File #: 2003-0180, **Version:** 2

Clerk 12/09/2004

AN ORDINANCE authorizing the vacation of a portion of SE 403rd Street, File V-2444. Petitioners: Eugene and Karen Vezzetti and Walter and Sheri Anderson.

STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of that portion of SE 403rd Street hereinafter described.

2. The department of transportation notified the various utility companies serving the area and has been advised that all necessary easements within the vacation area have been secured.

3. The department of transportation records indicates that King County has not been maintaining SE 403rd Street. The records indicate that no public funds have been expended for its acquisition.

4. The department of transportation considers the subject portion 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 K.C.C. 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 $2,876.83 from the Vezzettis and $4,816.67 from the Andersons.
Due notice was given in the manner provided by law and a hearing was held by the office of the hearing examiner on the 29th day of April, 2004.
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 council, on the 6th day of December, 2004, hereby vacates and abandons that portion of SE 403rd Street as conveyed to King County in the plat of New Horizons as recorded in Volume 76 of Plats, Page 100, records of King County, Washington described as follows:

A portion of the Northeast Quarter of Section 12, Township 20 North, Range 6 East, W.M., King County, Washington described as follows:

That portion of Southeast 403rd Street lying westerly of the west margin of 273rd Avenue Southeast and adjacent to Lots 44, 56 and 57 in the Plat of New Horizons as recorded in Volume 76 of Plats, Page 100, records of King County, Washington.

SECTION 2. The vacation approved by this ordinance is subject to the following conditions:

1. The vacation approval conferred herein is granted subject to a 20 foot access easement to be created for the benefit of tax parcel 1220069083 by the petitioners pursuant to the attached conveyance dated September 30, 2004; provided that, such easement shall not become valid and effective unless the owner of tax parcel 1220069083 (Susan Martin, her successors or assigns) also validly executes said conveyance within 45 days of the effective date of the ordinance granting this road vacation. The easement document signed by the petitioners is currently in the custody of the King County Hearing Examiner. The owner of tax parcel 1220069083 shall contact the Hearing Examiner's Office at least three business days prior to the occurrence of the 45 day deadline to arrange for execution of the easement.

2. Forty-five days after the effective date of the ordinance approving the road vacation, the King County Hearing Examiner, or his designee, shall notify the petitioners, Ms. Martin, the King County Department of Transportation and the Clerk of the County Council whether the contingency stated in condition no. 1 above has been satisfied. If the owner of tax parcel 1220069083 has not validly executed the easement within the 45 day period provided by these conditions, the requirement for an easement conveyance by the petitioners stated above shall be deleted from this road vacation approval, the vacation shall be deemed approved unconditionally, and the September 30, 2004 easement document shall be returned to the petitioners.

Conversely, if the owner of tax parcel 1220069083 validly executes the easement within the time allotted, the Hearing Examiner shall record the easement, notify the parties and individuals listed above of such action, and the easement shall become effective according to its terms.

3. Nothing herein shall preclude the petitioners and Ms. Martin from negotiating new or different easement terms within the 45 day period provided in condition no. 1 above, including an agreement to perform a survey of the easement tract; provided that, the petitioners and Ms. Martin shall submit to the Clerk of the County Council within

said 45 day period a notarized statement affirming that all parties have agreed to and executed a substitute easement.