



## Legislation Text

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**File #:** 2007-0018, **Version:** 2

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Clerk 5/30/2007

AN ORDINANCE authorizing the vacation of a portion of SE Tanner Road, File V-2498; Petitioner: North Bend Industrial Park LLC.

### STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of SE Tanner Road hereinafter described.
2. The department of transportation notified the various utility companies serving the area and has been advised that easements are not required at this time, and that Puget Sound Energy and Comcast will retain easements as needed.
3. The department of transportation records indicates that King County has been maintaining SE Tanner Road. The records indicate that no public funds have been expended for its acquisition.
4. The petitioner, North Bend Industrial Park LLC, has proposed to construct a new public access from SE Tanner Road to SE North Bend Way near the western terminus of the subject vacation area, via tax parcel #1423089182.
5. SE North Bend Way, in this vicinity, has been classified as a bike route on a moderate traffic street without a wide curb lane or shoulder. Due to the close proximity of Tanner Road, the subject vacation area currently serves as an alternate bicycle route. The department of transportation maintains that equivalent provisions should be retained for this nonmotorized public use of the subject vacation area. The department of transportation has offered two alternatives that if implemented could be supported in conjunction with an approval

recommendation for the proposed vacation. Ideally, frontage improvements to North Bend Way would be done now and would incorporate a standard bicycle lane. Alternatively, the petitioner may choose to temporarily retain a minimum six-foot wide paved access route along, and within, the subject vacation area. The petitioner is encouraged to provide signage authorizing this limited public use of the vacation area. Neither the department of transportation, nor the department of natural resources and parks are able to expend public funds for maintenance or to accept liability for the temporary nonmotorized route, largely in that the need is resulting from this private road vacation proposal. At which time that the frontage improvements, including bicycle lane, are completed along North Bend Way, the petitioner may close off public access and remove the temporary trail.

6. The existing intersection at the eastern terminus of the subject vacation area will not be vacated. This road segment will become a short cul-de-sac road serving the existing gravel parking area for the nearby public trail and potentially serving the eastern portion of the petitioner's property, subject to permit review.

7. Once the new public road connection between Tanner Road and North Bend Way has been constructed and accepted into the county road system, the department of transportation will consider the subject portion of the right-of-way useless as part of the King County road system and believes the public would benefit by the return of this unused area to the public tax rolls.

8. The right-of-way is classified as "B-Class" and, in accordance with K.C.C. 14.40.020, the compensation due King County is based on seventy-five 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 \$69,691.13 from the petitioners.

Due notice was given in the manner provided by law and a hearing was held by the office of the hearing examiner on the 7th and 21st day of March, 2007.

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 conditions:

A. Vacation of the right-of-way authorized by this ordinance shall not become effective until the following events have occurred:

1. The construction of the proposed new public road connection between Tanner Road and North Bend Way has been completed and accepted into the county public road system by the department of transportation.
2. A public road deed is recorded providing for the proposed connection between Tanner Road and North Bend Way.
3. All utilities located within the subject vacation area are either relocated outside the subject vacation area, or copies of recorded utility easements provided to the affected agencies.
4. That provisions are provided for the current nonmotorized public use of the subject vacation area.

This may include either:

- a. frontage improvements be constructed along North Bend Way, which include a standard bicycle lane; or
- b. that six feet of asphalt be retained across the subject vacation area as an interim bicycle route, with appropriate signage. This interim route shall be maintained by the petitioner as an open public nonmotorized route until such time that frontage improvements, including a bicycle lane, have been constructed along North Bend Way.

B. Upon recording of the public road deed for the proposed new public road connection, the petitioner shall be partially refunded from compensation currently held, to offset the land costs of the newly deeded ROW. This will be determined on a per square-foot basis, assuming the vacated and newly deeded right-of-

way areas would have the same value.

C. If any of the four pre-effective contingencies stated in Condition A have not been satisfied by September 30, 2009, the approval conferred hereunder shall expire and the subject vacation shall become null and void. The petitioner has the option of requesting an administrative extension of this date from the county road engineer not to exceed one additional year, pending submittal of evidence of active project design and/or construction.

SECTION 2. The council, on the effective date of this ordinance, hereby vacates and abandons that portion of SE Tanner Road as established and ordered built on February 16, 1891 as County Road No. 301, A.J. Foster Road, and obtained by King County through prescriptive rights, as described below:

That portion of SE Tanner Road abutting the south lines of the Burlington

Northern Railroad rights-of-way, in the south half of Section 14, Township 23 North, Range 8 East, W.M., King County.