

February 5, 1998
V-2173

Introduced By: Louise Miller

Proposed No.: 98-103

ORDINANCE NO. **13248**

AN ORDINANCE relating to the vacation of a portion of 106th Avenue Southeast on the petition of B. J. Thomas and Others, Department of Transportation File No. V-2173, and amending Ordinance No. 12397.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

Ordinance No. 12397 is hereby amended to read as follows:

STATEMENT OF FACTS

1. A petition has been filed requesting vacation of a portion of 106th Avenue Southeast. Subsequent withdrawals from the petition have reduced the area requested to be vacated to that described in Exhibit "A" hereto.

2. The easterly 40 feet of the subject 50-foot right-of-way was dedicated in 1893 within the plat of Panther Lake Gardens as recorded in Volume 9 of plats on page 25, records of King County, Washington. The west 10 feet of the subject right-of-way was dedicated in 1992 within the plat of Cougar Meadows recorded in Volume 161 of plats, page 47 - 51, records of King County.

3. The easterly 40 feet of the subject right-of-way apparently meets the criteria for Vacation of Roads, Streets, Alleys and Highways; Section 32, Ch. 19, p. 603, Laws of 1889-1890. The statute was amended on March 12, 1909 to exclude platted and deeded streets. Since a road/alley vacation under the Ballinger Code occurred automatically as a matter of law, there is no public right-of-way to be vacated. The automatic vacation applies only to roads and alleys that are platted prior to March 12, 1904.

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4. The petitioner(s) will need to file a quiet title action in King County Superior Court to determine if the easterly 40 feet of the right-of-way meets the statutory requirement for vacation under the laws of 1889/1890.

5. The petitioners declare that the easterly 40 feet of 106th Avenue Southeast has remained unopened for the five year period after the right-of-way was dedicated in the plat of Panther Lake Gardens. King County has no proof of record that the dedicated easterly 40 feet was opened for public use within the five year period.

6. The various utilities serving the area have been notified, and staff was advised that an easement to Soos Creek Water and Sewer District was secured. No other easements are required within the westerly 10 feet located within the plat of Cougar Meadows.

7. The land use section of the department of development and environmental services has studied the proposed road vacation and finds that it would not conflict with the principles and purposes of the King County Comprehensive Plan and the specific plans in the vicinity of this proposed vacation.

8. The department of transportation found no evidence that the vacation area was ever open as a road. A search of the records indicates no public funds have been expended for its acquisition, improvement or maintenance. The department of transportation 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.

9. In accordance with K.C.C. 14.40.020, 106th Avenue Southeast is classified as a C-Class road vacation, the \$2,444.79 compensation due the county for vacation of that portion of 106th Avenue Southeast described in Exhibit "A" has been paid by the petitioner Paul E. Witt.

Due notice was given in the manner provided by law and a hearing was held by the office of the hearing examiner on the 4th day of October, 1995, and March 11, 1998.

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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.

INTRODUCED AND READ for the first time this 17th day of

February, 1998.

PASSED by a vote of 9 to 0 this 27th day of July, 1998.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Louise Miller
Chair

ATTEST:

[Signature]
Clerk of the Council

APPROVED this 5 day of August, 1998.

[Signature]
King County Executive

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Exhibit "A"

Legal Description of Vacation Area

~~Beginning at the Southeast corner of Lot 12 in the Plat of Cougar Meadows,
Volume 161, Pages 47-51, King County, Washington, thence North 19°23'10"
West along the East line of said Lot 12 and Lot 11 to the Northeast corner of said
Lot 11;
Thence South 89°59'56" East for a distance of 10.60;
Thence South 19°23'10" East to the intersection with the Easterly extension of the
South line of said Lot 12;
Thence Westerly along said line to the point of beginning.~~

The westerly 10 feet of 106th Avenue Southeast dedicated in the Plat of Cougar
Meadows, Volume 161, Pages 47-51, records of King County, Washington; lying
easterly of Lot 12 of said plat.

Vacation area contains 1,705 718 square feet

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



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 KING COUNTY CO CORD 0.00
 PAGE 001 OF 005
 02/08/2002 12:40
 KING COUNTY, WA

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

<p>Document Title(s) (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in)</p> <p>1. Ordinance 13248 AN ORDINANCE authorizing the vacation of a portion of 106th Avenue Southeast on the petition of B. J. Thomas and Others, Department of Transportation File No. V-2173, and amending Ordinance No. 12397.</p>	
<p>Reference Number(s) of Documents assigned or released:</p> <p>Additional reference #'s on page _____ of document</p>	
<p>Grantor(s) (Last name, first name, initials)</p> <p>1. King County, Washington</p> <p>Additional names on page _____ of document.</p>	
<p>Grantee(s) (Last name first, then first name and initials)</p> <p>1. _____</p> <p>2. _____</p> <p>Additional names on page _____ of document.</p>	
<p>Legal description (abbreviated: i.e. lot, block, plat or section, township, range)</p> <p>The westerly 10 feet of 106th Avenue Southeast dedicated in the Plat of Cougar Meadows,.....</p> <p>Additional legal is on page _____ of document.</p>	
<p>Assessor's Property Tax Parcel/Account Number</p> <p>_____</p>	<p>Assessor Tax # not yet assigned</p>
<p>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.</p>	

RECEIVED
 2002 APR -5 AM 11:22
 KING COUNTY CLERK COUNCIL

2002 020 8002078

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

Return Address:

February 5, 1998
V-2173

Introduced By: Louise Miller

Proposed No.: 98-103

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3. The easterly 40 feet of the subject right-of-way apparently meets the criteria for Vacation of Roads, Streets, Alleys and Highways; Section 32, Ch. 19, p. 603, Laws of 1889-1890. The statute was amended on March 12, 1909 to exclude platted and deeded streets. Since a road/alley vacation under the Ballinger Code occurred automatically as a matter of law, there is no public right-of-way to be vacated. The automatic vacation applies only to roads and alleys that are platted prior to March 12, 1904.

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1 4. The petitioner(s) will need to file a quiet title action in King County Superior
2 Court to determine if the easterly 40 feet of the right-of-way meets the statutory
3 requirement for vacation under the laws of 1889/1890.
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5 5. The petitioners declare that the easterly 40 feet of 106th Avenue Southeast has
6 remained unopened for the five year period after the right-of-way was dedicated in the plat
7 of Panther Lake Gardens. King County has no proof of record that the dedicated easterly
8 40 feet was opened for public use within the five year period.
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10 6. The various utilities serving the area have been notified, and staff was advised
11 that an easement to Soos Creek Water and Sewer District was secured. No other easements
12 are required within the westerly 10 feet located within the plat of Cougar Meadows.
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14 7. The land use section of the department of development and environmental
15 services has studied the proposed road vacation and finds that it would not conflict with the
16 principles and purposes of the King County Comprehensive Plan and the specific plans in
17 the vicinity of this proposed vacation.
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19 8. The department of transportation found no evidence that the vacation area was
20 ever open as a road. A search of the records indicates no public funds have been expended
21 for its acquisition, improvement or maintenance. The department of transportation
22 considers the subject right-of-way useless as part of the county road system and believes
23 the public would benefit by the return of this unused area to the public tax rolls.
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28 Paul E. Witt.
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31 office of the hearing examiner on the 4th day of October, 1995, and March 11, 1998.
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13248

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

4
5 INTRODUCED AND READ for the first time this 17th day of

6 February, 1998.

7 PASSED by a vote of 9 to 0 this 27th day of July, 1998.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10
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12 Louis Miller
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14 Chair

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17 ATTEST:

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19 Drew
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21 Clerk of the Council

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25 APPROVED this 5 day of August, 1998

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28 Paul Amis
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30 King County Executive
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