



Legislation Text

File #: 2009-0474, **Version:** 2

Clerk 10/07/2009

AN ORDINANCE authorizing the vacation of a portion of 51st Avenue South in the Plat of Jovita Heights, File V-2612; Petitioner: Mark Prince.

STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of the 51st Avenue South right-of-way in the Plat of Jovita Heights, hereinafter described.
2. The department of transportation notified the various utility companies serving the area and has been advised that easements are not required within the vacation area.
3. The department of transportation's records indicate that King County has not been maintaining that portion of the 51st Avenue South right-of-way. The records indicate that no public funds have been expended in its acquisition.
4. The department of transportation considers the subject portion of right-of-way useless as part of the county road system and believes the public would benefit by the return of this unused area to the public tax rolls.

The petitioner, Mark Prince, has deeded a 25-foot radius curve to King County for additional right-of-way over the southeast corner of the 51st Avenue South and South 354th Street intersection. The deed is recorded under recording number 20090915000394, records of King County, Washington.

6. The right-of-way is classified as "C Class" and, in accordance with K.C.C. 14.40.020, the compensation due to King County, \$981.67, is based on fifty percent of the assessed value of the

subject right-of-way, which was determined from records of the department of assessments.

King County is in receipt of \$981.67 from the petitioner. Pursuant to K.C.C. 14.40.020.C, the petitioner should be partially refunded from the compensation currently held to offset the land costs of the newly deeded right-of-way. This was determined on a per square-foot basis, assuming the vacated and newly deeded right-of-way area would have the same value. The refund amount was determined to be \$68.09 for the 51 square feet of newly deeded right-of-way.

7. Due notice was given in the manner provided by law and a hearing was held by the hearing examiner on the 9th day of September, 2009.

8. In consideration of the benefits to be derived from the subject vacation, the council has determined that it is in the best interest of the citizens of King County to grant said petition.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The council, on the effective date of this ordinance, hereby vacates and abandons that portion of the 51st Avenue South right-of-way, also known as Illinois Avenue, as conveyed to King County by the recording of the Plat of Jovita Heights, recorded in Volume 20 of Plats, Page 12, records of King County, Washington, as described below:

That portion of the east 4 feet of 51st Avenue South (dedicated as Illinois Avenue), as conveyed to King County by the Plat of Jovita Heights Addition, recorded in Volume 20 of Plats, Page 12, records of King County, Washington, abutting and adjacent to the west line of Lots 1 through 5, of Block 61, of the said Plat, being further described as:

Beginning at the southwest corner of Lot 5, of the said Block 61; thence westerly along the westerly extension of the southerly line of the said Lot 5, a distance of 4 feet to a line parallel to and lying 4 feet westerly of the west line of Block 61; thence northerly along the said parallel line, a distance of 175 feet; thence northeasterly along the arc of a tangential curve to the right, with a 25 foot radius,

to its intersection with the west line of the said Block 61; thence southerly along
the said west line to the Point of Beginning.

SCTION 2. The petitioner shall be refunded \$68.09 of the compensation paid, which amount is hereby
waived in accordance with K.C.C. 14.40.020.C as credit for newly deeded adjacent right-of-way.