File #: 2024-0411, **Version:** 1

Clerk 12/09/2024

AN ORDINANCE authorizing the vacation of a portion of 190th Avenue SE/Gioranni Vitarelli Rd/Rd No.1592, Renton, WA, file no. V-2751 and reauthorizing the vacation; Petitioners: Denis Lopes Monteiro and Michelle Pedersen; repealing Ordinance 19869, Section 1, Ordinance 19869, Section2, and Ordinance 19869, Section 3; and declaring an emergency.

STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of 190th Ave SE/Gioranni Vitarelli Rd/Rd No. 1592 in the Renton area of unincorporated King County, hereinafter described.

2. The department of local services notified utility companies serving the area and King County departments of the proposed vacation. Cedar River Water and Sewer District has an easement over the vacation area; no other agency or utility requested identified a need for an easement over the vacation area. The vacation does not extinguish the rights of any utility company to any existing easements for facilities or equipment within the vacation area.

3. The records of the department of local services indicate that this segment of right-of-way is unopened and unmaintained. The portion of right-of-way is crossed by a private road easement. An easement for ingress and egress across a portion of the subject right-of-way in favor of the properties using the private road easement is necessary to preserve access.

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 $5,637 as compensation for the vacation of an approximate 4,000 square foot portion of 190th Ave SE to the property of petitioners Denis Lopes Monteiro and Michelle Pedersen, King County assessor's Parcel Number 182206-9155, and no charge of compensation for the vacation of an approximate 4,000 square foot portion of 190th Ave SE to the property of petitioners Denis Lopes Monteiro and Michelle Pedersen, King County assessor's Parcel Number 182206-9152. If required, compensation must be received by King County within ninety days of approval of the ordinance vacating the right-of-way.

6. Due notice was given in the manner provided by law. The office of the hearing examiner held the public hearing on September 10, 2024.

7. As detailed in the September 24, 2024, 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 $5,637 by petitioners, execution of an easement in favor of the properties using the private road, and execution of an easement in favor of Cedar River Water and Sewer District as conditions of vacation.

8. For the reasons stated in the examiner's 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. **Findings**:

A. On November 26, 2024, the metropolitan King County council adopted Ordinance 19869, concurring in the September 24, 2024, recommendation of the hearing examiner to vacate a portion of 190th Ave SE/Gioranni Vitarelli Rd/Rd No. 1592 in the Renton-area of unincorporated King County, so long as petitioners met certain conditions within 90 days of the November 26, 2024, date. Under Ordinance 19869, if petitioners do not complete those actions within the ninety days, the vacation will not take effect.

B. The title of Ordinance 19869 incorrectly describes the ordinance as a public benefit rating system assessed valuation, rather than what the body of the ordinance pertains to: the road vacation petitioners were seeking. Therefore, as the title of Ordinance 19869 does not comport with the ordinance's body, the ordinance's validity would be denied if it were challenged.

C. A vacation ordinance is recorded and implicates a property's ownership. The probable invalidity of Ordinance 19869 could result in a cloud on title and cast doubt as to who or what holds title in the right-of-way intended to be vacated. As a result, petitioners will not receive the clear ownership of the vacated road right-of-way they sought.

D. Due to the council's holiday recess, the next council meeting after December 10 will not occur until January 2025, well after the start of the ninety-day period set by Ordinance 19869. To avoid petitioners having to meet a deadline set by the Ordinance and to assure them the full ninety days to satisfy the contingencies required for the vacation, a new vacation ordinance is required.

SECTION 2. Ordinance 19869, Sections 1, 2, and 3, are repealed.

SECTION 3. The council, on the effective date of this ordinance, vacates and abandons a portion of 190th Ave SE/Gioranni Vitarelli Rd/Rd No. 1592 right-of-way as described below:

That portion of the Northwest Quarter of the Northeast Quarter of Section 18, Township 22 North, Range 6 East, W.M., in King County, Washington, described as follows:

Beginning at the Southwest corner of said Subdivision; thence N01°31'33"E along the West line

thereof 30.00 feet; thence S88°58'52"E, parallel with the South line of said Subdivision, 675.32 feet to the Easterly margin of 190th Avenue Southeast; thence N01°29'51"E along said Easterly margin, 150.01 feet, to the North line of the South 180.00 feet of said Subdivision and the True Point of Beginning; thence continuing N01°29'51"E, 210.01 feet to the North line of the South 390 feet of said Subdivision; thence N88°58'52"W, along said North line, 40.00 feet; thence S01°29'51"W, 210.01 feet to the North line of the South 180 feet of said Subdivision; thence S88°58'52"E, along said North line, 40.00 feet to the True Point of Beginning. Containing 7,997 SF

Situate in the County of King, State of Washington.

SECTION 4. For parcel 182206-9155, recording of the approved vacation to vacate the subject road right-of-way abutting CONTINGENT on Petitioners, within 90 days of the date council takes final action on this ordinance:

A. Paying $5,637 to King County;

B. Delivering a signed easement in favor of the five properties using the private access road; and

C. Delivering a signed easement in favor of the Cedar River Water and Sewer District.

If King County does not receive each of those three items by that date, there is no vacation and the associated right-of-way remains King County's. If those three items are timely met, the Clerk shall record an ordinance against parcel 182206-9155. Recording an ordinance signifies that all three contingencies are satisfied and that the right-of-way associated with parcel 182206-9155 is vacated.

SECTION 5. For parcel 182206-9152, recording of the approved vacation to vacate the subject road right-of-way abutting CONTINGENT on Petitioners, within 90 days of the date Council takes final action on this ordinance:

A. Delivering a signed easement in favor of the five properties using the private road; and

B. Delivering a signed easement in favor of the Cedar River Water and Sewer District.

If King County does not receive both of those items by that date, there is no vacation and the associated right-of-way remains King County's. If those two items are timely met, the Clerk shall record an ordinance against parcel 182206-9152. Recording an ordinance signifies that both contingencies are satisfied and that the right-of-way associated with parcel 182206-9152 is vacated.

SECTION 6. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace,

health or safety or for the support of county government and its existing public institutions.