



Legislation Text

File #: 2021-0180, **Version:** 2

Clerk 09/30/2021

AN ORDINANCE contingently approving the vacation of a portion of
Richardson Road right of way on Vashon- Maury Island, file no. V-2713;

Petitioners: Richard Barron and Seana Loew Steffen, and Glen and Erin Lemons.

1. Richard Steffen and the late Seana Steffen, joined by Glen and Erin Lemons, filed a petition to vacate to the Steffen property a portion of Richardson Road right-of-way described as:

The northeasterly 15 feet of Richardson Road as shown in the Plat of BURTON ACRES, as per plat recorded in Volume 21 of plats, on page 55, Records of King County, Washington. Together with that portion of Richardson Road lying adjacent to Lot 4, Block 16 of said Plat of BURTON ACRES and westerly of a curve having a radius of 10 feet that is tangent to the northeasterly margin of Richardson Road and the southeasterly margin of SW Bayview Drive.

2. Petitioners proposed an exchange of real property, conveying to King County a replacement right of way of equal size over the northeasterly 15 feet of the southwesterly 95 feet of the Steffen property, Lot 4 of Block 16, Burton Acres as per plat recorded in Volume 21 of plats, on page 55, Records of King County, together with second class tidelands.
3. The Richardson Road right of way is an unopened and unmaintained platted right of way located on Vashon-Maury Island abutting the Puget Sound.
4. RCW 36.87.130 limits the rights of property owners to petition a county legislative body to vacate road rights-of-way that abut bodies of salt or freshwater. RCW 36.34.330 allows counties

to exchange property under certain circumstances.

5. The department of local services considers the subject portion of right-of-way useless as part of the county road system and otherwise worthy of vacation. However, because of conflicting authorities on how to harmonize those two RCW sections, it could not recommend approval.

6. Due notice was given in the manner provided by law. The office of the hearing examiner held a public hearing on June 8, 2021, and a supplementary hearing on July 15, 2021.

7. In an August 9, 2021, recommendation, the examiner concluded that RCW 36.87.130 does not bar vacations that accomplish an exchange of water-abutting corridors and meet the purposes of RCW 36.87.130 and RCW 36.34.330.

8. The examiner found that, as proposed, the vacation and exchange did not produce a net public benefit; however, increasing the size of the Steffen property the County receives in exchange would, if certain contingencies were met, create a public benefit and warrant vacation.

9. This ordinance adopts and incorporates as its findings and conclusions the findings and conclusions contained in Attachment A to this ordinance, the report and recommendation of the hearing examiner dated August 9, 2021, to contingently grant the petition to vacate a portion of the Richardson Road right-of-way.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The council, on the effective date of this ordinance, contingently vacates a portion of Richardson Road right-of-way currently described as:

The northeasterly 15 feet of Richardson Road as shown in the Plat of BURTON ACRES, as per plat recorded in Volume 21 of plats, on page 55, Records of King County, Washington. Together with that portion of Richardson Road lying adjacent to Lot 4, Block 16 of said Plat of BURTON ACRES and westerly of a curve having a radius of 10 feet that is tangent to the northeasterly margin of Richardson Road and the southeasterly margin of SW Bayview Drive.

SECTION 2. Vacation is contingent on:

A. Richard Steffen, or Richard Steffen's successor, completing a survey of parcels 1269200385 and 1269200386 and the abutting Richardson Road right-of-way, including structures and any encroachments.

B. The road engineer determining, to the road engineer's satisfaction:

1. That the legal status of the tidelands at the northeastern edge of the Steffen property (the exchange area) is not different and worse than the legal status of the tidelands at the southwestern edge (the vacation area);

2. The absence of encroachments in the exchange area that would preclude Mr. Steffen or Mr. Steffen's successor from executing a Statutory Warranty Deed for the exchange area;

3. That the Steffen home does not extend further than 15 feet into the right-of-way area (note: the road engineer may adjust the vacation width, and commensurately the exchange width, if a survey finds the home extends further into the right-of-way area than 15 feet); and

4. A width for the exchange area that is both appreciably wider than the vacation area and also fully sufficient to site a future pedestrian access route over the exchange area.

C. Richard Steffen or Richard Steffen's successor:

1. Conveying an easement in favor of Puget Sound Energy for the vacation area;

2. Conveying a right-of-way in favor of King County for access and maintenance of the drainage serving SW Bayview Drive; and

3. Delivering an executed Statutory Warranty Deed for the exchange area.

SECTION 3. If the contingencies in section 2 of this ordinance are not completed by December 31, 2022, there is no vacation and the associated right-of-way remains King County's. If those contingencies are met, and by December 31, 2022, the road engineer submits legal descriptions for the vacation and exchange area to the clerk, the clerk shall record an ordinance against parcels 1269200385 and 1269200386. Recording an ordinance against parcels 1269200385 and 1269200386 will signify that the contingencies are satisfied and

the right-of-way associated with parcels 1269200385 and 1269200386 is vacated.