

November 19, 1992
PM:CLT:tg

INTRODUCED BY RON SIMS
PROPOSED NO. 92-873

ORDINANCE NO. 10831

AN ORDINANCE relating to the vacation of a portion of 82nd Avenue South and South 123rd Street and authorizing the Executive to execute an electrical service easement in Council District No. 5 - V-2100.

Petitioner: Paul and Debora Sullivan and Others

STATEMENT OF FACTS

1. A petition has been filed requesting vacation of a portion of 82nd Avenue South and South 123rd Street in Council District No. 5, hereinafter described (V-2100).

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 and the Bryn Mawr - Lakeridge Water and Sewer District.

3. Since a portion of the vacated right-of-way will attach to Bryn Mawr Park, the department of public works recommends that King County grant an electrical service easement to Seattle City Light to maintain their existing electrical facilities. The easement has been approved by the parks division and the prosecuting attorney's office.

4. The building and land development division noted that two driveways appear to be located within the vacation area. An easement has been secured to assure continued access to those properties.

5. 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.

6. The proposed vacation area was dedicated as public right-of-way in the plat of Bryn Mawr and was dedicated to the public 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 Although later repealed, the law, as revised, still affects all such rights-of-way filed prior to March 12, 1904.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.

7. The department of public works' field reports note that the area has significant topographic constraints and the severe slopes in the area would prevent construction of roads in this location.

1 8. Public works' staff found no evidence that the
 2 vacation area has ever been open for County road purposes. A
 3 search of the records indicates that no public funds have been
 4 expended for acquisition, improvement, or maintenance of
 5 subject right-of-way. The right-of-way is, therefore,
 6 classified "C Class" in accordance with King County Code
 7 14.40.060. Because the proposed vacation area is subject to
 8 the Laws of 1889-90 and has already been vacated by operation
 9 of law, the department of public works and the property
 10 services division recommended waiving all compensation except
 11 \$200.00 for administrative costs. King County is in receipt of
 12 \$200.00 from the petitioner.

13 9. The department of public works considers the subject
 14 right-of-way useless as part of the county road system and
 15 believes the public would benefit by the return of this unused
 16 area to the public tax rolls.

17 Due notice was given in the manner provided by law and a
 18 hearing was held by the King County council on the 17th
 19 day of May, 1993.

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

24 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

25 SECTION 1. The council, on the 17th day of
 26 May, 1993, hereby vacates and abandons the
 27 following described portion of 82nd Avenue South and South
 28 123rd Street:

29 That portion of the Northeast 1/4 of the Southeast
 30 1/4 of Section 12, Township 23 North, Range 4 East,
 31 W.M., King County, Washington described as follows:

32 All that segment of 82nd Avenue South (60 feet in
 33 width) lying South of the extended South margin of
 34 South 122nd Street and lying North of the extended
 35 South margin of South 123rd Street.

36 TOGETHER WITH all of that segment of South 123rd
 37 Street (60 feet in width) lying East of the
 38 Southerly extension of the West line of Lot 24,
 39 Block 51 and lying West of the Southerly extension
 40 of the East line of Lot 38, Block 52, Plat of Bryn
 41 Mawr, as recorded in Volume 5 of Plats, Page 58,
 42 records of said county.

43 Contains an area of 28,200 sq. ft. or .65 acres, M/L.

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



20020222000760

CUSTOMER PAGE 001 OF 004
 02/22/2002 11:22
 KING COUNTY, WA

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 2002 MAY 16 AM 8:53
 CLERK KING COUNTY COUNCIL

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 10831 AN ORDINANCE relating to the vacation of a portion of 82nd Avenue South and South 123rd Street and authorizing the Executive to execute an electrical service easement in Council District No. 5 V-2100. Petitioner: paul and Debora Sullivan and Others**

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)

Beginning at the northeast corner of Lot 20, Block 58, Plat of Bryn Mawr, as recorded in Volume 5.....

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

2002 022 2000760

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41 Mawr, as recorded in Volume 5 of Plats, Page 58,
42 records of said county.

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1 SECTION 2. The King County executive is hereby authorized
2 to execute an electrical service easement, substantially in the
3 form of Attachment A, to Seattle City Light for their
4 facilities located on county property. The easement area is
5 described as follows:

6 Beginning at the northeast corner of Lot 20, Block 58,
7 Plat of Bryn Mawr, as recorded in Volume 5 of Plats, Page
8 58, records of King County, Washington; thence North 0°
9 East 30 feet; thence North 87° East 22.5 feet to True
10 Point of Beginning; thence South 48° East 7.5 feet; thence
11 North 0° East 7.5 feet; thence North 87° West 7.5 feet to
12 the True Point of Beginning.

13 INTRODUCED AND READ for the first time this 7th day
14 of December, 1992.

15 PASSED this 17th day of May, 1993

16 KING COUNTY COUNCIL
17 KING COUNTY, WASHINGTON

18 Audrey Luger
19 Chair
20

21 ATTEST:

21 Gerald A. Pstun
22 Clerk of the Council

23 APPROVED this 26th day of MAY, 1993.

24 Chris Hill
25 King County Executive

26 Attachment:

27 A. Utility Easement to Seattle City Light

2002 022 2000760