AN ORDINANCE of the City of Kent, Washington,
relating to the vacation of streets, vacating a portion of South
238th Street, an existing public street, lying east of
Washington Avenue in the City of Kent, but reserving a
public utility easement and other related rights within the
vacated portion of South 238th Street.

WHEREAS, on or about July 21, 1997, a petition, attached and incorporated
as Exhibit A, was filed with the City of Kent by various owners of property abutting the
applicable portion of South 238th Street, an existing public street, lying east of Washington
Avenue in the City of Kent, King County, Washington; and

WHEREAS, the Kent Planning Director processed this petition and secured
technical facts pertinent to the question of this vacation along with a recommendation as to
approval or rejection by the Public Works Department and other City departments; and

WHEREAS, the Kent City Council fixed a time for a public hearing on this
petition and the hearing was held with proper notice on October 7, 1997, at 7:00 p.m. in the
City Council Chambers of the Kent City Hall; and

WHEREAS, the Planning Director recommended that the City Council
approve the petition upon the petitioner's fulfillment of the conditions listed on Exhibit B,
which is attached and incorporated in this ordinance.
WHEREAS, after the public hearing on October 7, 1997, the City Council approved the vacation so long as the petitioner first fulfilled all the conditions recommended by staff and approved by Council (see excerpt from October 7 Council minutes, attached and incorporated as Exhibit C); and

WHEREAS, the petitioner has now fulfilled all of the conditions imposed by Council; and

WHEREAS, the City Council finds that the street sought to be vacated is: (1) an open, dedicated street and presently being used as a street; (2) not abutting on a body of water and therefore not suitable for acquisition for port purposes, boat moorage or launching sites, park, viewpoint, recreational or education purposes, or other public use; and (3) a vacation which is in the public interest; and

WHEREAS, the City Council has directed the preparation of an ordinance vacating the portion of said street; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals, findings and exhibits are incorporated as if fully set forth herein.

SECTION 2. That portion of South 238th Street lying east of Washington Avenue in the City of Kent as described in Exhibit A is hereby vacated subject to the retention of a utility easement over, upon and under the property described in Exhibit A and subject to retention of the City's right to grant utility easements to other public and/or private utility companies. Further, the use of the word, "utility," is intended to be expansive, not restrictive, and would, for example, include such private operations as telecommunications,
able TV, data transmission and fiber optic services, as well as electricity, electronic and natural gas utility services.

SECTION 3. No vested rights shall be affected by the provisions of this ordinance.

SECTION 4. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 5. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENTA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED the 18 day of November, 1997.
APPROVED the 18 day of November, 1997.
PUBLISHED the 21 day of November, 1997.

I hereby certify that this is a true copy of Ordinance No. 3571, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK

[Seal]
Dear Mayor and Kent City Council:

We, the undersigned abutting property owners, hereby respectfully request that certain portion of hereby be vacated. (General Location) See attached

Sufficient proof, copy of deed contract etc. supported by King County Tax Rolls shall be submitted for verification of signatures. Without these a "CURRENT" title report shall be required. When Corporations, Partnerships etc. are being signed for, then proof of individual's authority to sign for same shall also be submitted.

Attach a color coded map of a scale of not less than 1" = 200' of the area sought for vacation. (NOTE) Map must correspond with legal description.
SOUTH 238th STREET
STREET VACATION PARCEL 23,638 SQ. FT.

prepared for: Oberto Sausage Company

BUSH, ROED & HITCHINGS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
SEATTLE, WASHINGTON
Job No. 96278.02 6-6-97
DESCRIPTION

THOSE PORTIONS OF SOUTH 238TH STREET, AS DESCRIBED IN DEEDS TO THE CITY OF KENT RECORDED UNDER RECORDING NO. 7804190250 AND 7804190251, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, WESTERN FARMERS SHORT PLAT, ACCORDING TO THE SHORT PLAT THEREOF RECORDED IN VOLUME 3 OF SURVEYS, PAGE 127, RECORDS OF SAID COUNTY, THENCE SOUTH 88°36'20" EAST 177.70 FEET ALONG THE NORTH LINE OF SAID SOUTH 238TH STREET TO THE MOST WESTERLY CORNER OF SAID PORTION DESCRIBED IN DEED RECORDED UNDER RECORIdNG NO. 7804190251 AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 65.00 FEET (A RADIAL LINE THROUGH SAID BEGINNING BEARS NORTH 61°07'08" WEST);

THENCE NORTHEASTERLY, EASTERNLY AND SOUTHEASTERLY 141.84 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 125°01'37" TO THE MOST EASTERNLY CORNER OF SAID PORTION DESCRIBED IN DEED RECORIdNG NO. 7804190251, THE NORTHWEST CORNER OF THAT PORTION OF SAID SOUTH 238TH STREET VACATED BY CITY OF KENT ORDINANCE NO. 2081, RECORIdNG UNDER KING COUNTY RECORDING NO. 7805010993, AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 65.00 FEET (A RADIAL LINE THROUGH SAID BEGINNING BEARS NORTH 63°54'29" EAST);

THENCE SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY 62.16 FEET ALONG SAID CURVE AND THE WESTERNLY LINE OF SAID VACATED PORTION THROUGH A CENTRAL ANGLE OF 54°58'22" TO THE MOST WESTERLY CORNER OF SAID PORTION DESCRIBED IN DEED RECORIdNG NO. 7804190250 AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 65.00 FEET (A RADIAL LINE THROUGH SAID BEGINNING BEARS SOUTH 61°07'09" EAST);

THENCE SOUTHWESTERLY, WESTERNLY AND NORTHWESTERLY 141.84 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 125°01'39" TO THE MOST WESTERLY CORNER OF SAID PORTION DESCRIBED IN DEED RECORIdNG NO. 7804190250 AND THE SOUTH LINE OF SAID PORTION DESCRIBED IN DEED RECORIdNG NO. 7409260487;

THENCE NORTH 88°36'20" WEST 177.70 FEET ALONG SAID SOUTH LINE TO A POINT WHICH BEARS SOUTH 01°23'40" WEST FROM THE POINT OF BEGINNING;

THENCE NORTH 01°23'40" EAST 60.00 FEET TO THE POINT OF BEGINNING.

THE PARCEL DESCRIBED ABOVE CONTAINS 23,638 SQUARE FEET (0.54 ACRE), MORE OR LESS.

SITUATE IN THE CITY OF KENT, KING COUNTY, WASHINGTON.

OBERTO SAUSAGE CO.
WILLIAM A. HICKOX, P.L.S.
BRH JOB NO. 96278.02
JUNE 1, 1997
CITY OF KENT
JUL 8 1997
ENGINEERING DEPT
MEMORANDUM
October 7, 1997

MEMO TO: Mayor Jim White and City Council Members
FROM: James P. Harris, Planning Director
SUBJECT: Report and Recommendation on an application to vacate a portion of South 238th Street

Recommendation: APPROVAL WITH CONDITIONS

I. Name of Applicant
Brent D. Cummings
Bush, Roed and Hitchings
2009 Minor Avenue E.
Seattle WA. 98102.
(206) 323-4144.

II. Reason for Requesting Vacation
The applicant states, "Vacation requested to facilitate future development and building expansion."

III. Staff Recommendation
After reviewing comments from the following departments and agencies:
- Public Works
- Fire
- Parks
- Puget Sound Energy

and conducting our own review, the Planning Department recommends that the request to vacate a portion of South 238th Street as mentioned in Resolution 1496 and shown on the accompanying map, be APPROVED with the following conditions:

EXHIBIT (4/3/97)
Under City Code the proposed right-of-way to be vacated is a Class 'B' right-of-way which requires compensation.

1. The petitioner shall reconstruct the cul-de-sac turnaround at a location westerly of this proposed street vacation. Said reconstruction shall be in accordance with City construction standards, and included therewith shall be the deeding to the City of the necessary right-of-way for same. Prior to adopting the ordinance finalizing this street vacation, the petitioner's engineering plans for the relocated cul-de-sac turnaround shall have been reviewed and approved by the Public Works Department.

The petitioner shall have deeded to the City the necessary additional right-of-way for same. the petitioner shall have completed the execution of the necessary documents and instruments associated with a developers extension packet for the turnaround improvement as outlined in the City's construction standards. The petitioner shall have paid all fees, obtained all permits and deposited or furnished to the City all bonds, including performance bonds, for the construction of the cul-de-sac turnaround improvement.

2. Compensate the City in accordance with State law for the value of the vacated right-of-way. Said compensation shall be based on the net amount of right-of-way exchanged (net amount equals amount vacated less amount deeded for the relocated cul-de-sac turn around area).

3. Where City utilities and or private utilities exist within the right-of-way to be vacated, the petitioner shall provide as built locations thereof and grant respective easements for same. Should any City utilities be required to be relocated to accommodate the petitioner's development, said relocation shall be the sole responsibility and expense of the petitioner.

JPH/mp:a:stv97.1
cc: Fred N. Satterstorm, Planning Manager
SOUTH 238th STREET
STREET VACATION PARCEL 23,638 SQ. FT.

Street Vacation Sketch
prepared for: Oberto Sausage Company

City of Kent
6-6-97

William A. Biggs
ENGINEERING DEPT.

BUSH, ROED & HITCHINGS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
SEATTLE, WASHINGTON
Job No. 96278.02 6-6-97
SEWER

The sewer project was funded in this immediate area. The understanding was that monies would be coming in for "latecomers" onto the sewer system and these funds were to be split equally between Police and Fire. These funds are being receipted in as revenue when property owners develop their land, which happens very sporadically. Once the fees are collected as revenue, a "budget change" is required to transfer to expenditure accounts.

TRAFFIC CONTROL

(CONSENT CALENDAR - ITEM 3E)

Speed Limit Revisions on Designated Streets.

ADOPTION of Resolution No. 1497 repealing Resolution No. 1406, and establishing speed limits revisions on certain designated streets, as recommended by the Public Works Committee.

STREET VACATION

(PUBLIC HEARINGS - ITEM 2A)

S. 238th St. Street Vacation STV-97-1. This date has been set to consider an application to vacate a portion of South 238th Street, as referenced in Resolution No. 1496, and as shown on the accompanying map and discussed in the staff report. Planning Director Harris pointed the area out on a map and noted that the applicants have requested this street vacation in order to expand their building.

Mayor White opened the public hearing. There were no comments from the audience, and WOODS MOVED to close the public hearing. ORR seconded and the motion carried.

ORR MOVED to approve the Planning Department's recommendation of approval with conditions on an application to vacate a portion of South 238th Street, as referenced in Resolution No. 1496, and to direct the City Attorney to prepare the necessary ordinance upon compliance with the conditions of approval. Woods seconded and the motion carried.

(CONSENT CALENDAR - ITEM 3D)

S. 238th St. Street Vacation Funds.

AUTHORIZATION to deposit any monies received as compensation for S. 238th St. street vacation into the School Pedestrian Walkway Fund (R36), as recommended by the Public Works Committee. This street vacation was approved by the Council after a public hearing this date.

EXHIBIT C
Return Address:  
CITY CLERK  
220-4th Ave So.  
Kent WA  
98030-5675  

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