



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 21, 2009

Ordinance 16605

Proposed No. 2008-0518.2

Sponsors Constantine

1 AN ORDINANCE denying a petition to vacate a portion of
2 227th Place SE (Martin Avenue) and a portion of a 40-foot
3 right-of-way, also known as 227th Place SE, File V-2618;
4 Petitioners: Kennan and Patti Southworth.

5

6 **STATEMENT OF FACTS:**

7 1. A petition has been filed requesting vacation of a portion of the 227th
8 Place SE right-of-way, also known as Martin Avenue, and a portion of a 40-
9 foot right-of-way, also known as 227th Place SE, hereinafter described.

10 2. The department of transportation notified the various utility companies serving
11 the area and has been advised that easements are not required within the vacation
12 area.

13 3. The department of natural resources and park's water and land resources
14 division has obtained a Waiver of Reversionary Rights from the petitioners, to
15 disclaim any reversionary interest that the petitioners may have in the Burlington
16 Northern and Santa Fe Railroad Company right-of-way.

- 17 4. The department of transportation records indicate that King County has
18 maintained the 227th Place SE (Martin Avenue) right-of-way, but has not
19 maintained the 40-foot right-of-way approximately perpendicular to Martin
20 Avenue, also known as 227th Place SE. Records indicate that no public funds
21 have been expended for acquisition of either right-of-way.
- 22 5. The department of transportation considers the subject portion of the rights-of-
23 way useless as part of the county road system and believes the public would
24 benefit by the return of this unused area to the public tax rolls.
- 25 6. The 227th Place SE (Martin Avenue) right-of-way is classified as “B-Class”
26 and, in accordance with King County Code (KCC) 14.40.020, the compensation
27 due King County is based on seventy-five percent of the assessed value of the
28 subject right-of-way, which was determined from records of the department of
29 assessments. King County is in receipt of \$5,965.80 from the petitioners.
- 30 7. The additional 40-foot right-of-way is classified as “C-Class” and, in
31 accordance with KCC 14.40.020, the compensation due King County for a road
32 vacation may be waived at the discretion of the King County Council. As this
33 segment of right-of-way has remained attached to the abutting property and was
34 not removed from public tax rolls, the property owners have continued to pay
35 taxes on the area. The petitioners have owned the abutting property since 1995.
36 The department of transportation recommends approval of the petitioner’s request
37 that compensation for this portion of the right-of-way be waived. No
38 compensation has been received for this segment of right-of-way.

39 Due notice was given in the manner provided by law and a hearing was held by
40 the office of the hearing examiner on the 12th day of January and the 13th day of
41 April, 2009. The petitioners having appealed the recommendation by the Hearing
42 Examiner to deny this petition, a hearing was held by the King County Council on
43 July 13, 2009.

44 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

45 SECTION 1. This ordinance adopts and incorporates the findings and
46 recommendations of the April 29, 2009 report and recommendation of the Hearing
47 Examiner, filed with the clerk of the council on June 26, 2009, upon the petition of
48 Kennan and Patti Southworth to vacate portions of the 227th Place SE (Martin Avenue
49 and adjacent triangular portion of a 40-foot right-of-way within a private drive, also
50 known as 227th Place SE), as described in Department of Transportation, Road Services
51 Division, File No. V-2618.

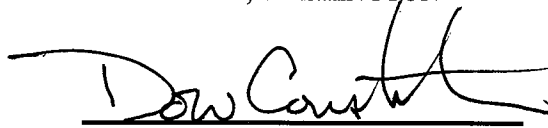
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53 SECTION 2. The recommendation of the Hearing Examiner to deny the petition
54 to vacate the subject right-of-way is hereby adopted, and the compensation deposited by
55 the petitioners in the amount of \$5,965.80 is directed to be returned.
56

Ordinance 16605 was introduced on 9/29/2008 and passed by the Metropolitan King
County Council on 7/20/2009, by the following vote:

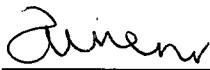
Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von
Reichbauer, Mr. Gossett, Mr. Phillips and Ms. Patterson
No: 0
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, 2009.

~~LEAD ENACTED WITHOUT~~
~~COUNTY EXECUTIVE'S SIGNATURE~~
DATE: 7/30/09

Kurt Triplett, County Executive

Attachments None

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CLERK
KING COUNTY COUNCIL