



## Legislation Text

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**File #:** 2017-0078, **Version:** 3

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Clerk 09/05/2017

AN ORDINANCE authorizing the vacation of a portion of SE 180th Street, File V-2669; Petitioners: King County department of natural resources and parks, water and land resources division.

### STATEMENT OF FACTS:

1. The department of natural resources and parks, water and land resources division filed a petition requesting vacation of a portion of SE 180th Street, as dedicated in the Plat of Rainbow Bend, hereinafter described.
2. The department of transportation notified its standard stakeholders for review, including utility companies serving the area. The department of transportation was advised that no easements were needed.
3. 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 vacation of the right of way for incorporation into the department of natural resources and parks, water and land resources division's flood hazard reduction and salmon habitat restoration project.
4. The department of transportation records indicate that King County has expended public funds for the maintenance of the subject portions of SE 180th Street.
5. The department of natural resources and parks, water and land resources division, owns all properties surrounding the subject right of way and the properties may not be used for any purpose inconsistent with salmon recovery and conservation purposes. The right of way and all

surrounding properties are now dedicated to and serving the people of King County as salmon recovery, conservation property and flood hazard reduction on the Cedar River. Both departments recommend waiving all compensation for the vacation.

6. Due notice was given in the manner provided by law. The office of the hearing examiner held the public hearing on April 10, 2017. The examiner was concerned whether entirely waiving compensation was warranted here, and so requested, received, and reviewed post-hearing briefing on the compensation topic. In his May 17, 2017, Report and Recommendation, the examiner "strongly" recommended vacation (the road segment subject to this petition being useless as part of the King County road system and the public benefiting from its vacation) and "tepidly" recommended completely waiving compensation for the vacation.

7. No appeal statement was filed and the clerk of the council placed the proposed ordinance that adopts the examiner's recommended action on the agenda of the June 19, 2017, council meeting for adoption in accordance with K.C.C. 20.22.220.

8. The King County council rereferred this proposed ordinance to the transportation, economy and environment committee on June 26, 2017, for further hearing, receipt of additional information and consideration in accordance with K.C.C 20.22.220. Based upon the information considered by the transportation, economy and environment committee, the vacation provides for a unique and significant value for the purposes of the department of natural resources and parks, water and land resources division, and therefore, the department should compensate the department of transportation, road services division the full value of the right of way rather than the waiver of compensation recommended by the examiner in his report.

9. 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 condition precedent that the department of natural resources and parks, water and land resources division pay compensation within ninety days of the effective date of this ordinance to the department of transportation, road services division for the value of the right of way in the amount of \$109,100 in accordance with K.C.C. 14.40.020.

SECTION 2. The council, effective on the date of payment of compensation as required by section 1 of this ordinance, vacates and abandons the portion of SE 180th Street as conveyed to King County by the recording of the Plat of Rainbow Bend, recorded in Volume 42 of Plats, page 20, records of King County Washington, as described below:

The entire portion of SE 180th Street right of way lying westerly of the west margin of SE 203rd Street and lying north of the Cedar River and lying east of the Renton Maple Valley Road and lying south of the north line of Section 32, Township 23 North, Range 6 East, Willamette Meridian, King County, Washington as shown in the Plat of Rainbow Bend, Volume 42 of Plats, page 20, records of King County Washington

Containing an area of 66,121 square feet, more or less.