



## Legislation Text

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**File #:** 2007-0371, **Version:** 2

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Clerk 04/23/2008

AN ORDINANCE authorizing the vacation of a portion of 56th Avenue South,  
File V-2584; Petitioner: Peter J. Christensen.

### STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of the west thirty feet of the 56th Avenue South right-of-way abutting and adjacent to the petitioner's property.
2. The department of transportation notified the various utility companies serving the area, standard stakeholders and the city of Federal Way for comments. There is development potential in the neighborhood and the department of transportation has been advised to retain key north-south rights-of-way until such time as it is determined that they are no longer useful to the public road.
3. Through the stakeholder review process, the city of Federal Way has requested that King County not divest public interest in the subject right-of-way.
4. For the reasons stated above, the department of transportation could not consider the subject portion of the right-of-way, as petitioned, useless as part of the county road system or that the public would benefit by the return of this unused area to the public tax rolls and recommended that the petition be denied.
5. The petitioner filed an appeal with the clerk of the council. The petition was referred to the hearing examiner to conduct a public hearing and to provide a recommendation based on testimony received at the hearing and the department of transportation's report.

6. During the public hearing process, the department of transportation agreed to revise their recommendation to allow for a smaller portion of the right-of-way to be vacated, beyond the minimum required right-of-way width for a residential street.
7. The subject vacation area is located within the city of Federal Way's Potential Annexation Area. Therefore, the department of transportation was advised to meet the requirements of the city's road standards. The city's engineer recommended approval while retaining a minimum right-of-way width of 52 feet, centered along the dedicated centerline. This would allow for four feet to be vacated on either side of the right-of-way.
8. The department of transportation records indicates that King County has not been maintaining the subject portion of 56th Avenue South right-of-way. The records indicate that no public funds have been expended for its acquisition.
9. The department of transportation considers the revised portion of the right-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.
10. The right-of-way is classified as "C-Class" and, in accordance with K.C.C. 14.40.020, the compensation due King County is based on fifty 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 \$655.20 from the petitioner.

Due notice was given in the manner provided by law and a hearing was held by the office of the hearing examiner on the 26th day of September, 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 council, on the effective date of this ordinance, hereby vacates and abandons that

portion of 56th Avenue South as conveyed to King County by the recording of the Plat of Jovita Heights, recorded in Volume 20 of Plats, Page 12, records of King County, Washington as described below:

That portion of the westerly 4 feet of 56th Avenue South right-of-way (also known as Pennsylvania Avenue), abutting and adjacent to the east line of Lot 35, in Block 86, in the plat of Jovita Heights, recorded in Volume 20 of Plats, Page 12, records of King County, Washington.