



Legislation Details (With Text)

File #: 2021-0208 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 6/8/2021 **In control:** Hearing Examiner

On agenda: **Final action:** 9/28/2021

Enactment date: 10/13/2021 **Enactment #:** 19344

Title: AN ORDINANCE authorizing the vacation of a portion of SE 28th Street/Hemlock Street, Fall City, file no. V-2712; Petitioners: Stephen and Megan Botulinski; John and Cynthia Conlon; Jill and Kyle Thompson; Alfred Valvano and Traci Shallbetter; Rex E. Currier; Adam and Jessi Buttermore; and Tom and Sharon Bilbro.

Sponsors: Claudia Balducci

Indexes: Vacation

Code sections:

Attachments: 1. Ordinance 19344, 2. A. Hearing Examiner Report dated August 20, 2021, 3. 2021-0208 DLS - Road Servcies Division Report to the Hearing Examiner, 4. 2021-0208 transmittal letter, 5. 2021-0208 County Road Engineer Report, 6. 2021-0208 fiscal note, 7. 2021-0208 Legislative Review Form, 8. V-2712 Declaration of posting.pdf, 9. 2021-0208 Invoice & Affidavit - July 31, 2021 Invoice #8856.pdf, 10. download 19344

Date	Ver.	Action By	Action	Result
9/28/2021	2	Metropolitan King County Council	Passed	Pass
6/15/2021	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/20/2021

AN ORDINANCE authorizing the vacation of a portion of SE 28th Street/Hemlock Street, Fall City, file no. V-2712; Petitioners: Stephen and Megan Botulinski; John and Cynthia Conlon; Jill and Kyle Thompson; Alfred Valvano and Traci Shallbetter; Rex E. Currier; Adam and Jessi Buttermore; and Tom and Sharon Bilbro.

STATEMENT OF FACTS:

1. A petition was filed requesting vacation of a portion of SE 28th Street/Hemlock Street, Fall City, described below.
2. The department of local services notified utility companies serving the area and King County departments of the proposed vacation and has been advised that no utility requires an easement over the

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

3. The department of local services' records indicate that this segment of right of way is unopened and unmaintained.

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. Due notice was given in the manner provided by law. The office of the hearing examiner held the public hearing on July 29, 2021.

6. As detailed in an August 20, 2021, recommendation, the examiner found that the road segment subject to this petition 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 requiring, as a condition of vacation, \$2,758 in compensation from Petitioners Stephen and Megan Botulinski, \$799 in compensation from Petitioners Alfred Valvano and Traci Shallbetter, \$1,779 in compensation from Petitioners Adam and Jessi Buttermore, \$1,779 in compensation from Petitioners Tom and Sharon Bilbro, and no compensation from Petitioners John and Cynthia Conlon, Jill and Kyle Thompson, and Rex E. Currier.

8. For the reasons stated in the examiner's August 20, 2021, 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. The council, on the effective date of this ordinance, hereby vacates and abandons a portion of SE 28th Street/Hemlock Street right of way as dedicated to King County by the recording of the Plat

of Fall City Orchard Tracts, recorded in Volume 16 of Plats, Page 55, records of King County Washington as described below:

Lying within the Northwest quarter of Section 12, Township 24 North, Range 7 East, Willamette Meridian, in King County, Washington, and being a portion of 60-foot wide Hemlock Street shown on the Plat of Fall City Orchard Tracts, recorded in Volume 16 of Plats, Page 55, King County Records, and being an unconstructed portion of said Hemlock Street, also known as SE 28th Street, lying southerly of Tracts 5 and 6 in Block 2, and northerly of Tracts 2 and 3 in Block 3 of said Fall City Orchard Tracts, and more particularly described as follows:

BEGINNING at the southwest corner of said Tract 5; thence, on the northerly line of said Hemlock Street, south $89^{\circ} 26' 23''$ east 655.76 feet to the common southerly corner of Tracts 5 and 6; thence continuing on the said northerly line south $89^{\circ} 26' 23''$ east, 535.74 feet to an iron rod and cap set to mark a 30.00-foot offset southwesterly from the as-built centerline of asphalt pavement for SE 28th Street as it existed in the year 2019, said rebar also lying 119.99 feet, more or less, westerly from the southeast corner of said Tract 6; thence, leaving said northerly line and following said 30.00 foot offset southeasterly on a curve to the left, having a radius of 630 feet, and a delta angle of $3^{\circ} 06' 00''$, for a distance of 34.09 feet to a point of tangency; thence continuing along said 30.00 foot offset on a tangent bearing south $74^{\circ} 46' 10''$ east, for a distance of 90.21 feet to an iron rod and cap set to mark said offset and a line connecting the southeast corner of Tract 6 and the northeast corner of said Tract 2, said rebar also lying southerly, 32.35 feet from the southeast corner of Tract 6; thence south $0^{\circ} 33' 38''$ west 27.64 feet to an iron rod and cap set to mark the northeast corner of Tract 2; thence, on the southerly line of said Hemlock Street, north $89^{\circ} 26' 23''$ west 655.76 feet, more or less, to the common northerly corner of said Tracts 2 and 3; thence continuing on said southerly line north $89^{\circ} 26' 23''$ west 655.73 feet, more or less, to the northwest corner of Tract 3; thence north $0^{\circ} 00' 44''$

east, 60.00 feet to the point of beginning.

This description is based on measurements and computations shown on a Record of Survey dated December 2019 and recorded in Volume 417 of Surveys, Page 35, King County Records.

All qualifications of title lines are based on Fall City Orchard Tracts and the existing as-built SE 28th Street noted herein. Described area adjoins King County Tax Lots 2480700037, 38, and 41 on the north and Tax Lots 2480700070, 72, 80, and 82 on the south. King County Washington.

Containing 76,687 square feet, more or less.

SECTION 2. For the subject road right-of-way abutting parcels 248070-0072 (Conlon), 248070-0070 (Thompson), and 248070-0080 (Currier), there is no compensation requirement or contingencies, and vacation is operative on the effective date of this ordinance.

SECTION 3. For the subject road right-of-way abutting parcel 248070-0041 (Botulinski), vacation is CONTINGENT on petitioner paying \$2758 to King County within ninety days of the date the council takes final action on this ordinance. If King County does not receive \$2758 by that date, there is no vacation and the associated right-of-way remains King County's. If payment is timely received, the clerk shall record an ordinance against parcel 248070-0041. Recording an ordinance against parcel 248070-0041 will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 248070-0041 is vacated.

SECTION 4. For the subject road right-of-way abutting parcel 248070-0082 (Valvano) vacation is CONTINGENT on petitioner paying \$799 to King County within ninety days of the date the council takes final action on this ordinance. If King County does not receive \$799 by that date, there is no vacation and the associated right-of-way remains King County's. If payment is timely received, the clerk shall record an ordinance against parcel 248070-0082. Recording an ordinance against parcel 248070-0082 will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 248070-0082 is vacated.

SECTION 5. For the subject road right-of-way abutting parcel 248070-0038 (Buttermore) vacation is CONTINGENT on petitioner paying \$1779 to King County within ninety days of the date the council takes final action on this ordinance. If King County does not receive \$1779 by that date, there is no vacation and the right-of-way associated remains King County's. If payment is timely received, the clerk shall record an ordinance against parcel 248070-0038. Recording an ordinance against parcel 248070-0038 will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 248070-0038 is vacated.

SECTION 6. For the subject road right-of-way abutting parcel 248070-0037 (Bilbro) vacation is CONTINGENT on petitioner paying \$1779 to King County within ninety days of the date the council takes final action on this ordinance. If King County does not receive \$1779 by that date, there is no vacation and the associated right-of-way remains King County's. If payment is timely received, the clerk shall record an ordinance against parcel 248070-0037. Recording an ordinance against parcel 248070-0037 will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 248070-0037 is vacated.