

June 3, 1992
PM:CLT:jah

INTRODUCED BY RAUL BARDEN

PROPOSED NO. 92-480

ORDINANCE NO. 10610

AN ORDINANCE relating to the vacation of a portion of alleyway in blocks 39 and 40 of Southern Pacific Land Company's Huntington Park Addition to Des Moines, in Council District No. 7 - V-2102.

Petitioners: Highline Reformed Presbyterian Church and Others

STATEMENT OF FACTS

1. A petition has been filed requesting vacation of that portion of alleyway in blocks 39 and 40 of Southern Pacific Land Company's Huntington Park Addition to Des Moines, in Council District No. 7, hereinafter described.

2. The department of public works has notified the various utilities serving the area and has been advised that an easement has been granted to Puget Sound Power and Light Company.

3. 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.

4. The department of public works considers the alleyway 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.

5. The alleyway to be vacated was dedicated as a public right-of-way in the plat of Southern Pacific Land Company's Huntington Park Addition to Des Moines and filed for record in 1889. Because of the early filing date, the alleyway 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 Although later repealed, the law, as revised, still affects all such rights-of-way filed prior to March 12, 1904.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 alleyway 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 alleyway is, therefore, classified "C Class" in accordance with King County Code 14.40.060. Because the alleyway is subject to the Laws of 1889-90 and has already been vacated by operation of law, the King County executive recommended waiving all compensation except \$200.00 for administrative costs. King County is in receipt of \$200.00 from the petitioners.

1 Due notice was given in the manner provided by law and a hearing
2 was held by the King County council on the 19th day of
October, 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 19th day of
7 October, 1992, hereby vacates and abandons the
8 following described portion of alleyway:

9 That portion of the Southwest quarter of the Southwest quarter
10 of Section 5, Township 22 North, Range 4 East, W.M., King
11 County, Washington described as follows:

12 Vacate that certain portion of alleyway lying between blocks 39
13 and 40 of Southern Pacific Land Company's Huntington Park
14 Addition to Des Moines as recorded in Volume 4 of Plats, page
24, records of said County and lying Southerly of the Easterly
extension of the North line of lot 10 of said block 39 and lying
Northerly of the North margin of South 206th Street.

15 Contains an area of 2,625 square feet or 0.060 acres, M/L.

16 INTRODUCED AND READ for the first time this 6th
17 day of July, 1992.

18 PASSED this 19th day of October,
19 1992.

20 KING COUNTY COUNCIL
21 KING COUNTY WASHINGTON

22 Audrey Linger
23 Chair

24 ATTEST:

25 Herald C. Peterson
26 Clerk of the Council

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

29 Jim Hill
30 King County Executive