

ORDINANCE NO. **10383**

AN ORDINANCE relating to the vacation of a portion of Southwest 104th Street in Council District No. 8 - V-2099.
Petitioners: Ronald and Mary Simosky and Others

STATEMENT OF FACTS

1. A petition has been filed requesting vacation of that portion of Southwest 104th Street hereinafter described.

2. The department of public works has notified the various utilities serving the area and has been advised that easements have been granted to Seattle City Light, Water District 45 and Southwest Suburban Sewer District.

3. The vacation petition has been modified to exclude that portion of right-of-way within the area common to the extensions of First Avenue Southwest and Southwest 104th Street. First Avenue Southwest and the portion of Southwest 104th Street lying easterly of First Avenue Southwest are county maintained roadways. The roads and engineering division opposed reducing these rights-of-way to less than the required sixty foot width. At the request of the petitioners per King County Code 14.40.030, the vacation area was further modified to exclude the northerly half of Southwest 104th Street.

4. The building and land development division has studied the proposed road vacation and finds that it would not be in conflict with the principles and purposes of the King County Comprehensive Plan and the specific plans in the vicinity of this proposed vacation.

5. The right-of-way to be vacated was dedicated as a public right-of-way in the plat of Commercial Street Addition and filed for record in 1890. Because of the early filing date, the right-of-way falls under the jurisdiction of an act passed by the first State Legislature during the session of 1889-90 (Laws 1889-90, Page 603, Section 32; Ballinger's Code 3803). This law stipulated that any dedicated right-of-way remaining unopened for public use for five years was automatically vacated and the authority for building that roadway was barred by the lapse of time. Although later repealed, the law, as revised, still affects all such roads filed prior to March 12, 1904. This ordinance formalizes the vacation of the right-of-way and removes the cloud on the title in favor of the adjoining properties.

6. The department of public works found no evidence that the vacation area has ever been open as a road. A search of the records indicates that no public funds have been expended for its acquisition, improvement, or maintenance. The road is, therefore, classified "D Class" in accordance with King County Code 14.40.060. King County is in receipt of \$200.00 from the petitioners.

7. The department of public works considers the subject 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.

103883

1 Due notice was given in the manner provided by law and a hearing
2 was held by the King County council on the 18th day of
May, 1992.

3 In consideration of the benefits to be derived from the subject
4 vacation, the council has determined that it is in the best interest
of the citizens of King County to grant said petition.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY;

6 SECTION 1. The council, on the 18th day of
7 May, 1992, hereby vacates and abandons the
8 following described portion of Southwest 104th Street:

9 That portion of the SE 1/4 of Section 6, Township 23 North,
10 Range 4 East, W.M., King County, Washington described as
11 follows:

12 That portion of Southwest 104th Street lying East of the
13 Northerly extension of the West line of Block 31 of Commercial
14 Street Addition as recorded in Volume 5 of Plats, page 47 and
lying West of the Southerly extension of the East line of Block
6 of Evergreen Heights as recorded in Volume 20 of Plats, page
61 records of said County.

15 Contains an area of 1950 square feet or 0.045 acres, M/L.

16 INTRODUCED AND READ for the first time this 10th
17 day of February, 1992.

18 PASSED this 18th day of May,
19 92.

20 KING COUNTY COUNCIL
21 KING COUNTY WASHINGTON

22 Andrew Gruyer
23 Chair

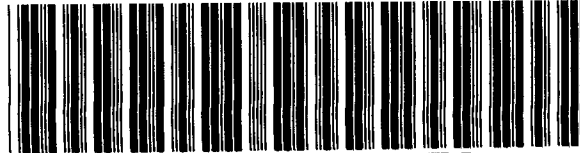
24 ATTEST:

25 Gerald A. Peterson
26 Clerk of the Council

27 APPROVED this 29th day of May,
28 1992.

29 Jim Hill
30 King County Executive

Return Address:
 Clerk of the Council
 Metropolitan King County Council
 Room W 1025 King County Courthouse
 Seattle, WA 98104



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CLERK OF COUNC CORD 0.00
 PAGE 001 OF 003
 03/01/2002 11:45
 KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)
 1. **Ordinance 10383 AN ORDINANCE relating to the vacation of a portion of Southwest 104th Street in Council District No. 8 - V-2099. Petitioners: Ronald and Mary Simosky and Others (Grantee)**

Reference Number(s) of Documents assigned or released:
 Additional reference #'s on page _____ of document

Grantor(s) (Last name, first name, initials)
 1. **King County, Washington**
 Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)
 That portion of the SE 1/4 of Section 6, Township 23 North, Range 4 East, W.M., King County
 Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

 Signature of Requesting Party

RECEIVED
 2002 JUN 11 AM 9:35
 CLERK
 KING COUNTY COUNCIL

2002 030 1001079

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25 KING COUNTY WASHINGTON

26 Audrey Gruyer
27 Chair

28 ATTEST:

29 Gerald A. Peterson
30 Clerk of the Council

31 APPROVED this 29th day of May,
32 1992.

33 [Signature]
King County Executive