



Legislation Details (With Text)

File #: 2021-0322 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/7/2021 **In control:** Hearing Examiner

On agenda: **Final action:** 12/7/2021

Enactment date: 12/15/2021 **Enactment #:** 19368

Title: AN ORDINANCE authorizing the vacation of a portion of S. 278th Street, File V-2737; Petitioners: Estate of Marlene Marie McCartney, James D. McCartney Personal Representative; Rose Mary and Ryan Dowd; Sharon and Robert Kiyohara; and Estate of Miriam M. Helgeland, Jerilyn Helgeland Personal Representative.

Sponsors: Claudia Balducci

Indexes: Roads, Vacation

Code sections:

Attachments: 1. Ordinance 19368, 2. A. Hearing Examiner Report 11/3/2021, 3. 2021-0322 transmittal letter, 4. 2021-0322 County Road Engineer Report V-2737, 5. 2021-0322 fiscal note, 6. 2021-0322 Legislation Review Form, 7. V-2737 Declaration of posting.pdf, 8. 2021-0322 Invoice & Affidavit.pdf, 9. 2021-0322 DLS, 10. 6222168_Recording Number 20211230000418_ORD 19368

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------------------|-------------------------|--------|
| 12/7/2021 | 2 | Metropolitan King County Council | Passed | Pass |
| 9/7/2021 | 1 | Metropolitan King County Council | Introduced and Referred | |

Clerk 12/02/2021

AN ORDINANCE authorizing the vacation of a portion of S. 278th Street, File V-2737; Petitioners: Estate of Marlene Marie McCartney, James D. McCartney Personal Representative; Rose Mary and Ryan Dowd; Sharon and Robert Kiyohara; and Estate of Miriam M. Helgeland, Jerilyn Helgeland Personal Representative.

STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of S. 278th Street, hereinafter described.
2. The department of local services notified utility companies serving the area and King County departments of the proposed vacation and were advised that no utility requires an easement over

the vacation area. The vacation shall not extinguish the rights of any utility company to any existing easements for facilities or equipment within the vacation area.

3. The department of local services's records indicate that this segment of right of way is unopened and unmaintained.

4. The department of local services considers the subject portion of right of way useless as part of the county road system, believes the public would benefit by the return of this segment of right of way to the public tax rolls, and recommends approval of the vacation.

6. Due notice was given in the manner provided by law. The office of the hearing examiner held the public hearing on October 21, 2021.

7. As detailed in the November 3, 2021, recommendation, the hearing examiner found that the road segment subject to this petition is not useful as part of the King County road system, concluded that the vacation of this segment of road will benefit the public through the transfer of responsibility for management and return of the property to the public tax roll, and recommended requiring, as a condition of vacation, compensation for two of the petitioners and no compensation for the other two.

8. For the reasons stated in the examiner's November 3, 2021, report and recommendation, the council determines that it is in the best interest of the citizens of King County to grant said petition and vacate the right of way.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The council, on the effective date of this ordinance, vacates and abandons a portion of S. 278th Street right of way as deeded to King County as described below:

That portion of South 278th Street as deeded to King County by deed recorded in Book 1527 of Deeds, Page 264, records of King County, Washington and being delineated on the unrecorded Plat of Star Lake Five Acre Tracts, being more particularly described as follows;

BEGINNING at the intersection of the Southerly margin of South 278th Street and the Easterly margin of South Star Lake Road, as delineated on the plat of The Riviera, recorded in Volume 78 of Plats, Page 81, records of King County, Washington, point being the Northernmost corner of Lot 18 of said plat;

THENCE North 18°14'21" East, 20.54 feet along said Easterly margin to the Northerly margin of said South 278th Street;

THENCE South 58°39'00" East, 435.96 feet along said Northerly margin to the Westerly margin of 40th Avenue South to a point being the Southwest corner of that portion of said 40th Avenue South vacated by King County Ordinance 10412, recorded under Recording Number 20020301001076, records of King County, Washington;

THENCE South 14°18'55" West, 20.92 feet along said Westerly margin of South 40th Avenue South to the Easternmost corner of Lot 12 of said plat of The Riviera;

THENCE North 58°39'00" West, 437.43 feet along the North line of said plat to the POINT OF BEGINNING.

Containing 8,734 square feet, more or less.

SECTION 2. For the right-of-way abutting parcels 735100-0180 (McCartney) and 735100-0130 (Dowd), there is no compensation requirement or contingencies, and vacation is operative on the effective date of this ordinance.

SECTION 3. For the right-of-way abutting parcel 735100-0120 (Kiyohara), vacation is CONTINGENT on petitioner paying \$809 to King County within 90 days of the date the council takes final action on this ordinance. If King County does not receive \$809 by that date, there is no vacation and the associated right-of-way remains King County's. If payment is timely received, the clerk shall record an ordinance against parcel 735100-0120. Recording an ordinance will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 735100-0120 is vacated.

SECTION 4. For the right-of-way abutting parcel 735100-0140 (Helgeland), vacation is CONTINGENT on petitioner paying \$6,684 to King County within 90 days of the date the council takes final action on this ordinance. If King County does not receive \$6,684 by that date, there is no vacation and the associated right-of-way remains King County's. If payment is timely received, the clerk shall record an ordinance against parcel 735100-0140. Recording an ordinance will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 735100-0140 is vacated.