



Legislation Text

File #: 2009-0372, **Version:** 1

Clerk 06/11/2009

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

STATEMENT OF FACTS:

1. Before 1906, the White river varied in its course in the Auburn, King County, area sometimes flowing north through south King County, and sometimes flowing south into the Puyallup river.
2. In 1906, the course of the White river was permanently diverted south into the Stuck river and then the Puyallup river, leaving an approximately three-mile stretch of abandoned riverbed in south King County.
3. In 1915, pursuant to RCW 86.13.110, the state of Washington granted to King and Pierce counties, jointly, title to the abandoned bed of the White river.
4. In 1915, pursuant to RCW 86.13.100, the state of Washington granted to King and Pierce counties, jointly, the power to dispose of lands acquired pursuant to RCW 86.13.110.
5. Miles Sand & Gravel Co. and/or Frank Miles (collectively "Miles") owns a portion of the former bed of the White River identified by King County assessor's tax parcel numbers 192105-9008-02, 192105-9082-01 and 192105-9010-08, located on the east side of M Street SE near 12th Street SE, in Auburn, Washington, King County ("the property"), and legally described in

Attachment A to this ordinance.

6. Miles's title to the property states that Miles owns any rights to the centerline of the abandoned bed of the White river subject to any rights that King and Pierce counties may have acquired in 1915 under RCW 86.13.110.
7. Miles has obtained permits and has paid taxes on the property over the years.
8. Much of the three mile stretch of the abandoned bed of the White river of which the property forms a part has been developed.
9. Pursuant to K.C.C. 4.56.080, the King County executive has examined the title to Property and has determined:
 - (a) Any interest in the Property that King County may have under RCW 86.13.110 is remote, speculative and of no value to King County; and
 - (b) Even if King County's interest in the property was not remote, speculative or of no value, King County otherwise has no present or future use for property and recommends that King County's interest therein, if any, be declared surplus.
10. Pursuant to RCW 86.13.100, the property may not be disposed of except by joint action of the legislative authorities of King and Pierce counties.
11. It is the best interest of the people of King County to resolve any questions regarding ownership of the property in favor of Miles and to convey the property to Miles by joint action with Pierce county.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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