AN ORDINANCE of the city council of the city of Kent, Washington, relating to the vacation of a portion of SE 266th Street right-of-way between 128th Avenue SE and 132nd Avenue SE, lying within the northeast quarter of the southeast quarter of Section 28, Township 22 North, Range 5 East, W M in King County, in the City of Kent

WHEREAS, a petition, attached as Exhibit A, has been filed by Pacific Land Consulting, Inc to vacate the portion of Southeast 266th Street right-of-way between 128th Avenue Southeast and 132nd Avenue Southeast, lying generally in the northeast quarter of the southeast quarter of Section 28, Township 22 North, Range 5 East, W M, and

WHEREAS, the city's planning services office processed this petition and, after consulting with all appropriate city departments, secured technical facts pertinent to the question of this vacation, and

WHEREAS, the city council fixed a time for a public hearing on the petition and the hearing was held with proper notice on March 18, 2003, in the City Council Chambers of the Kent City Hall, and

Street Vacation-
266th Street Right-of-Way
WHEREAS, the planning services office recommended that the city council approve the petition subject to the conditions stated in its staff report, attached and incorporated as Exhibit B; and

WHEREAS, after the public hearing on March 18, 2003, the city council approved the vacation with the conditions recommended by staff; and

WHEREAS, all conditions required by council have been fulfilled, with the clarification that conditions (3) and (4) will be imposed and fulfilled as conditions to the subdivision plat to be filed by the applicant, or its assigns; and

WHEREAS, the city council finds that the portion of street sought to be vacated is (1) a dedicated street that is presently unused, (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, NOW, THEREFORE,

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

SECTION 1. – Recitals The foregoing recitals are incorporated as if fully set forth herein

SECTION 2. – Vacation That portion of SE 266th Street right-of-way between 128th Avenue SE and 132nd Avenue SE, in the City of Kent as described in Exhibit C, attached and incorporated herein by this reference, is hereby vacated on the condition that the following conditions will be imposed and fulfilled as conditions to the subdivision plat to be filed by the applicant or its assigns

- The applicant/owner shall grant to the city an easement over, upon and under that portion of the right of way proposed to be vacated that represents the northerly projection of the Springwood Detention Pond.
Easement per Document No 9209090337 as if it were to extend through said right of way

- The applicant/owner shall grant to the city a 20-foot-wide easement for pedestrian, pathway, and utility purposes over, under, and upon that portion of the right-of-way proposed to be vacated as determined necessary by the city’s public works director and parks and recreation director to allow public access and utilities to and from the west, including to and from 128th Avenue South to the city’s park property which abuts the easterly and northerly half of this proposed street vacation. The language of such easement document shall not restrict public access to the use of the park but will allow free public travel (non-motorized) between 128th and 132nd Avenues SE

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

SECTION 4. - Severability  If any one or more section, 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. - Effective Date  This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK
I hereby certify that this is a true copy of Ordinance No. 3644 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENDA JACOBE (SEAL)
BRENDA JACOBE, CITY CLERK
STREET AND/OR ALLEY VACATION APPLICATION AND PETITION

Dear Mayor and Kent City Council,

We, the undersigned abutting property owners, hereby respectfully request that certain sections of land hereby be vacated.

Legal Description of Street/Alley Sought to be Vacated
(Must Contain Total Square Foot of Area Sought To Be Vacated)

Ref. to Exhibit A attached

BRIEF STATEMENT WHY VACATION IS BEING SOUGHT

A "CURRENT" title report must be submitted with this application that covers all the abutting properties contiguous to alley or street sought to be vacated. When Corporations, Partnerships, etc. are being signed for, and 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

ABUTTING PROPERTY OWNERS SIGNATURES AND ADDRESSES

TAX LOT #
LOT, BLOCK & PLAT/SEC TOWN RG

$150.00 Fee Paid
Appraisal Fee Paid
Loan Value Paid
Deed Accepted
Trade Accepted

Treasurer’s Receipt No
Treasurer’s Receipt No
Treasurer’s Receipt No
Date
Date

EXHIBIT "A"
STREET AND/OR ALLEY VACATION APPLICATION AND PETITION

Dear Mayor and Kent City Council:

We, the undersigned abutting property owners, hereby respectfully request that certain SE 26th St hereby be vacated.

Legal Description of Street/Alley Sought to be Vacated
(Must Contain Total Square Feet of Area Sought To Be Vacated)

Ref to attached Exhibit A.

BRIEF STATEMENT WHY VACATION IS BEING SOUGHT

A "CURRENT" title report must be submitted with this application that covers all the abutting properties contiguous to alley or street sought to be vacated. When Corporations, Partnerships, etc are being signed for, and 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.

ABUTTING PROPERTY OWNERS SIGNATURES AND ADDRESSES

TAX LOT #
LOT, BLOCK & PLAT/SEC.TOWN.RG

$150.00 Fee Paid
Appraisal Fee Paid
Land Value Paid
Deed Accepted

Treasurer's Receipt No.
Treasurer’s Receipt No.
Treasurer's Receipt No.
Date
EXHIBIT "A"

THAT PORTION OF SE 266TH STREET LYING WITHIN THE NE ¼ OF THE SE ¼ IN SECTION 28, TOWNSHIP 22 NORTH RANGE 5, E.W.M KING COUNTY, WASHINGTON. EXCEPT THAT PORTION, THEREOF IF ANY, LYING WITHIN THE EASTERLY 50.00 FEET AND THE WESTERLY 50.00 FEET OF SAID SUBDIVISION
STREET AND/OR ALLEY VACATION APPLICATION AND PETITION

Dear Mayor and Kent City Council:

We, the undersigned abutting property owners, hereby respectfully request that certain __________ hereby be vacated

Legal Description of Street/Alley Sought to be Vacated
(Must Contain Total Square Feet of Area Sought To Be Vacated)

Refer to attached Exhibit A.

BRIEF STATEMENT WHY VACATION IS BEING SOUGHT

A “CURRENT” title report must be submitted with this application that covers all the abutting properties contiguous to alley or street sought to be vacated. When Corporations, Partnerships, etc. are being signed for, and 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.

ABUTTING PROPERTY OWNERS SIGNATURES AND ADDRESSES

TAX LOT #

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$150.00 Fee Paid

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STREET AND/OR ALLEY VACATION APPLICATION AND PETITION

Dear Mayor and Kent City Council:

We, the undersigned abutting property owners, hereby respectfully request that certain ______________ hereby be vacated.

Legal Description of Street/Alley Sought to be Vacated
(Must Contain Total Square Feet of Area Sought To Be Vacated)

REFER TO ATTACHED EXHIBIT A

BRIEF STATEMENT WHY VACATION IS BEING SOUGHT

A "CURRENT" title report must be submitted with this application that covers all the abutting properties contiguous to alley or street sought to be vacated. When Corporations, Partnerships, etc. are being signed for, and 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.
THAT PORTION OF SE 266TH STREET LYING WITHIN THE NE ¼ OF THE SE ¼ IN SECTION 28, TOWNSHIP 22 NORTH RANGE 5, E.W.M KING COUNTY, WASHINGTON. EXCEPT THAT PORTION, THEREOF IF ANY, LYING WITHIN THE EASTERLY 50.00 FEET AND THE WESTERLY 50.00 FEET OF SAID SUBDIVISION
March 11, 2003

TO: MAYOR JIM WHITE, COUNCIL PRESIDENT JUDY WOODS AND CITY COUNCIL MEMBERS

FROM: CHARLENE ANDERSON, AICP, PLANNING MANAGER

RE REPORT AND RECOMMENDATION ON AN APPLICATION TO VACATE A PORTION OF SE 266TH ST. BETWEEN 128TH AND 132ND AVENUES SE #STV-2003-1 (KIVA #2030665)

Hearing Date: March 18, 2003

Recommendation: APPROVAL WITH CONDITIONS

I. Name of Applicant
   Mr. Mark Holland
   Pacific Land Consulting Inc.
   13619 Mukilteo Speedway #603
   Lynnwood, WA 98037

II. Reason for Requesting Street Vacation
   The applicant requests the vacation in order to facilitate development of his site

III. Background
   SE 266th Street between 128th and 132nd Avenues SE is an unopened right of way lying on the East Hill of Kent just north of King County Metro's Park 'N Ride lot off 132nd Avenue SE. The City obtained the right of way in 1996 via the Meridian Annexation. As an unopened right of way, and because the City obtained it without cost, the right of way is a Class "C" right of way, for which vacation the City may require compensation at one-half the appraised value.

   The proposed street vacation is being requested to facilitate development via the Highland Park Subdivision. The applicant is proposing to subdivide approximately 9.79 acres into 26 single-family residential lots. The proposed subdivision includes three sensitive area tracts. Property north and east of the proposed right of way vacation area is owned by the City of Kent for development as a neighborhood park. The SE 266th Street
right of way provides a buffer between the park and future residences within the Highland Park Subdivision. Vacating the right of way removes the buffer.

A similar request for vacation of SE 266th Street was approved by the City Council on June 18, 2002. That application expired for time. This new application also includes some additional right of way to be vacated.

IV Staff Recommendation
Staff notified the following departments and agencies of this proposed street vacation:

- Public Works Department
- Police
- Parks, Recreation and Community Services
- Fire and Life Safety
- Puget Sound Energy
- Qwest
- Department of Transportation
- METRO Transit Division

After a review of the comments received, the Planning Services Office recommends that the request to vacate a portion of SE 266th Street between 128th and 132nd Avenues SE, as described in Resolution #1634 and as shown on the accompanying map, be APPROVED with the following conditions.

1) The Applicant/Owner shall compensate the City in US currency for one-half the appraised value of the right of way being vacated, or in lieu of money, the Applicant/Owner may compensate the City in property (or a combination of property and money) of equal or greater value, should said property be both acceptable to and agreeable by the City.

2) The City shall retain the westerly 20 feet of this proposed vacation such that the right of way width for 128th Avenue SE when combined with the existing westerly 30 feet of right of way therefore shall total 50 feet. Furthermore, the City shall retain the easterly 50 feet of this proposed vacation as measured westerly and perpendicular to the easterly section line of the SE quarter of Section 28, Township 22 and Range 5 of King County.

3) The Applicant/Owner shall grant to the City an easement over, upon and under that portion of the right of way proposed to be vacated that represents the northerly projection of the Springwood Detention Pond Easement per Document No. 9209090337 as if it were to extend through said right of way.

4) The Applicant/Owner shall grant to the City a 20-foot-wide easement for pedestrian, pathway and utility purposes over, under and upon that portion of the right of way.
proposed to be vacated as determined necessary by the City's Public Works Director and Parks and Recreation Director to allow public access and utilities to and from the west, including to and from 128th Avenue South to the City's park property which abuts the easterly and northerly half of this proposed street vacation. The language of such easement document shall not restrict public access to the use of the park but will allow free public travel (non-motorized) between 128th and 132nd Avenues SE.

5) Should any funds be received by the City from the vacation of this right of way, said funds shall be deposited in the City's school Pedestrian walkways improvement fund (Fund #R20036).

6) No buffer area will be required from the City along the new northern property line between the residential area and the future neighborhood park.

7) Applicant will grant appropriate ingress, egress and utility easements to any parcels that would otherwise become landlocked as a result of this street vacation.
THAT PORTION OF SE 266TH STREET LYING WITHIN THE NE ¼ OF THE SE ¼ IN SECTION 28, TOWNSHIP 22 NORTH RANGE 5, E.W.M KING COUNTY, WASHINGTON. EXCEPT THAT PORTION, THEREOF IF ANY, LYING WITHIN THE EASTERLY 50.00 FEET AND THE WESTERLY 50.00 FEET OF SAID SUBDIVISION
WASHINGTON STATE COUNTY AUDITOR/RECORDER’S COVER SHEET

Document Title: City of Kent Ordinance No. 3644, Relating to Vacation of Street

Reference Number(s): N/A

Grantor(s): City of Kent, a Washington municipal corporation

Grantee(s): The Public

Abbreviated Legal Description:

Ptn of SE 266th, within the NE ¼ of the SE ¼, Sec. 28, Twn. 22N, Range 5E, W.M. King County, State of Washington

Additional legal description is on Exhibit “C” of document.

Assessor’s Property Tax Parcel/Account Number(s): 282205--9023

Project Name: SE 266th Street Vacation