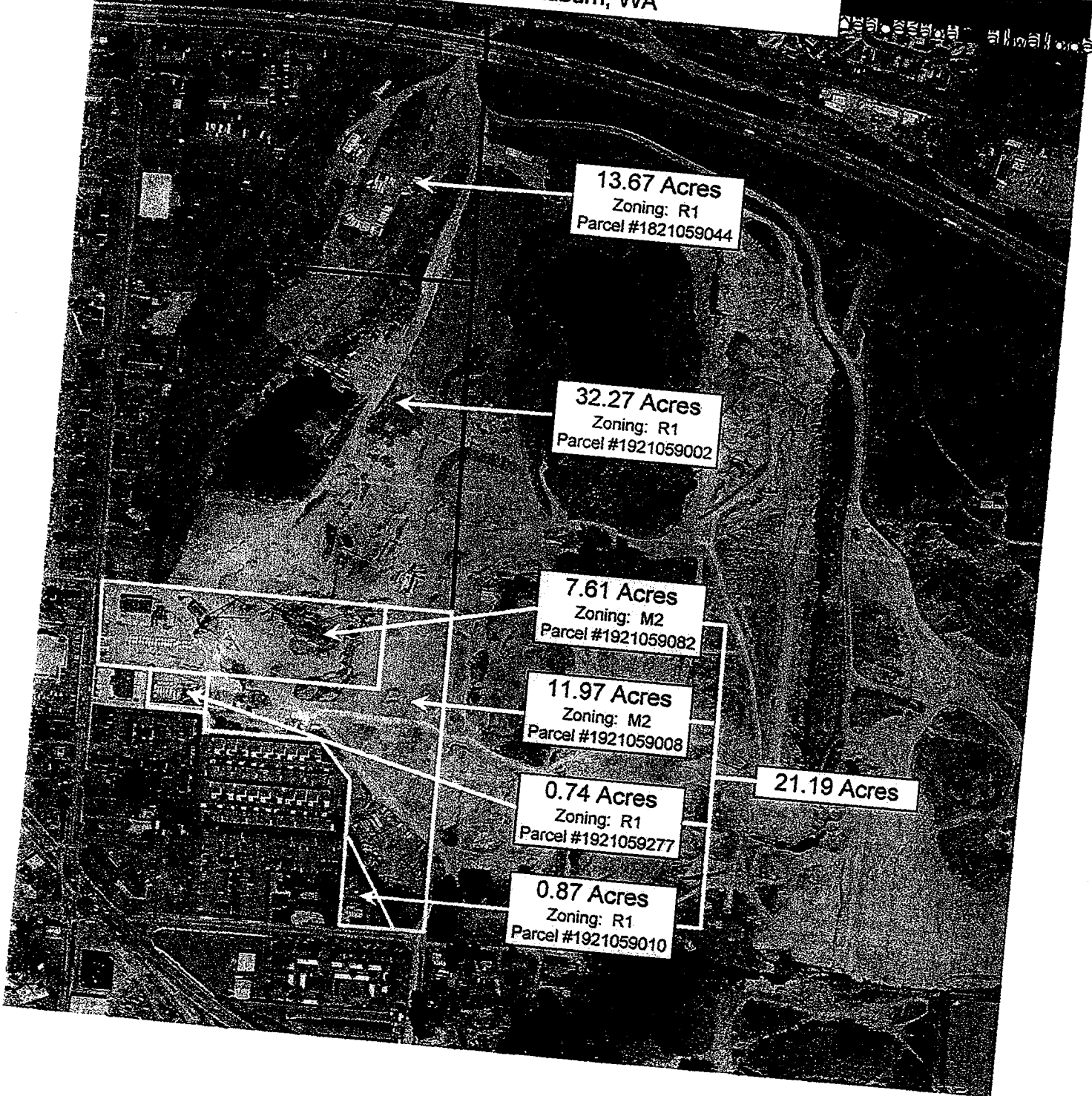
Construction -- 1915 c 103: "This act is not intended to modify, change, alter or amend chapter 54 of the Session Laws of 1913 [RCW 86.13.010 through 86.13.090]." [1915 c 103 § 2.]

<http://apps.leg.wa.gov/RCW/default.aspx?cite=86.13.100>



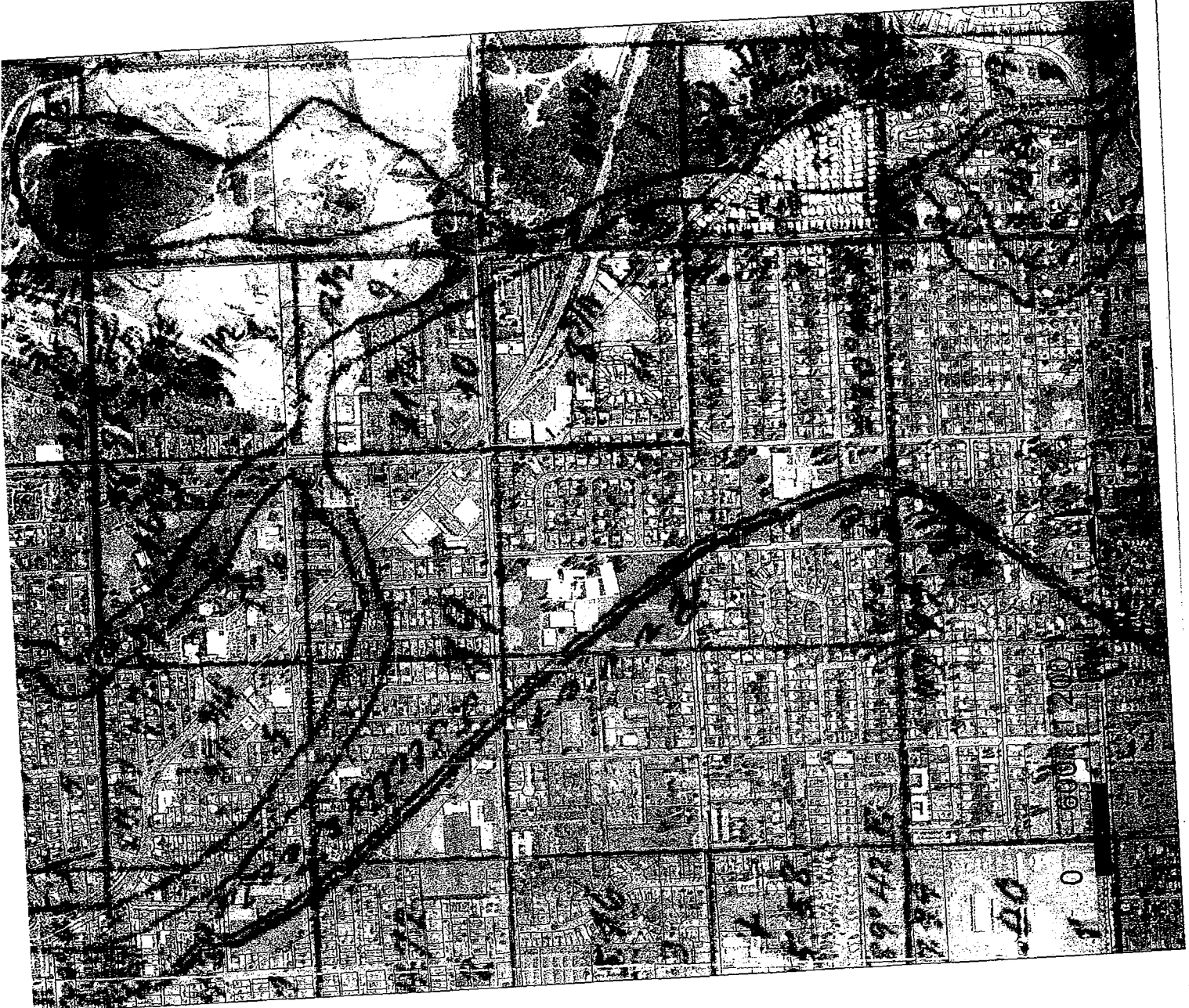
Attachment 3

Miles Sand and Gravel Company
Auburn, WA



67.63 v. 7024
- 59 (c)

1944



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CLERK
KING COUNTY COUNCIL

1 Sponsored by: Councilmember Shawn Bunney
2 Requested by: County Executive/Facilities Management
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ORDINANCE NO. 2009-43

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11
12
13 **An Ordinance of the Pierce County Council Declaring Pierce County's Interest in**
14 **King County Assessor's Tax Parcel Number(s) 192105-9008-02;**
15 **192105-9082-01; and 192105-9010-08 as Surplus, Located on the**
16 **East Side of M Street SE Near 12th Street SE, in Auburn,**
17 **Washington; and Authorizing the County Executive to Pursue**
18 **Disposal of the Property, Pursuant to Chapter 2.110 of the Pierce**
19 **County Code, By Executing a Quit Claim Deed.**
20

21 **Whereas, prior to 1906 the White River varied in its course in the Auburn, King**
22 **County area sometimes flowing north through South King County, and sometimes**
23 **flowing south into the Puyallup River; and**
24

25 **Whereas, in 1906, the course of the White River was permanently diverted south**
26 **into the Stuck River and then the Puyallup River, leaving an approximately three mile**
27 **stretch of abandoned riverbed in South King County; and**
28

29 **Whereas, in 1915, pursuant to Revised Code of Washington (RCW) 86.13.110,**
30 **the State of Washington granted to King and Pierce Counties, jointly, title to the**
31 **abandoned bed of the White River; and**
32

33 **Whereas, in 1915, pursuant to RCW 86.13.100, the State of Washington granted**
34 **to King and Pierce Counties, jointly, the power to dispose of lands acquired pursuant to**
35 **RCW 86.13.110; and**
36

37 **Whereas, Miles Sand & Gravel Co. and/or Frank Miles (hereinafter collectively**
38 **"Miles") owns a portion of the former bed of the White River identified by King County**
39 **Assessor's Tax Parcel Number(s) 192105-98008-02; 192105-9082-01; and 192105-**
40 **9010-08, located on the east side of M Street SE near 12th Street SE, in Auburn,**
41 **Washington, King County (hereinafter "the Property") and legally described in Exhibit A**
42 **hereto; and**
43
44



DISTRIBUTION:

Pat McCarthy, County Executive X
Pierce County Library X
Municipal Research and Services Center X
Law Library X
State Examiner X
Susan Long, Code Revisor X
Linda Medley, Legal Clerk, Council Staff X
Council Record Book X
Bret Carlstad, Facilities Management X
Rick Tackett, Facilities Management X
David Prather, Prosecuting Attorney, Civil Division X
King County Council, 516 Third Avenue, Rm 1200, Seattle, WA 98104 X
Lisa Kramer, Gordon Thomas Honeywell, 1201 Pacific Avenue, Ste 2100,
Tacoma, WA 98402 X

7/15/2009 pmr
Date/initials

1 **Whereas**, Miles' title to the Property states that Miles owns any rights to the
2 centerline of the abandoned bed of the White River subject to any rights that King and
3 Pierce counties may have acquired in 1915 under RCW 86.13.110; and
4

5 **Whereas**, Miles has obtained permits and has paid taxes on the Property over
6 the years; and
7

8 **Whereas**, much of the three mile stretch of the abandoned bed of the White
9 River of which the Property forms a part has been developed; and
10

11 **Whereas**, pursuant to Section 2.110.060 of the Pierce County Code (PCC), the
12 Pierce County Executive has examined the title to Property and has determined: (a)
13 any interest in the Property that Pierce County may have under RCW 86.13.110 is
14 remote, speculative and of no value to Pierce County, and (b) even if Pierce County's
15 interest in the Property was not remote, speculative or of no value, Pierce County
16 otherwise has no present or future use for Property and recommends that Pierce
17 County's interest therein, if any, be declared surplus; and
18

19 **Whereas**, pursuant to RCW 86.13.100, the Property may not be disposed of
20 except by joint action of the legislative authorities of King and Pierce Counties; and
21

22 **Whereas**, it is the best interest of the people of Pierce County to resolve any
23 questions regarding ownership of the Property in favor of Miles and to convey the
24 Property to Miles by joint action with King County; **Now Therefore**,

25
26
27 **BE IT ORDAINED by the Council of Pierce County:**
28

29
30 Section 1. Pierce County's interest in the Property, the description of which is
31 contained in Exhibit A attached hereto and incorporated herein by reference, is hereby
32 declared to be remote, speculative and of no value to Pierce County.
33

34 Section 2. The Property is hereby declared to be surplus to Pierce County's
35 present and future needs.
36
37



1 Section 3. The Pierce County Council, in accordance with PCC 2.110.090,
2 hereby authorizes the Executive or her designee to convey to Miles by Quit Claim Deed
3 all of Pierce County's right, title and interest, if any, in the Property; provided, however,
4 that pursuant to the joint action requirements of RCW 86.13.100, the Executive shall not
5 execute and deliver a Quit Claim Deed of the Property to Miles unless and until the King
6 County Council shall have authorized a similar conveyance to Miles of King County's
7 interest in the Property.

8
9 PASSED this 16th day of June, 2009.

10
11 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

12
13
14 Patricia L. Face, for

Roger Bush

15
16 Denise D. Johnson
17 Clerk of the Council

Roger Bush
Council Chair

18
19
20 Pat McCarthy

Pat McCarthy
Pierce County Executive

21
22 Approved Vetoed _____, this
23 22 day of June,
24 2009.

25
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27 Date of Publication of
28 Notice of Public Hearing: June 3, 2009

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30 Effective Date of Ordinance: July 2, 2009



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TAX PARCEL 192105-9008-02:

That portion of Government Lots 9 and 10 of abandoned channel of the White River, situated in the southeast quarter of northeast quarter, Section 19, Township 21 north, Range 5 east, W.M., in King County, Washington; being described as follows:

Commencing at a point on the south line of said southeast quarter from which the southeast corner of said southeast quarter bears north 89°38'25" east 97.20 feet; thence north 32°38'14" west a distance of 35.48 feet, to the north margin of 17th Street southeast and the TRUE POINT OF BEGINNING; thence continuing north 32°38'14" west a distance of 438.32 feet, to the north line of the south 400.59 feet of said southeast quarter; thence north 89°38'25" east, along said north line, a distance of 17.16 feet, to the east line or the west 985.59 feet of said southeast quarter; thence north 00°13'55" east, along said east line, a distance of 233.02 feet; thence north 45°27'33" west a distance of 162.93 feet, to the north line of south 748.62 feet of said southeast quarter; thence south 89°38'25" west, along said north line, a distance of 440.02 feet, to the east line of the west 429.00 feet of said southeast quarter; thence north 00°13'55" east, along said east line, a distance of 241.83 feet, to the south line of the north 330.80 feet of said southeast quarter; thence north 89°29'39" east, along said south line, a distance of 601.05 feet, to the east line of the west 1030.00 feet of said southeast quarter; thence north 00°13'55" east, along said east line, a distance of 330.83 feet, to the north line of said southeast quarter; thence north 89°29'39" east, along said north line, a distance of 288.82 feet, to the northeast corner of said southeast quarter; thence south 00°03'35" west, along the east line of said southeast quarter, a distance of 1268.58 feet, to the north line of the south 55.00 feet of said northeast quarter; thence south 89°38'25" west, along said line, a distance of 31.14 feet; thence south 00°21'35" east a distance of 5.00 feet; thence southwesterly along the arc of a curve to the right with a radius of 20.00 feet, a central angle of 90°00'00" and an arc length of 31.42 feet, to the north margin of 17th Street southeast; thence south 89°38'25" west, along said margin, a distance of 65.41 feet, to the TRUE POINT OF BEGINNING.

(ALSO KNOWN AS Proposed Parcel A of City of Auburn Application for Lot Line Adjustment recorded under Recording Number 20001218001244.)

TAX PARCEL 192105-9082-01:

The east 1000 feet of the west 1030 feet of the north 330.80 feet of the following:

Government Lots 9 and 10 and the abandoned White River channel lying between same. All in Section 19, Township 21 north, Range 5 east, W.M., in King County, Washington.

TAX PARCEL 192105-9010-08:

That portion of Government Lot 10, Section 19, Township 21 North, Range 5 East, W.M., in King County, Washington; and of the old channel bed of White River, described as follows:

Commencing at a point on the south line of the northeast quarter of Section 19, Township 21 North, Range 5 East, W.M., in King County, Washington, 97.20 feet south 89°38'35" west of the southeast corner of the northeast quarter of Section 19; thence north 32°38'14" west 442.191 feet; thence south 0°13'55" west 373.868 feet to the south line of said northeast quarter; thence along said south line north 89°38'35" east 240.00 feet to the TRUE POINT OF BEGINNING;

EXCEPT that portion thereof conveyed to the City of Auburn for street purposes by deed recorded under Recording Number 6526353.



LAW OFFICES

GORDON, THOMAS, HONEYWELL, MALANCA, PETERSON & DAHEIM LLP

TACOMA OFFICE
1201 PACIFIC AVENUE, SUITE 2100
POST OFFICE BOX 1157
TACOMA, WASHINGTON 98401-1157
(253) 620-6500
FACSIMILE (253) 620-6565
REPLY TO TACOMA OFFICE

SEATTLE OFFICE
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500
FACSIMILE (206) 676-7575

Lisa Kremer
Direct: (253) 620-6429
E-mail: lkremer@gth-law.com

April 14, 2009

Councilman Pete von Reichbauer
516 Third Ave., Rm. 1200
Seattle, WA 98104

RE: Quit claim deed for Miles Sand & Gravel property

Dear Councilman von Reichbauer:

Thank you for your evaluation of this issue. We are coming to you because our client, Miles Sand & Gravel, needs a quitclaim deed from King County for Miles' property in Auburn. This is an unusual state of affairs, so what follows is a brief explanation.

Miles Sand & Gravel occupies land in what was formerly the bed of the White River. Miles has owned the property for decades. Miles now plans to sell the property, but the title company believes Miles' ownership of three parcels may be subject to an historic claim by the state, subsequently conveyed to Pierce and King counties, jointly. We have found no record of the property passing into private ownership.

As you know, the White River formerly flowed north, into the Green River, but in 1906 was permanently diverted south, into the Stuck and then the Puyallup. In 1913 the Legislature authorized King and Pierce counties to jointly maintain the waterway. Two years later the Legislature conveyed the State's interest in abandoned channels to the two counties, jointly, and authorized them to sell the property and use the proceeds for river improvement. You can see this authorization in Chapter 86.13 RCW, enclosed at tab 10.

We have tracked the actions of King and Pierce counties in managing the abandoned riverbed property. The two counties formed a commission called "Inter-County River Improvement" that managed the redirected river. We examined the complete records of Inter-County River Improvement on file in King County – three cubic feet of paperwork. We have provided you with a summary of Inter-County's minutes from 1914-1934 (at tab 11). Interestingly, on Oct. 8, 1921, the commission discussed surveying and selling the abandoned White River bed. The minutes after that date are incomplete, and we could not determine what happened subsequently.

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MALANCA, PETERSON & DAHEIM LLP

July 15, 2009

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In any case, we and the title company have found no record of any transfers of King and Pierce counties' interest in the abandoned White River bed.

Miles' three parcels are not the only properties affected. Pierce and King counties had jurisdiction to sell a three-mile stretch of the abandoned White River bed. As indicated above, our research has found no documents transferring title. This is odd because virtually all of the three-mile stretch seems to be used by someone other than the counties. As is indicated on some of the enclosed maps (tabs 1, 2 and 5), all of this area has been developed; it includes dozens, perhaps hundreds, of homes and businesses in the heart of Auburn.

Hence, we believe the counties previously relinquished their interest in these properties long ago. We just haven't been able to confirm this yet. We would like the counties to quitclaim the portion applicable of the Miles property to confirm what is apparent already has happened.

In order to facilitate a quick resolution, we've created a draft quit claim deed for the property, which includes a valid legal description. We need your help in figuring out the best way to efficiently make this happen.

We are happy to provide you with any further documentation you request.

Sincerely,

Bill Holt
Lisa Kremer

LK:lk