



Legislation Text

File #: 2009-0353, **Version:** 2

Clerk 08/12/2009

AN ORDINANCE authorizing vacation of a portion of 220th Avenue SE, File V-2554; Petitioner: Tahoma School District.

STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of the 220th Avenue SE right-of-way hereinafter described.
2. The department of transportation notified the various utility companies serving the area and has been advised that easements have either been obtained or are not required within the vacation area.
3. An easement to Puget Sound Energy, for existing facilities within the vacation area, has been recorded under King County recording number 20080327000473, records King County, Washington.
4. An easement to the Cedar River Water and Sewer District, for the existing water main on the Tahoma School District's property, has been recorded under King County recording number 20090109000764, records King County, Washington.
5. A drainage easement to King County, for a new storm line from the existing drainage pond to a new detention pond, has been recorded under King County recording number 20080512001120, records King County, Washington.
6. A declaration of covenant to King County, for inspection and maintenance of stormwater facilities located on the Tahoma School District's property, has been recorded under King

County recording number 20080512001121, records King County, Washington.

7. The department of transportation records indicate that King County has not been maintaining the 220th Avenue SE right-of-way. The records indicate that no public funds have been expended for its acquisition.

8. The department of transportation considers the subject portion of the right-of-way useless as part of the county road system and believes the public would benefit by the new alignment and the return of this unused area to the public tax rolls.

9. The petitioner, the Tahoma School District, has deeded additional right-of-way to King County for the newly constructed public turnaround. This deed is recorded under recording number 20080512001122, records of King County, Washington.

10. A Relinquish of Easement and Granting of Easement Agreement from Seattle Public Utilities to King County, for the new road alignment across the city of Seattle's Lake Youngs supply line right-of-way for the Cedar River pipeline, was approved by the Seattle city council on December 1, 2008, under city of Seattle Ordinance No. 122866, and has been recorded under King County recording number 20090115000524, records King County, Washington.

11. A companion agreement to the Seattle Public Utilities Relinquish of Easement and Granting of Easement Agreement, between the Tahoma School District and King County, for transferring the obligations of construction of the new road alignment to the Tahoma School District, has been recorded under King County recording number 200800808000175, records King County, Washington.

12. The right-of-way is classified as "C-Class" and, in accordance with K.C.C. 14.40.020, the compensation due to King County for a road vacation may be waived for governmental agencies at the discretion of the King County council. The Tahoma School District has submitted a written request for consideration that the compensation be waived. Two factors support waiving

of the compensation: a. the school district has provided a new alignment for 220th Avenue SE and deeded the additional right-of-way for the newly constructed public turnaround; and b. the adjoining lands are for public school purposes and are therefore assessed as tax exempt. The road services division recommends that the full amount of compensation due to King County for this petition be waived.

Due notice was given in the manner provided by law and a hearing was held by the office of the hearing examiner on the 15th day of July 2009.

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 vacation approved by this ordinance is subject to the following conditions:

A. Vacation of the right-of-way authorized by this ordinance shall not become effective until the following events have occurred:

1. The construction of the proposed new pipeline crossing and the proposed public turnaround have been completed and accepted into the county public road system by the department of transportation.

2. That public access to the subject vacation area, the old 220th Avenue SE crossing, is eliminated.

B. That all future maintenance of the stormwater drainage features located within the vacation area on the school property shall be the responsibility of the petitioner, the Tahoma School District, their successors, or assigns.

C. If any of the three pre-effective contingencies stated in Condition A have not been satisfied by December 31, 2010, the approval conferred hereunder shall expire and the subject vacation shall become null and void.

SECTION 2. The King County council, on the effective date of this ordinance, hereby vacates and abandons that portion of the 220th Avenue SE, provided that the three pre-effective contingencies stated in

Condition A are satisfied, as conveyed to King County by the recording of the deed recorded in King County recording number 9201090289 and the easement recorded in King County recording number 9207281918, records of King County, Washington, as described below:

That entire portion of the 220th Avenue SE right-of-way as described in the easement over the city of Seattle's Lake Youngs supply line right-of-way, as conveyed to King County by the recording of King County recording number 9207281918, records of King County, Washington.

Being further described as:

That portion of the south one-half of Section 9, Township 22 North, Range 6 East, Willamette Meridian, in King County, Washington, lying within an irregular strip of land, generally 60.00 feet in width, described as follows:

Commencing at Engineer's Station 118+80.44 of Petrovitsky Road Extension in the south half of said Section 9, said Station located S 24°23'14" W, a distance of 323.10 feet from the northeast corner of the southeast quarter of the southwest quarter of said Section 9;

Thence N 68°50'55" E, along the centerline of 220th Avenue SE, a distance of 90.74 feet to the southwesterly margin of the City of Seattle's Lake Youngs Supply Line right-of-way, also known as the Cedar River pipeline right-of-way, as acquired by deed recorded under King County Auditor's File Number 178644, recorded in Volume 240 of Deeds, Page 347 and by deed recorded under King County Auditor's File Number 228289, recorded in Volume 304 of Deeds, Page 313, both in records of King County, Washington and by condemnation under King County Superior Court Cause Number 31510, and the TRUE POINT OF BEGINNING;

Thence N 32°37'18" W, along said southwesterly margin, a distance of 30.16 feet;

Thence N 68°50'55" E, a distance of 124.80 feet;

Thence northeasterly 27.95 feet, along a curve to the left with a radius of 25.00 feet and a central angle of 64°02'43", to the northeasterly margin of said pipeline right-of-way;

Thence S 33°33'24" E, along said northeasterly margin, a distance of 75.83 feet;

Thence S 68°50'55" W, a distance of 151.40 feet, to the southwesterly margin of said pipeline right-of-way;

Thence N 32°37'18" W, along said southwesterly margin, a distance of 30.61 feet to the TRUE POINT OF BEGINNING.

Together with all that portion of the 220th Avenue SE right-of-way and associated drainage easement, as described in Exhibits A and B of King County recording number 9201090289, records of King County, Washington. Being further described as:

That portion of Tract X lying within a strip of land 60.00 feet in width, having 30.00 feet of such width on each side of the following described centerline:

Beginning at a point, said point being S 24°23'14" W, a distance of 323.10 feet from the northeast corner of the southeast quarter of the southwest quarter of Section 9, Township 22 North, Range 6 East, Willamette Meridian, in King County, Washington;

Thence N 68°50'55" E, a distance of 272.34 feet;

Thence N 33°33'24" W, a distance of 5.21 feet;

Thence along a curve to the right, having a central angle of

11°06'56" and a radius of 300.00 feet, an arc distance of 58.20 feet;

Thence N 22°26'28" W, a distance of 97.35 feet;

Thence along a curve to the left, having a central angle of

27°49'54" and a radius of 300.00 feet, an arc distance of 145.73

feet;

Thence N 50°16'22" W, a distance of 16.23 feet;

Thence along a curve to the right, having a central angle of

7°25'46" and a radius of 300.00 feet, an arc distance of 38.90 feet

to the end of establishment;

Thence S 35°20'18" E, a distance of 126.18 feet, to said northeast corner.

Tract X being described as that portion of the south half and that portion of Government Lot 7, all in Section 9, Township 22 North, Range 6 East, Willamette Meridian, in King County, Washington, being further described as follows:

Beginning at the south one-fourth corner of said Section 9;

Thence S 89°11'05" E, along the south line of said subdivision, a distance of 481.14 feet more or less, to the northeasterly line of a

City of Seattle pipeline right-of-way and the TRUE POINT OF BEGINNING;

Thence N 14°19'59" W, along said right-of-way, a distance of 877.81 feet to a point of curve;

Thence along a curve to the left, having a radius of 606.70 feet, through an arc distance of 204.54 feet to a point of tangency;

Thence N 33°38'59" W, a distance of 456.80 feet to the southeast

line of Tract 4, as described in Exhibit "A" and recorded under King County Auditor's File Number 8210210486;

Thence N 56°19'19" E, a distance of 543.35, more or less, to the most easterly corner of said Tract 4;

Thence S 53°27'24" E, a distance of 223.14 feet to a line northwesterly 1,192.00 feet from, as measured at right angles, from the northwesterly line of the abandoned Burlington Northern Railroad right-of-way;

Thence S 36°32'36" W, along said line, a distance of 79.07 feet to the approximate east line of the west 20 acres of said Government Lot 7;

Thence S 1°16'42" W, along said east line, a distance of 193.01 feet to the south line of said Government Lot 7;

Thence S 89°23'54" E, along said south line, a distance of 640.00 feet, more or less, to the northwesterly line of a state highway right-of-way;

Thence southwesterly, along said right-of-way, a distance of 1,450.00 feet, more or less, to the south line of said Section 9;

Thence N 89°11'05" W, along said south line, a distance of 185.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Except that portion thereof lying within the southwest quarter of said Section 9.

Said associated drainage easement being further described as follows:

Commencing at the point of beginning for the road establishment

of 220th Avenue SE as adopted under King County Ordinance No. 7553;

Thence N 68°50'55" E, along the centerline of said 220th Avenue SE, a distance of 272.34 feet;

Thence N 18°22'14" E, a distance of 38.89 feet to the northeasterly right-of-way margin of said 220th Avenue SE and the TRUE POINT OF BEGINNING;

Thence N 68°50'55" E, distance of 80.00 feet;

Thence N 21°09'05" W, distance of 150.00 feet;

Thence S 65°06'57" W, distance of 86.00 feet, more or less, to the northeasterly right-of-way margin of said 220th Avenue SE;

Thence southeasterly, along said right-of-way margin, a distance of 145.00 feet, more of less, to the TRUE POINT OF BEGINNING.

SECTION 3. In accordance with K.C.C. 14.40.020.D, the council hereby waives the compensation.