

ORDINANCE NO. 1516

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, vacating the City right-of-way portions of South 274th Street lying between 12th Place South and 16th Avenue South within the City of Des Moines, subject to the Applicant's compliance with requirements set forth herein.

WHEREAS, DMMC 12.12.040 adopts the street vacation procedures of chapter 35.79 RCW, and

WHEREAS, the City has received a petition from the First Ukrainian Baptist Church to vacate a portion of public right-of-way commonly known as South 274th Street located in the City of Des Moines as shown on Exhibit "A", attached hereto and incorporated by reference, and

WHEREAS, the petition was signed by the owners of more than two-thirds of the property abutting the portion of the street sought to be vacated as required by RCW 35.79.010, and

WHEREAS, RCW 35.79.010 requires that the City Council set the public hearing and date by resolution which was, in this case, established by Resolution No. 1162 fixing the public hearing for July 14, 2011, to be followed by City Council action, and

WHEREAS, notice of the public hearing was given in accordance with RCW 35.79.020 and the public hearing was held before the Des Moines City Council on July 14, 2011, and all persons wishing to be heard were heard, and

WHEREAS, no objections to the vacation were filed by any abutting property owners prior to the hearing, and the City Council finds that no person has demonstrated special injury due to substantial impairment of access to such person's property; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings adopted. Based on the evidence presented, the City Council adopts the following findings of fact:

(1) The public right-of-way subject to this Ordinance consists of a segment of public right-of-way identified as South 274th Street further legally described in section 2 of this Ordinance; and

(2) The public right-of-way described in section 2 of this Ordinance is not improved for transportation purposes but was dedicated by the Lourie Short plats approved in 2002 under the Platting and Subdivision Act of 1969 (chapter 38.17 RCW) and as such is not subject to vacation by operation of law under the Laws of 1889-90; and

(3) The public right-of-way which is described in section 2 of this Ordinance is not necessary for present and future use by public utilities or for native growth protection; and

(4) The public right-of-way described in section 2 of this ordinance is not currently used by the public for vehicular

travel as the roadway is not improved and is not connected to 16th Avenue South; and

(5) The right-of-way to be vacated is not specifically required for the present and future needs of the citizens of the City of Des Moines for vehicular transportation purposes given the proposed dedication of the new right-of-way described in Exhibit B and illustrated in Exhibit C; and

(6) It is in the public interest to vacate this right-of-way; and

(7) The right-of-way is classified as a Class "B" right-of-way since no public funds have were ever expended in its acquisition; therefore, compensation is required at fifty percent (50%) of the full appraised value; and

(8) Dedication of the new 50-foot right-of-way from 12th Place South to 16th Avenue South provides the connection to 16th Avenue South and additional width that is not present with the existing South 274th Street right-of-way; and

(9) While the City requires compensation at only fifty percent (50%) of appraised value for the street vacation, through the dedication of the new right-of-way the City is compensated over three times the amount of square footage.

Sec. 2. Right-of-way vacation. Subject to the requirement set forth in section 3 this Ordinance, the following legally described public right-of-way as depicted on the attached map (incorporated herein by this reference) entitled Exhibit "A" is vacated and the property within the right-of-way so vacated shall belong to the respective abutting property owners to the north of the vacated right-of-way:

South 274th Street: The South 274th Street right-of-way within the North half of the South half of the Northeast quarter of the Northeast quarter of Section 32, Township 22 North, Range 4 East, W.M., in King County, Washington described as follows;

Commencing at the Northeast corner of reserve Tract B of said Short Plat; Thence, South 1° 09' 56" West, along the East line thereof, a distance of 129.79 feet, to true **Point of Beginning**; Thence continue along said East line South 1° 09' 56" West a distance of 20.00 feet, to the South line of said short plat; Thence North 89° 16' 47" West, along said South line a distance of 833.55 feet, to a point of cusp with a curve to the left concave Northeasterly having a radius of 223.00 feet; a radial of said point bears North 0° 43' 13" East; Thence along said curve an arc length of 95.20 feet through a central angle of 24° 27' 35"; Thence South 89° 16' 43" East a distance of 741.37 feet to the true **Point of Beginning**.

Sec. 3. Condition of right-of-way vacation. The right-of-way subject to vacation under this Ordinance shall be subject to the conditions listed below but not limited to:

(1) Pursuant to DMMC 12.12.050(2), First Ukrainian Baptist Church of Federal Way, a Washington nonprofit corporation shall be required to compensate the City of Des Moines for vacation of this Class B right-of-way, in the form of dedication of approximately 44,990 square feet of right-of-way located between 12th Place South and 16th Avenue South legally described in Exhibit B and illustrated in Exhibit C (incorporated herein by this reference). If the dedication of the property is not completed within 180 days from the date of publication of the City Council's action on this Ordinance, this Ordinance shall be deemed void and have no legal effect and the underlying right of way vacation shall be deemed denied.

(2) The First Ukrainian Baptist Church will secure quit claim deeds from all property owners with interest in tax parcel 3222049187 to transfer full ownership to the City of Des Moines. If the transfer of the property is not completed within 180 days from the date of publication of the City Council's action on this Ordinance, this Ordinance shall be deemed void and have no legal effect and the underlying right of way vacation shall be deemed denied.

Sec. 4. Severability-Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of the Ordinance.

Sec. 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder.

Sec. 6. Effective date. This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

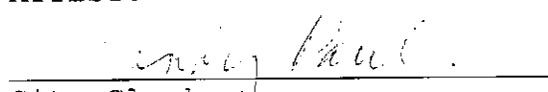
PASSED BY the City Council of the City of Des Moines this 28th day of July, 2011 and signed in authentication thereof this 28th day of July, 2011.


M A Y O R

APPROVED AS TO FORM:


Assistant City Attorney

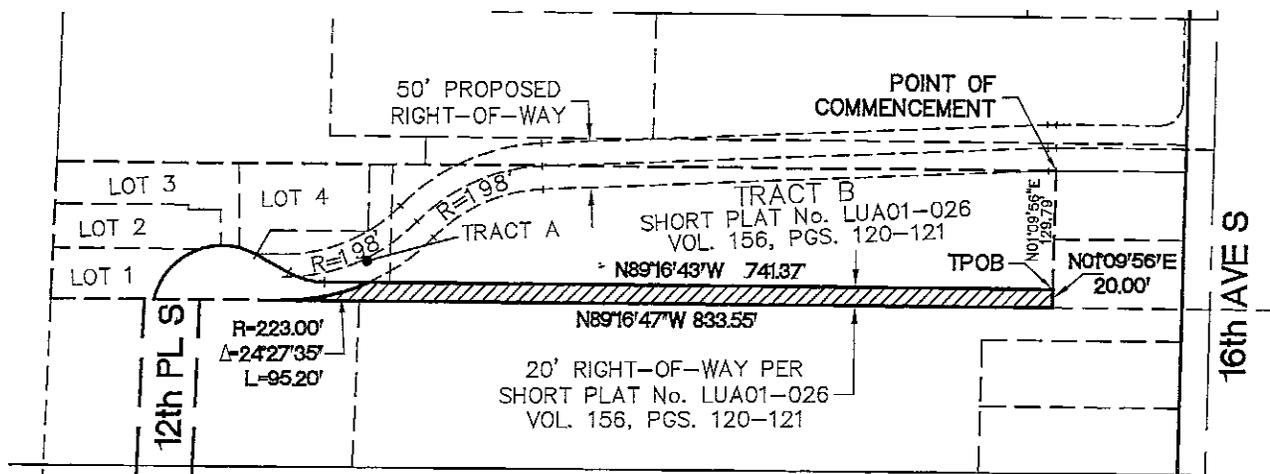
ATTEST:


City Clerk

Published: August 2, 2011

EXHIBIT "A"

RIGHT OF WAY VACATION



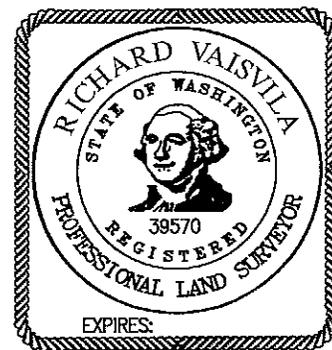
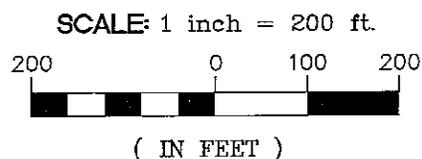
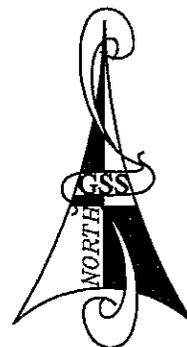
LEGAL DESCRIPTION

THAT PORTION OF CITY OF DES MOINES SHORT PLAT No. LUA01-026, RECORDED UNDER RECORDING NUMBER 20021119900007, VOLUME 156, PAGES 120, 121 RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF RESERVE TRACT B OF SAID SHORT PLAT;
 THENCE SOUTH 1°09'56" WEST, ALONG THE EAST LINE THEREOF, A DISTANCE OF 129.79 FEET, TO TRUE POINT OF BEGINNING;
 THENCE CONTINUE ALONG SAID EAST LINE SOUTH 1°09'56" WEST A DISTANCE OF 20.00 FEET, TO THE SOUTH LINE OF SAID SHORT PLAT;
 THENCE NORTH 89°16'47" WEST, ALONG SAID SOUTH LINE A DISTANCE OF 833.55 FEET, TO A POINT OF CUSP WITH A CURVE TO THE LEFT CONCAVE NORTHEASTERLY HAVING A RADIUS OF 223.00 FEET; A RADIAL OF SAID POINT BEARS NORTH 0°43'13" EAST;
 THENCE ALONG SAID CURVE AN ARC LENGTH OF 95.20 FEET THROUGH A CENTRAL ANGLE OF 24°27'35";
 THENCE SOUTH 89°16'43" EAST A DISTANCE OF 741.37 FEET TO THE TRUE POINT OF BEGINNING;

BEING A PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

SEE GRAPHIC REPRESENTATION THIS SHEET UP



LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1516, Adopted July 28, 2011.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance vacates the City right-of-way portions of South 274th Street lying between 12th Place South and 16th Avenue South within the City of Des Moines, subject to the Applicant's compliance with requirements set forth therein.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: August 2, 2011

EXHIBIT "B"

RIGHT OF WAY DEDICATION

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32;

THENCE SOUTH 1°09'56" WEST ALONG THE EAST LINE THEREOF, A DISTANCE OF 496.56 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTH HALF OF SAID NORTHEAST QUARTER;

THENCE NORTH 89°21'34" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 30.00' FEET TO THE WEST MARGIN OF 16TH AVE. S. RIGHT-OF-WAY AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUE NORTH 89°21'34" WEST A DISTANCE OF 5.00 FEET;

THENCE SOUTH 1°09'56" WEST A DISTANCE OF 90.72 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25 FEET;

THENCE ALONG SAID CURVE AN ARC LENGTH OF 39.05 FEET THROUGH A CENTRAL ANGLE OF 89°30'09";

THENCE NORTH 89°19'55" WEST A DISTANCE OF 111.29 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 223 FEET;

THENCE ALONG SAID CURVE AN ARC LENGTH OF 10.33 FEET THROUGH A CENTRAL ANGLE OF 2°39'16";

THENCE SOUTH 88°00'48" WEST A DISTANCE OF 547.57 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 223 FEET;

THENCE ALONG SAID CURVE AN ARC LENGTH OF 170.81 FEET THROUGH A CENTRAL ANGLE OF 43°53'09" TO THE BEGINNING OF REVERSE CURVE HAVING A RADIUS OF 173 FEET;

THENCE ALONG SAID CURVE AN ARC LENGTH OF 13.21 FEET THROUGH A CENTRAL ANGLE OF 4°22'31";

THENCE SOUTH 1°02'14" WEST A DISTANCE OF 62.39 FEET TO A POINT OF BEGINNING OF NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 223.00 FEET, A RADIAL OF SAID POINT BEARS NORTH 30°35'40" WEST;

THENCE ALONG SAID CURVE AN ARC LENGTH OF 59.46 FEET THROUGH A CENTRAL ANGLE OF 15°16'41" TO THE BEGINNING OF REVERSE CURVE HAVING A RADIUS OF 173 FEET;

THENCE ALONG SAID CURVE AN ARC LENGTH OF 132.51 FEET THROUGH A CENTRAL ANGLE OF 43°53'09";

THENCE NORTH 88°00'48" EAST A DISTANCE OF 547.57 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 173 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 8.02 FEET THROUGH A CENTRAL ANGLE OF 2°39'16";

THENCE SOUTH 89°19'55" EAST A DISTANCE OF 140.22 FEET;

THENCE NORTH 01°09'56" EAST A DISTANCE OF 165.51 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED DEDICATION CONTAINING AN AREA OF 44,990 SQ.FT MORE OR LESS

SEE GRAPHIC REPRESENTATION EXHIBIT C

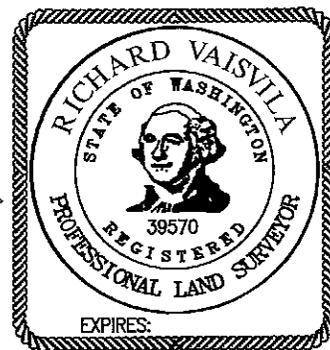
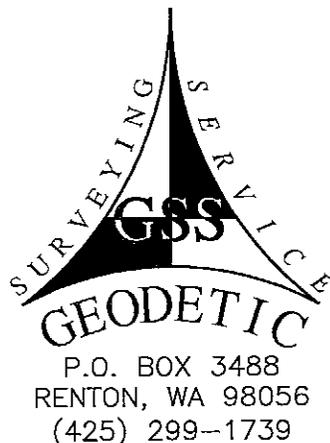
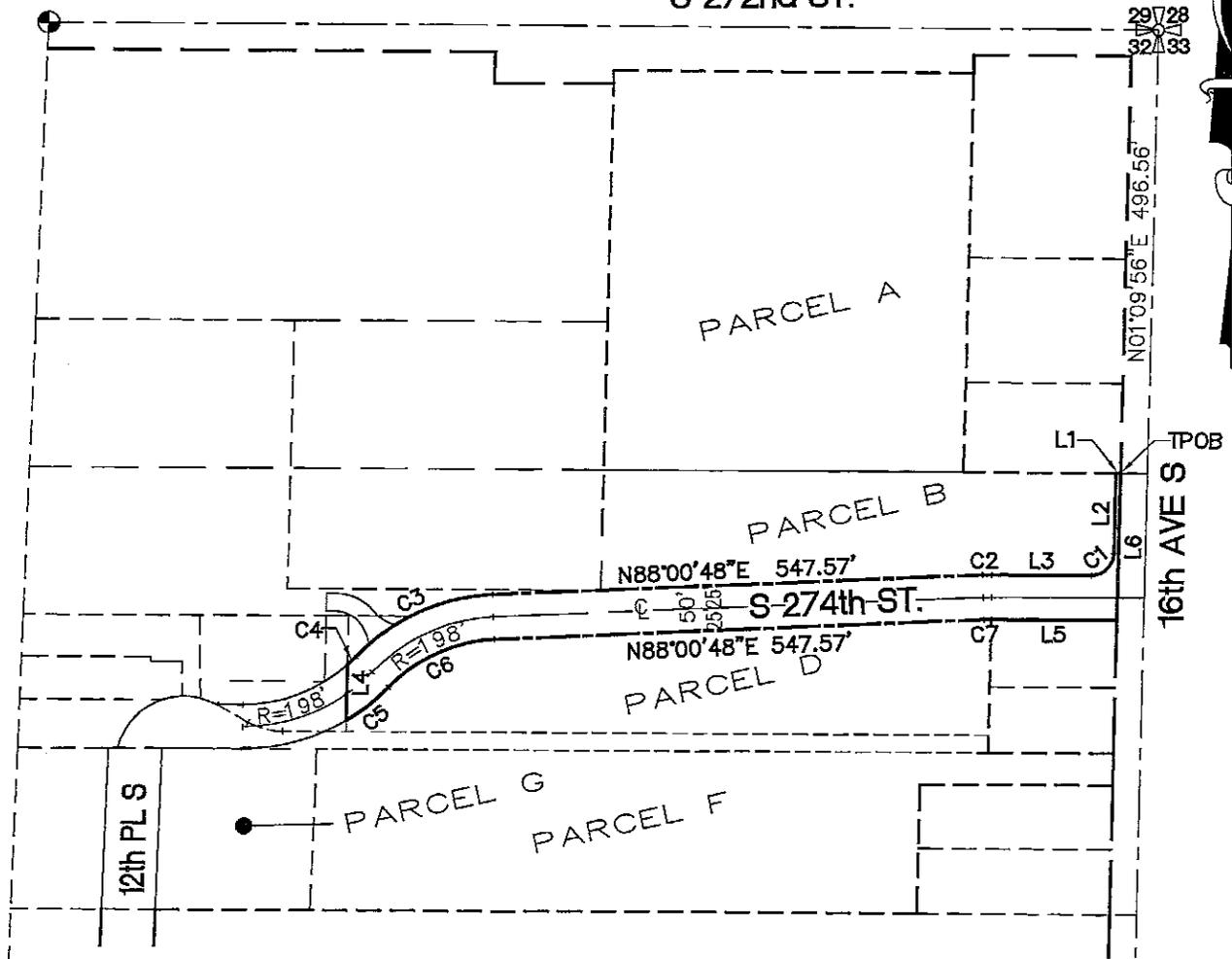


EXHIBIT "C"

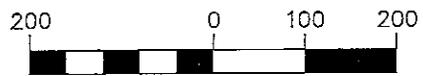
MAP TO ACCOMPANY LEGAL DESCRIPTION OF RIGHT OF WAY DEDICATION

S 272nd ST.



SEE LEGAL DESCRIPTION EXHIBIT B

SCALE: 1 inch = 200 ft.



(IN FEET)

CURVE TABLE			
CURVE	LENGTH	DELTA	RADIUS
C1	39.05	89°30'09"	25.00
C2	10.33	2°39'16"	223.00
C3	170.81	43°53'09"	223.00
C4	13.21	4°22'31"	173.00
C5	59.46	15°16'41"	223.00
C6	132.51	43°53'09"	173.00
C7	8.02	2°39'16"	173.00

LINE TABLE		
LINE	LENGTH	BEARING
L1	5.00	N89°21'34"W
L2	90.72	N01°09'56"E
L3	111.29	N89°19'55"W
L4	62.39	N01°02'14"E
L5	140.22	N89°19'55"W
L6	165.51	N01°09'56"E