



Legislation Text

File #: 2021-0208, **Version:** 1

Clerk 05/28/2021

AN ORDINANCE authorizing the vacation of a portion of SE 28th Street/Hemlock Street, File 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 has been filed requesting vacation of a portion of SE 28th Street/Hemlock Street, 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 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's 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. 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 \$2,758 as compensation for the vacation of sections of SE 28th Street/Hemlock Street right of way to the property of Petitioners Stephen and Megan Botulinski, King County Assessor's Parcel Number 2480700041, a determination of \$799 as compensation for the vacation of sections of SE 28th Street/Hemlock Street right of way to the property of Petitioners Alfred Valvano and Traci Shallbetter, King County Assessor's Parcel Number 2480700082, a determination of \$1,779 as compensation for the vacation of sections of SE 28th Street/Hemlock Street right of way to the property of Petitioners Adam and Jessi Buttermore, King County Assessor's Parcel Number 2480700038, a determination of \$1,779 as compensation for the vacation of sections of SE 28th Street/Hemlock Street right of way to the property of Petitioners Tom and Sharon Bilbro, King County Assessor's Parcel Number 2480700037, and a determination of zero compensation for the vacation of sections of SE 28th Street/Hemlock Street right of way to the properties of Petitioners John and Cynthia Conlon, King County Assessor's Parcel Number 2480700072, Jill and Kyle Thompson, King County Assessor's Parcel Number 2480700070, and Rex E. Carrier, King County Assessor's Parcel Number 2480700080. 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 _____, _____, 2021.

7. As detailed in the _____, ____ 2021, 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 \$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 a no further compensation from Petitioners John and Cynthia Conlon, Jill and Kyle Thompson, and Petitioner Rex E. Currier, as a condition of vacation.

8. For the reasons stated in the examiner's _____, ____ 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° 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° 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°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° 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 ° 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° 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° 26' 23" west 655.73 feet, more or less, to the northwest corner of Tract 3; thence north 0 ° 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. Recording of the approved vacation is contingent on

delivery of \$_____ to King County within ninety days of the date of enactment of this ordinance.