

## Legislation Details (With Text)

**File #:** 2020-0138      **Version:** 2

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

**File created:** 3/24/2020      **In control:** Hearing Examiner

**On agenda:**      **Final action:** 9/15/2020

**Enactment date:** 9/25/2020      **Enactment #:** 19167

**Title:** AN ORDINANCE authorizing the vacation of a portion of 172nd Ave SE, file no. V-2719; Petitioner: Brian Kelderman.

**Sponsors:** Claudia Balducci

**Indexes:** Hearing Examiner, Vacation

**Code sections:**

**Attachments:** 1. Ordinance 19167, 2. A. Hearing Examiner Report dated August 4, 2020, 3. 2020-0138 legislative review form, 4. 2020-0138 transmittal letter, 5. 2020-0138 County Road Engineer Report, 6. 2020-0138 fiscal note, 7. 2020-0138 V-2719 Legislation Advertisement, 8. 2020-0138 Road Services Division Staff report, 9. download 6

Date	Ver.	Action By	Action	Result
9/15/2020	2	Metropolitan King County Council	Passed	Pass
3/24/2020	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/08/2020

AN ORDINANCE authorizing the vacation of a portion of 172nd Ave SE, file no.  
V-2719; Petitioner: Brian Kelderman.

### STATEMENT OF FACTS:

1. A petition was filed requesting vacation of a portion of 172nd Ave SE, hereinafter described.
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 easements are required over the vacation area. The vacation shall not extinguish the rights of any utility company to any exiting 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. In accordance with K.C.C. 14.40.020, 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 \$13,686 as compensation for the vacation of this section of right of way. 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 July 21, 2020.

7. As detailed in his August 4, 2020, 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 requiring \$13,686 in compensation as a condition of vacation.

8. For the reasons stated in the examiner's August 4, 2020, 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 172nd Ave SE right of way, as conveyed to King County by the recording of the Plat of Renton Suburban Tracts, Division No. 6, according to the Plat thereof recorded in Volume 66 of Plats, pages 33 through 35 inclusive, records of King County, Washington as described below:

That portion of the East half of 172nd Avenue SE abutting Lot 30, Block 2 of the Plat of Renton Suburban Tracts, Division No. 6, according to the Plat thereof recorded in Volume 66 of Plats,

Pages 33 through 35 inclusive, records of the King County Recorder;

Together with that portion of 172nd Avenue SE lying Southwesterly of a curve having a radius of 20.00 feet and tangent with the East margin of 172nd Avenue SE and the North margin of SE 144th Street.

Situate within the Southwest Quarter of the Southeast Quarter of Section 13, Township 23 North, Range 5 East, Willamette Meridian, King County, Washington.

Containing 8,962 square feet, more or less.

SECTION 2. Recording of the approved vacation is CONTINGENT on petitioner paying \$13,686 to King County within ninety days of the date the council takes final action on this ordinance. If King County does not receive \$13,686 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 7230200590.

Recording an

ordinance will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 7230200590 is vacated.