



## Legislation Text

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**File #:** 2022-0448, **Version:** 2

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Clerk 04/11/2023

AN ORDINANCE authorizing the vacation of a portion of 310th Avenue NE/Alder Road, file no. V-2738; Petitioners: Richard E. Elander and Vernon S. Timmons.

### STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of 310th Avenue NE/Alder Road, 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 King County Water District No. 119 is the only utility that requires an easement 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's 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 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 resulting in a determination of \$809 as compensation for the

vacation of this portion of 310th Avenue NE/Alder Road to the property of Petitioners Richard E. Elander and Vernon S. Timmons, King County Assessor's Parcel Number 1551000-0015.

6. Due notice was given in the manner provided by law. The office of the hearing examiner held the public hearing on March 1, 2023.

7. As detailed in the March 15, 2023, 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 approval of the vacation petition with the requirement of payment of \$809 in compensation from Petitioners as a condition of the vacation.

8. For the reasons stated in the examiner's March 15, 2023, 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 hereby vacates and abandons a portion of 310th Avenue NE/Alder Road, right of way as dedicated to King County by the recording of the plat of Cherry Gardens Division No. 3, recorded in Volume 22 of Plats, Page 26, records of King County Washington as described below:

THE WEST HALF OF 310TH AVE NE (ALDER ROAD) ABUTTING LOT 126 OF CHERRY GARDENS, DIVISION NO. 3, ACCORDING TO THE PLAT THEREOF FILED IN VOL. 22 OF PLATS AT PAGE 26, RECORDS OF KING COUNTY, WASHINGTON.

SITUATE IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 26 NORTH, RANGE 7 EAST, W.M.

Containing 35,139 square feet, more or less,

CONTINGENT on petitioner paying \$809 to King County within 90 days of the date council takes final

action on this ordinance. If King County does not receive \$809 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 1551000-0015. Recording an ordinance will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 1551000-0015 is vacated.