



## Legislation Text

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**File #:** 2005-0239, **Version:** 2

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Clerk 10/05/2005

AN ORDINANCE authorizing the vacation of portions of South 344th & South 346th Street, File V-2507 Petitioner: Cornerstone Development c/o AHBL.

### STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of those portions of South 344th & South 346th Street hereinafter described.
2. The department of transportation notified the various utility companies serving the area and has been advised that easements were not required within the vacation area.
3. The department of transportation records indicates that King County has not been maintaining South 344th & South 346th Street. The records indicate that no public funds have been expended for their acquisition.
4. The department of transportation considers the subject portions of the 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.
5. The right-of-way is classified as "C-Class" and, in accordance with King County Code 14.40.020, the compensation due King County 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 \$16,686.00 from the petitioner, of which \$5,292.00 will be returned to bring the total compensation amount to \$11,394.00.

Due notice was given in the manner provided by law and a hearing was held by the office of the

hearing examiner on the 20th day of July, 2005 and the 7th day of September, 2005

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 vacation approved by this ordinance is subject to the following pre-effective conditions:

A. Prior to conveyance of the vacation areas to the Petitioner, the Petitioner shall record a covenant, enforceable by King County and in a form approved by the County, on each of the lots it owns or controls located on the western half of blocks 14 (lots 2, 3, 5, and 7-15) and 24 (lots 1-4 and 6-14), Plat of Jovita Heights, that prohibits the construction or placement of structures on such lots.

B. Prior to conveyance of the vacation areas, and in the manner described above in condition no. 1, the Petitioner shall record a covenant providing that the lots owned or controlled by the Petitioner, either currently or in the future, located within Block 27 will have no direct access onto 55th Avenue South, but rather will be served by the future 56th Avenue South or the private access road shown on the preliminary plat.

C. The vacation area shall be conveyed to the Petitioner concurrently with the recording of a conservation easement and notices on title delineating and protecting Wetland A on the Petitioner's properties within the Plat of Jovita Heights, including the vacation areas, consistent with the requirements of the King County Critical Areas Ordinance. It shall also delineate and protect that portion of the Wetland A's buffer that falls within the western half of Petitioner's lots in blocks 14 and 24 as described above, and within the vacation areas. The conservation easement need not describe and contain the buffers on the eastern side of Wetland A except as may be required by the City of Auburn. The conservation easement shall be approved as to form by both King County and the City of Auburn.

SECTION 2. The council, on the effective date of this ordinance, hereby vacates and abandons those portions of South 344th & South 346th Street 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:

A portion of South 344th Street lying adjacent to Lots 1 and 28 of Block 24, and Lots 15 and 16 of Block 14, and a portion of South 346th Street lying adjacent to Lots 1 and 30 of Block 27, and Lots 14 and 15 of Block 24, in the Plat of Jovita Heights Addition according to Volume 20 of Plats, page 12, records of King County, Washington.