

ORDINANCE NO. 1432

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, vacating by the petition method City rights-of-way known as South 241st Street between 22nd Avenue South and 22nd and between 22nd Place South and 23rd Avenue South abutting the proposed Highline View Estates subdivision within the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.

WHEREAS, the Lakeridge Development LLC. (hereinafter "the applicant") has filed a petition to vacate a specific segment of City right-of-way adjacent to the proposed Highline View Estates Modified Subdivision, and

WHEREAS, no apparent municipal use of the said right-of-way continues to exist, the applicant has reason to convert the right-of-way to residential purposes, and

WHEREAS, this public right-of-way was initially platted on December 17, 1889 as part of the subdivision titled Puget Sound Park Addition to Des Moines, and

WHEREAS, the plat date makes this public right-of-way eligible for vacation by operation of law (Section 32, Chapter 19, Laws of 1889-90), and

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

WHEREAS, RCW 35.79.010 authorizes the City Council to initiate such street vacation procedures, and

WHEREAS, notice of the public hearing was given in accordance with law and the public hearing was held before the City Council of the City of Des Moines on June 12, 2008 and July 3, 2008, 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 Council finds that no person has demonstrated special injury due to substantial impairment of access to such person's property, and

WHEREAS, the Council finds that vacation of the right-of-way legally described herein and as depicted on the map marked Exhibit "A" to this Ordinance, is in the public interest; 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 which is the subject of this Ordinance consist of segments of public right-of-way (South 241st Street between 22nd Avenue South and 22nd and between 22nd Place South and 23rd Avenue South); which were never opened for public use and are currently an unimproved public right-of-way overgrown with brush; and

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(2) The public right-of-way which is the subject of this Ordinance has not been improved for transportation purposes; therefore, the right-of-way has been vacated as a matter of law under the Laws of 1889 - 1890 since the right-of-way was not improved by December 17 1894.

(3) The right-of-way is classified as a "Type C" right-of-way pursuant to DMMC 12.12.020; therefore, compensation is not required.

(4) The public right-of-way subject to this Ordinance is not necessary for present and future use by public utilities because present and future needs for use by public utilities will be met by appropriate easements retained by the City or granted by the property owner abutting the right-of way proposed to be vacated; and

Sec. 2. Right-of-way vacation. Subject to the requirements set forth in this Ordinance, the following legally described public right-of-way as depicted on the attached map entitled Exhibit "A" are vacated and the property within the right-of-way so vacated shall belong to the respective abutting property owners, one-half to each as required by RCW 35.79.040, subject to the conditions set forth in section 3 of this Ordinance:

That portion of the Northwest Quarter, Section 21, Township 22 north, Range 4 east, W.M., King County, Washington, included within strips of land described as follows:

That portion of South 241st Street (Portland Street) lying between 22nd Place South (Kalama Street), and a Southerly projection of the East line of Lot 15 Block 25 of Puget Sound Park Addition to Des Moines, Washington, recorded in Volume 47 of Plats at page 61, being in the City of Des Moines, King County, Washington.

And

That portion of South 241st Street (Portland Street) lying between 22nd Avenue South (Slaughter Street) and 22nd Place South (Kalama Street), as shown on the plat of Puget Sound Park Addition to Des Moines, Washington, recorded in Volume 47 of Plats at page 61, being in the City of Des Moines, King County, Washington.

Sec. 3. Conditions of right-of-way vacation. The right-of-way subject to vacation under this ordinance shall be subject to the following condition:

Easements for public utilities are reserved as illustrated on Exhibit "B" attached hereto and incorporated by this reference.

Sec. 4. Easements and reservation of easements.

Pursuant to RCW 35.79.030, the City of Des Moines retains or will be granted easements as set forth in Section 3 of this Ordinance and retains the right to exercise and grant easements in respect to the land vacated by this ordinance and abutting property for the operation, construction, repair, and maintenance of public utilities and services.

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. Severability - Construction.

(1) 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 this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal code, this ordinance is deemed to control.

Sec. 7. Effective date.

This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 3rd day of July, 2008 and signed in authentication thereof this 3rd day of July, 2008.



M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Effective Date: August 2, 2008

Published: July 16, 2008

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1432, Adopted July 3, 2008.

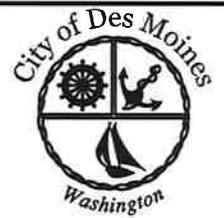
DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance vacates by the petition method City rights-of-way known as South 241st Street between 22nd Avenue South and 22nd and between 22nd Place South and 23rd Avenue South abutting the proposed Highline View Estates subdivision within the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.

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

Denis Staab
City Clerk

Published: July 16, 2008

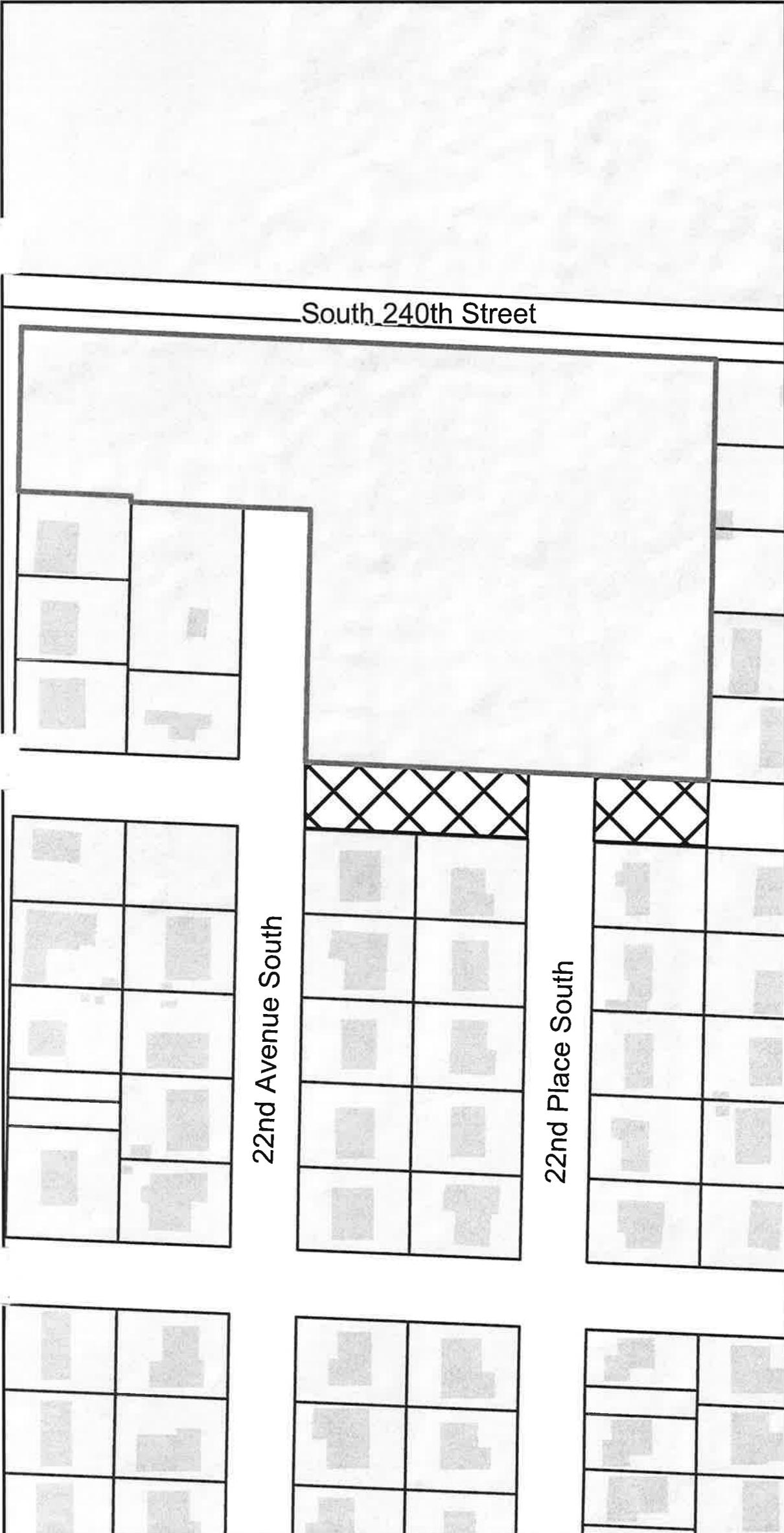


City of Des Moines

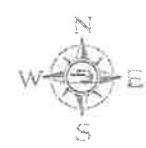
Highline Views Estates
Right-of-Way Vacation
South 241st Street

Legend

-  Highline View Estates
-  Proposed ROW Vacation

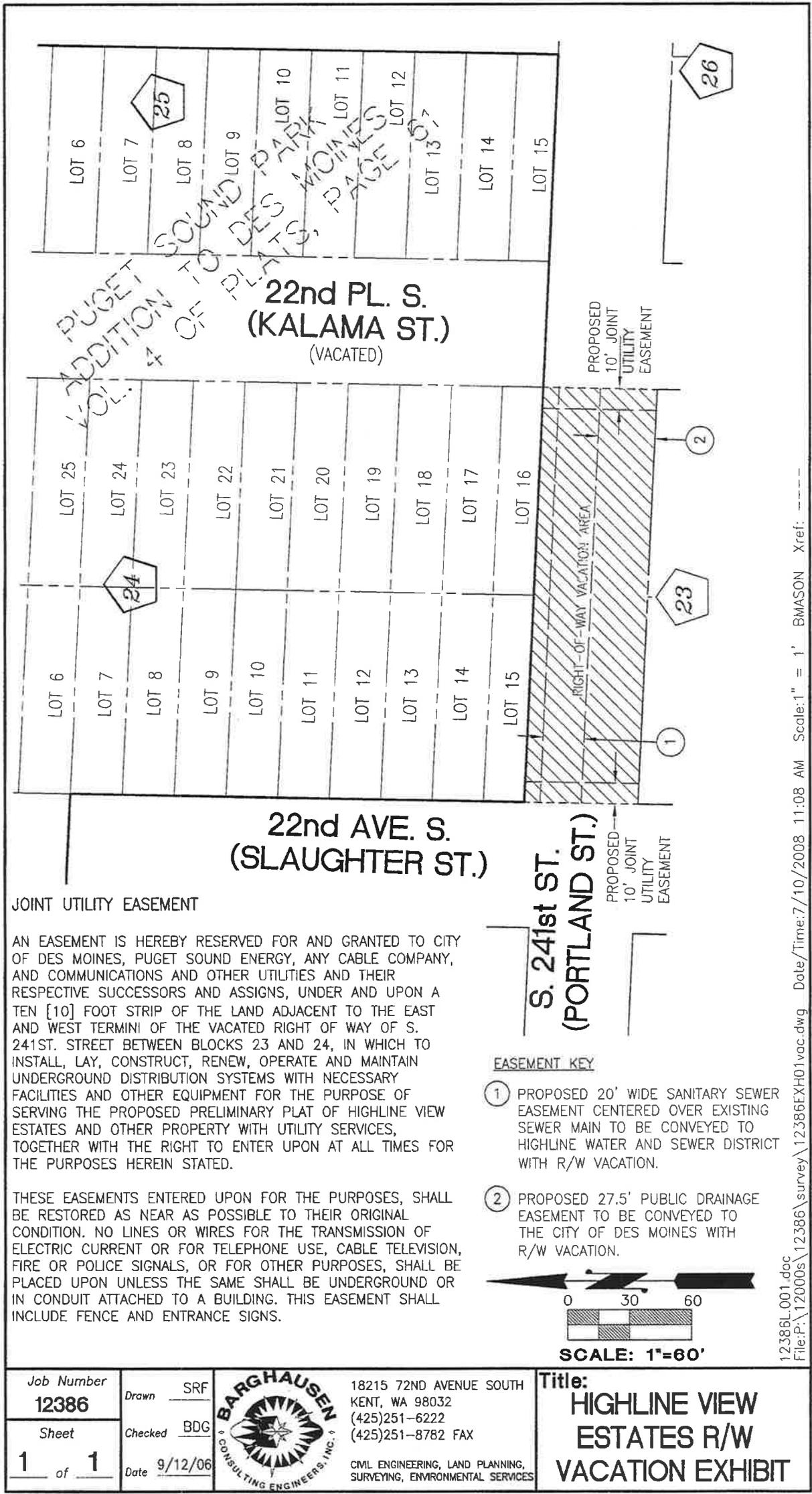


1 inch equals 83 feet



21630 11th Ave S
Des Moines, WA 98198-6398
PHONE: (206) 878-4595 | FAX: (206) 870-7626
WEB: <http://www.desmoineswa.gov>

File: Crestwood_Map.mxd
Map Generated: Oct 26, 2007
Product of City of Des Moines GIS



**22nd PL. S.
(KALAMA ST.)
(VACATED)**

**22nd AVE. S.
(SLAUGHTER ST.)**

**S. 24th ST.
(PORTLAND ST.)**

JOINT UTILITY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO CITY OF DES MOINES, PUGET SOUND ENERGY, ANY CABLE COMPANY, AND COMMUNICATIONS AND OTHER UTILITIES AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON A TEN [10] FOOT STRIP OF THE LAND ADJACENT TO THE EAST AND WEST TERMINI OF THE VACATED RIGHT OF WAY OF S. 24th STREET BETWEEN BLOCKS 23 AND 24, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND DISTRIBUTION SYSTEMS WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THE PROPOSED PRELIMINARY PLAT OF HIGHLINE VIEW ESTATES AND OTHER PROPERTY WITH UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

THESE EASEMENTS ENTERED UPON FOR THE PURPOSES, SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE, CABLE TELEVISION, FIRE OR POLICE SIGNALS, OR FOR OTHER PURPOSES, SHALL BE PLACED UPON UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING. THIS EASEMENT SHALL INCLUDE FENCE AND ENTRANCE SIGNS.

EASEMENT KEY

- ① PROPOSED 20' WIDE SANITARY SEWER EASEMENT CENTERED OVER EXISTING SEWER MAIN TO BE CONVEYED TO HIGHLINE WATER AND SEWER DISTRICT WITH R/W VACATION.
- ② PROPOSED 27.5' PUBLIC DRAINAGE EASEMENT TO BE CONVEYED TO THE CITY OF DES MOINES WITH R/W VACATION.



SCALE: 1"=60'

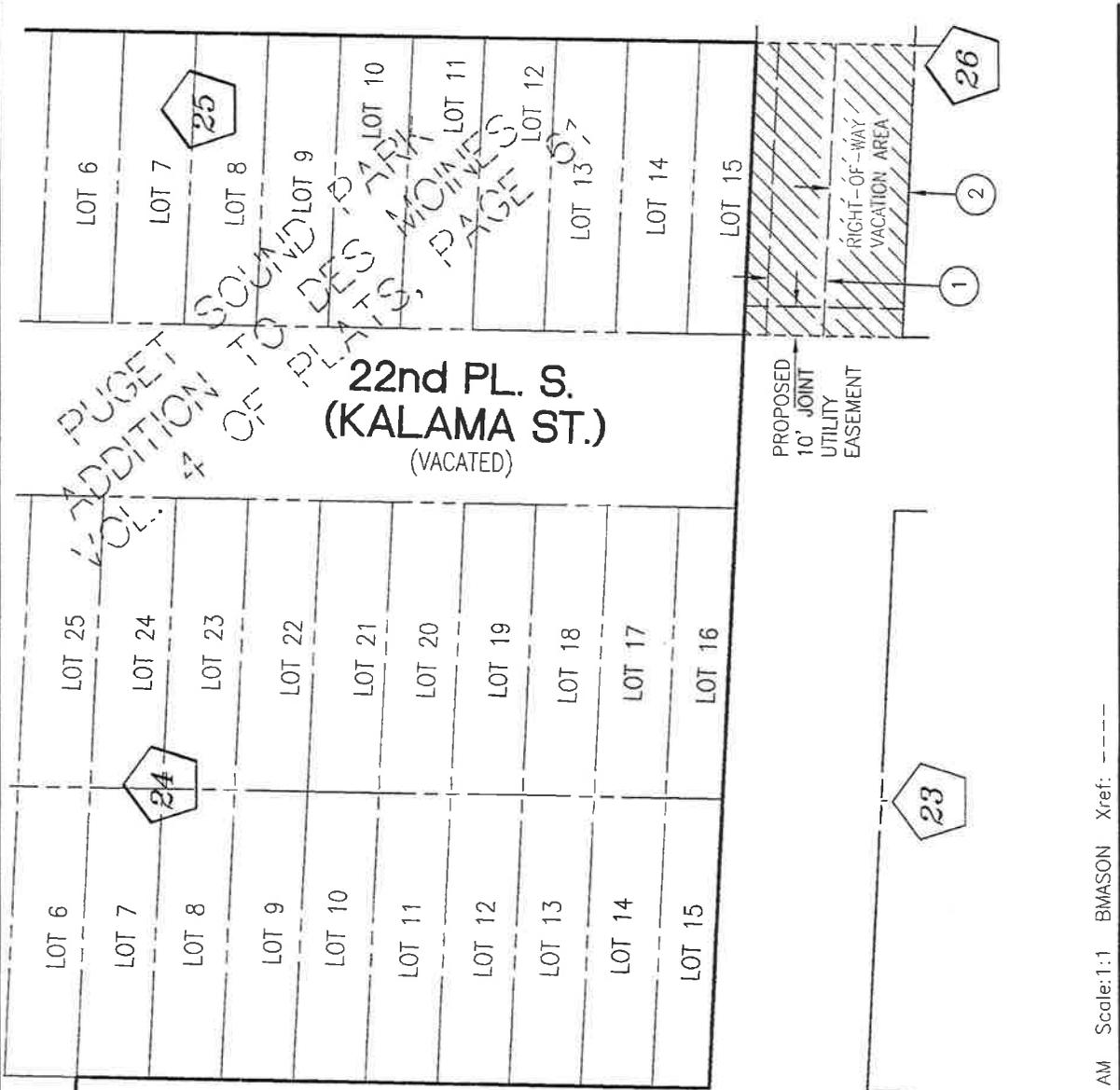
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Sheet 1 of 1	Checked BDG
	Date 9/12/06



18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX
CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES

Title:
**HIGHLINE VIEW
ESTATES R/W
VACATION EXHIBIT**

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Job Number 12386	Drawn <u>SRF</u>		18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES	Title: HIGHLINE VIEW ESTATES R/W VACATION EXHIBIT
Sheet 1 of 1	Checked <u>BDG</u> Date <u>9/12/06</u>			

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