



## Legislation Text

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**File #:** 2008-0518, **Version:** 2

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AN ORDINANCE denying a petition to vacate a portion of 227th Place SE (Martin Avenue) and a portion of a 40-foot right-of-way, also known as 227th Place SE, File V-2618; Petitioners: Kennan and Patti Southworth.

### STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of the 227th Place SE right-of-way, also known as Martin Avenue, and a portion of a 40-foot right-of-way, also known as 227th Place SE, hereinafter described.
2. The department of transportation notified the various utility companies serving the area and has been advised that easements are not required within the vacation area.
3. The department of natural resources and park's water and land resources division has obtained a Waiver of Reversionary Rights from the petitioners, to disclaim any reversionary interest that the petitioners may have in the Burlington Northern and Santa Fe Railroad Company right-of-way.
4. The department of transportation records indicate that King County has maintained the 227th Place SE (Martin Avenue) right-of-way, but has not maintained the 40-foot right-of-way approximately perpendicular to Martin Avenue, also known as 227th Place SE. Records indicate that no public funds have been expended for acquisition of either right-of-way.
5. The department of transportation considers the subject portion of the rights-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.
6. The 227th Place SE (Martin Avenue) right-of-way is classified as "B-Class" and, in accordance with

King County Code (KCC) 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 \$5,965.80 from the petitioners.

7. The additional 40-foot right-of-way is classified as “C-Class” and, in accordance with KCC 14.40.020, the compensation due King County for a road vacation may be waived at the discretion of the King County Council. As this segment of right-of-way has remained attached to the abutting property and was not removed from public tax rolls, the property owners have continued to pay taxes on the area. The petitioners have owned the abutting property since 1995. The department of transportation recommends approval of the petitioner’s request that compensation for this portion of the right-of-way be waived. No compensation has been received for this segment of right-of-way.

Due notice was given in the manner provided by law and a hearing was held by the office of the hearing examiner on the 12th day of January and the 13th day of April, 2009. The petitioners having appealed the recommendation by the Hearing Examiner to deny this petition, a hearing was held by the King County Council on July 13, 2009.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. This ordinance adopts and incorporates the findings and recommendations of the April 29, 2009 report and recommendation of the Hearing Examiner, filed with the clerk of the council on June 26, 2009, upon the petition of Kennan and Patti Southworth to vacate portions of the 227th Place SE (Martin Avenue and adjacent triangular portion of a 40-foot right-of-way within a private drive, also known as 227th Place SE), as described in Department of Transportation, Road Services Division, File No. V-2618.

SECTION 2. The recommendation of the Hearing Examiner to deny the petition to vacate the subject right-of-way is hereby adopted, and the compensation deposited by the petitioners in the amount of \$5,965.80 is directed to be returned.