

Legislation Text

File #: 2023-0423, **Version:** 2

Clerk 03/04/2024

AN ORDINANCE authorizing the vacation of a portion of S. 368th Street/10th Street, file no. V-2730; Petitioners: Brett Sherrod, Christian Denzler, and Jerald Laitila.

STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of S. 368th Street/10th Street, hereinafter described.
2. The department of local services notified utility companies serving the area and King County departments of the proposed vacation and has been advised that Puget Sound Energy and Comcast require easements 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' 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 and transportation system and 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.
5. Pursuant to K.C.C. 14.40.020 and RCW 36.87.120, the value of the vacation area is offset by the costs to King County to manage and maintain this segment of unopened right of way and the present value of future property tax. This results in a determination of: \$2,758 as compensation

for the vacation of 6,964 square feet of S. 368th Street/10th Street right of way to the property of Petitioner Christian Denzler, King County Assessor's Parcel Number 375060-8010; no compensation for the vacation of 4,511 square feet of S. 368th Street/10th Street right of way to the property of Petitioner Jerald Laitila, King County Assessor's Parcel Number 375060-8049; and no compensation for the vacation of 3,194 square feet of S. 368th Street/10th Street right of way to the property of Petitioner Jerald Laitila, King County Assessor's Parcel Number 375060-8052.

6. Due notice was given in the manner provided by law. The office of the hearing examiner held the public hearing on February 7, 2024.

7. As detailed in the February 7, 2024, 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 \$2,758 in compensation from Petitioner Christian Denzler as a condition of vacation, and no compensation from Petitioners Jerald Laitila or Brett Sherrod.

8. For the reasons stated in the examiner's 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, hereby vacates and abandons a portion of S. 368th Street/10th Street, right of way as dedicated to King County by the recording of the plat of Jovita, recorded in Volume 19 of Plats, Page 14, records of King County Washington as described below:

THAT PORTION OF SOUTH 368TH STREET (10TH STREET) IN SECTION 34,
TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON, LYING

EASTERLY OF THE WEST 30.00 FEET OF SAID SECTION 34 AND WESTERLY OF THE NORTHWESTERLY PROJECTION OF THE WESTERLY RIGHT OF WAY MARGIN OF 34TH AVE S (VIRGINIA AVENUE) TO THE NORTHERLY RIGHT OF WAY MARGIN OF SOUTH 368TH STREET (10TH STREET), ACCORDING TO THE PLAT OF JOVITA, RECORDED IN VOLUME 19 OF PLATS, AT PAGE 14, RECORDS OF KING COUNTY, WASHINGTON.

Containing 14,669 square feet, more or less.

SECTION 2. There are no contingencies or compensation requirements for vacating the subject road right-of-way abutting the Laitilia parcels (375060-8049 and 375060-8052).

SECTION 3. Vacation of the subject road right-of-way abutting the Denzler parcel (375060-8010), is contingent on petitioner paying \$2758 to King County within ninety days of the date council takes final action on this ordinance. If King County does not receive \$2758 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 375060-8010. Recording an ordinance will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 375060-8010 is vacated.