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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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9 **ORDINANCE NO. 2009-43**

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

7/15/2009 jms
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
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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:**
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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

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13
14 Patricia L. Face, for
15
16 **Denise D. Johnson**
17 Clerk of the Council

Roger Bush
Roger Bush
Council Chair

18
19
20 Pat McCarthy
21 **Pat McCarthy**
22 Pierce County Executive
23 Approved Vetoed _____, this
24 22 day of June,
25 2009.

26
27 Date of Publication of
28 Notice of Public Hearing: June 3, 2009
29
30 Effective Date of Ordinance: July 2, 2009

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.



