



## Legislation Details (With Text)

**File #:** 2018-0010      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 1/8/2018      **In control:** Hearing Examiner

**On agenda:**      **Final action:** 12/11/2019

**Enactment date:** 12/19/2019      **Enactment #:** 19045

**Title:** AN ORDINANCE authorizing the vacation of a portion of 327th Avenue NE, Carnation, file no. V-2701; Petitioners Matthew Benson, Tom and Janet Duvall, Warner Smith and Roxana Andone.

**Sponsors:** Joe McDermott

**Indexes:** Vacation

**Code sections:**

**Attachments:** 1. Ordinance 19045, 2. A. Hearing Examiner Report dated November 6, 2019, 3. 2018-0010 legislative review form.pdf, 4. 2018-0010 transmittal letter.doc, 5. 2018-0010 fiscal note.xls, 6. 2018-0010 county road engineer report - June 13, 2017.pdf, 7. 2018-0010 notice of public hearing.docx, 8. 2018-0010 Hearing Notice - Petitioner Matthew Benson-Tom Duvall-Janet Duvall-Warner Smith-Roxana Andone V-2701.doc, 9. 2018-0010 vacation posting from Roads.pdf, 10. 2018-0010 Affidavit of Pub -Bnson 2/28 & 3/7/18, 11. 2018-0010 notice for Seattle Times, 12. V-2701 Notice of 2nd Hearing - for publication, 13. V-2701 signed Affidavit of Posting 2nd Hearing, 14. 2018-0010 DOT Staff Report, 15. 20200110115714910

Date	Ver.	Action By	Action	Result
12/11/2019	2	Metropolitan King County Council	Passed	Pass
1/7/2019	1	Metropolitan King County Council	Reintroduced	
1/8/2018	1	Metropolitan King County Council	Introduced and Referred	

Clerk 12/12/2019

AN ORDINANCE authorizing the vacation of a portion of 327th Avenue NE, Carnation, file no. V-2701; Petitioners Matthew Benson, Tom and Janet Duvall, Warner Smith and Roxana Andone.

### STATEMENT OF FACTS:

1. A petition was filed requesting vacation of a portion of 327th Avenue NE, Carnation, hereinafter described.
2. The road services section notified utility companies serving the area and King County departments of the proposed vacation and has been advised that Puget Sound Energy may have facilities in the vacation area and will obtain written easements directly from the property

owners. The vacation shall not extinguish the rights of any utility company to any existing easements for facilities or equipment within the vacation area.

3. Road services records indicate that King County has not expended public funds for the acquisition or maintenance of the subject portions of 327th Avenue NE, John McGee No. 2 Road right-of-way. The subject area is an unopened right-of-way.

4. Due notice was given in the manner provided by law. The office of the hearing examiner held a public hearing on March 15, 2018, and September 30, 2019.

5. The examiner found that the subject right-of-way is useless as part of the county road system, concluded that the public will benefit from its vacation, and set the appropriate amount of compensation due from each petitioner.

6. For the reasons stated in the examiner's November 6, 2019, 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, at the compensation levels set out in sections 2. through 4. of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The rights-of way in question are three segments of:

A strip of land 60 feet wide in the West Half of the Southwest Quarter of Section 3, T. 25 N., R. 7 E., W.M., King County Washington lying 30 feet on each side of the following described center line:

Beginning at the intersection of the centerline of 327th Avenue NE (John McGee No. 2 County Road) as established by King County Survey No. 2208, approved March 1, 1926 and the West line of said Section 3, at a point 936 feet, more or less, south of the northwest corner of said Southwest Quarter; thence southeasterly and southerly along the center line of 327th Avenue NE to a point

on the south line of said Section 3 which is 1029 feet, more or less, east of the southwest corner of said Section 3 and the terminus of the line herein described.

The sidelines of said 60 foot strip are to be extended or shortened to meet at angle points and to terminate at the west line of said Southwest Quarter or the east right-of-way line of State Route 203, whichever is farthest east and the south line of said Southwest Quarter.

Situated in the County of King and State of Washington.

Containing approximately 2.94 acres, more or less.

SECTION 2. The council, on the effective date of this ordinance, hereby vacates and abandons that portion of 327th Avenue NE, John McGee No. 2 Road right-of-way running through the Benson property, King County Assessor's parcel no. 0325079018, subject to the conditions set forth in this section. Vacation of -9018 is contingent on petitioner paying \$4,505 to King County within 90 days of the date the council takes final action. If King County does not receive \$4,505 by that date, there is no vacation and the right-of-way associated with parcel -9018 remains King County's. If payment is timely received, the clerk shall record an ordinance against parcel -9018. Recording an ordinance against parcel -9018 will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel -9018 is vacated.

SECTION 3. The council, on the effective date of this ordinance, hereby vacates and abandons that portion of 327th Avenue NE, John McGee No. 2 Road right-of-way running through the Smith and Andone property, King County Assessor's parcel no. 0352079011, subject to the conditions set forth in this section. Vacation of -9011 is contingent on petitioners paying \$5,255.86 to King County within 90 days of the date the council takes final action. If King County does not receive \$5,255.86 by that date, there is no vacation and the right-of-way associated with parcel -9011 remains King County's. If payment is timely received, the clerk shall record an ordinance against parcel -9011. Recording an ordinance against parcel -9011 will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel -9011 is vacated.

SECTION 4. The council, on the effective date of this ordinance, hereby vacates and abandons that portion of 327th Avenue NE, John McGee No. 2 Road right-of-way running through the Duvall property, King County Assessor's parcel no. 0325079010, subject to the conditions set forth in this section. Vacation of -9010 is contingent on petitioners paying \$4,310.24 to King County within 90 days of the date the council takes final action. If King County does not receive \$4,310.24 by that date, there is no vacation and the right-of-way associated with parcel -9010 remains King County's. If payment is timely received, the clerk shall record the ordinance against parcel -9010. Recording an ordinance against parcel -9010 will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel -9010 is vacated.