

ORDINANCE NO. 1434

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, vacating subdivision and plats known as Mayvale, Mayvale Number Three, Plat of Lori Addition, Marine View Homes Addition, Linda Lou, and Ellwood's Marine View and short subdivisions and plats known as King County Short Plat No. 978038 and King County Short Plat 978039 located within property commonly known as a portion of the Port of Seattle "Buy-Out" area within the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.

WHEREAS, the Port of Seattle has filed an application which requests that the City of Des Moines vacate all platted and short platted properties located within a portion of property owned by the Port of Seattle, and

WHEREAS, the Port of Seattle has requested vacation of property owned by them, commonly known as the "Buy-Out" area, which is intended to be the site of the Des Moines Creek Business Park, and

WHEREAS, Section 4 of Resolution 1049 states that as part of the entitlement and approval process, the Des Moines City Council will complete vacation of the existing plats within the Des Moines Creek Business Park site, and

WHEREAS, the Des Moines City Council adopted Ordinances 1428 and 1429 which vacated public right-of-way and surplused public property used for street purposes within the Des Moines Creek Business Park site including those rights-of-way and properties that were part of subdivisions and short subdivisions that are now requested to be vacated, and

WHEREAS, the plats and short plats requested to be vacated under this ordinance do not involve dedications or ownerships of public streets or public property, and

WHEREAS, RCW 58.17.060 and 58.17.212 provides for the vacation of short subdivisions and subdivisions when an application is made to the legislative authority of the city in which the subdivision is located, and

WHEREAS, all of the subdivisions and short subdivisions requested to be vacated are located in a geographic area that were annexed into the City of Des Moines on May 20, 1991 under Ordinance 888 and are under the legislative authority of the Des Moines City Council, and

WHEREAS, Chapter 17.24 of the Des Moines Municipal Code (DMMC) sets forth the City's procedures for reviewing the vacation of short subdivisions and subdivisions, and

WHEREAS, DMMC 18.56.090 and 17.16.040 state that multiple land use application requests are to be processed concurrently and simultaneously to the extent possible to avoid unnecessary duplication and delays, and

**WHEREAS**, the Port of Seattle has filed a request for multiple subdivisions and short subdivisions to be vacated, and

**WHEREAS**, the vacation of these subdivisions and short subdivision have inherent similarities in ownership, geography, and future redevelopment potential that qualify these vacation requests for concurrent review by the Des Moines City Council, and

**WHEREAS**, RCW 58.17.212 requires that the City Council consider, review, and take action upon requested vacations of subdivisions at a public hearing, 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 July 24, 2008, and all persons wishing to be heard were heard, and

**WHEREAS**, the Port of Seattle is the fee simple owner of all lots within all short subdivisions and subdivisions proposed to be vacated and, because of this fact, there are no objections to the requested vacations by any individual with an ownership interest in any of the subdivisions or short subdivisions requested to be vacated, and

**WHEREAS**, the Council finds that vacation of the requested short subdivisions and subdivisions 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) King County Short Plat No. 978038 and King County Short Plat 978039 are the short subdivisions and short plats that are the subject of this ordinance and have been requested by the Port of Seattle to be vacated, and

(2) The Mayvale, Mayvale Number Three, Plat of Lori Addition, Marine View Homes Addition, Linda Lou, and Ellwood's Marine View are the subdivisions and plats that are the subject of this ordinance and have been requested by the Port of Seattle to be vacated, and

(3) The subdivisions, plats, short subdivisions and short plats requested to be vacated under this ordinance are located within a future redevelopment project site known as the Des Moines Creek Business Park which is generally bounded on the east by 24<sup>th</sup> Avenue South, on the south by South 216<sup>th</sup> Street, on the west by the Washington State Department of Transportation right-of-way for SR-509 as well as property coinciding with open space areas associated with Des Moines Creek, and to the north

by the Des Moines City limits located along the north margin of South 208<sup>th</sup> Street, and

(4) The Port of Seattle purchased and owns all of the land comprising the short subdivisions and subdivisions identified in this ordinance as part of its Noise Abatement Program for SeaTac International Airport, and

(5) The short subdivisions and subdivisions were originally created to serve single family residential land use, and

(6) The properties described in this ordinance are now zoned by the city as BP, Business Park, which does not support residential land use, and

(7) A portion of the Marine View Homes Addition subdivision and plat lies within the northern half of South 216<sup>th</sup> Street, and

(8) South 216<sup>th</sup> Street functions as east-west arterial street and it is not in the public interest to compromise the function of this street, and

(9) The southern most portion of the Marine View Homes Addition subdivision and plat affecting South 216<sup>th</sup> Street and the corresponding right-of-way should be excluded from the Port of Seattle's vacation request, and

(10) DMMC 17.24.010(5) authorizes the city to limit the scope of a requested subdivision or short subdivision vacation, and

(11) Street rights-of-way associated with and created by dedication at the time of subdivision and short subdivision recordation and city-owned property used for street purposes in the immediate areas surrounding these subdivisions and short subdivisions have already been vacated and surplused by the City of Des Moines, and

(12) The subdivisions and short subdivisions identified in this ordinance reflect a land use, zoning, and development pattern that no longer exists within the confines of the Des Moines Creek Business Park site, and

(13) Future development of the Des Moines Creek Business Park will require the removal of conflicting property lines from old residential subdivisions and short subdivisions.

**Sec. 2. Subdivision vacation.** Subject to the conditions set forth in section 4 of this ordinance, the Mayvale, Mayvale Number Three, Plat of Lori Addition, Marine View Homes Addition, Linda Lou, and Ellwood's Marine View subdivisions as depicted on the attached map entitled Exhibit "A" are vacated.

**Sec. 3. Short Subdivision vacation.** Subject to the conditions set forth in section 4 of this ordinance, King County Short Plat No. 978038 and King County Short Plat 978039 as depicted on the attached map entitled Exhibit "A" are vacated.

**Sec. 4. Conditions of Subdivision and Short Subdivision vacation.** The subdivisions and short subdivisions subject to vacation under this ordinance shall be subject to the following conditions:

(1) The south 30 feet of the Marine View Homes Addition subdivision and any portion of the Marine View Homes Addition subdivision extending south onto and lying within the right-of-way for South 216<sup>th</sup> Street shall not be vacated nor be part of short subdivision and subdivision vacation request under this ordinance and any dedication made under said Marine View Homes Addition subdivision establishing or creating a portion of South 216<sup>th</sup> Street shall remain in full effect as public right-of-way.

(2) The City Manager is directed to finalize this subdivision and short subdivision vacation ordinance and its recording only upon successful finalization and execution of Section 3(4) of ordinance 1428 and Section 3(4) of ordinance 1429.

(3) The Port of Seattle shall contact all private parties and utility purveyors serving this site to identify which easements and covenants, if any, related to these subdivisions and short subdivisions are superfluous and therefore should be eliminated or be relocated or renegotiated.

**Sec. 5. 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 this ordinance.

**Sec. 6. Recordation.** Upon satisfactory compliance with sections 4(1) and (2) of this ordinance, the City Clerk shall cause a certified copy of this ordinance to be recorded in the records of the King County Recorder.

**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 subject to compliance with all terms of the Draft First Addendum to the

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First Development Agreement described in section 3 of Ordinance No. 1428 and section 3 of Ordinance No. 1429.

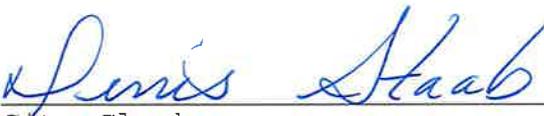
**PASSED BY** the City Council of the City of Des Moines this 24th day of July, 2008 and signed in authentication thereof this 24th day of July, 2008.

  
M A Y O R

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published: August 1, 2008

Effective Date: August 24, 2008

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1434, Adopted July 24, 2008.

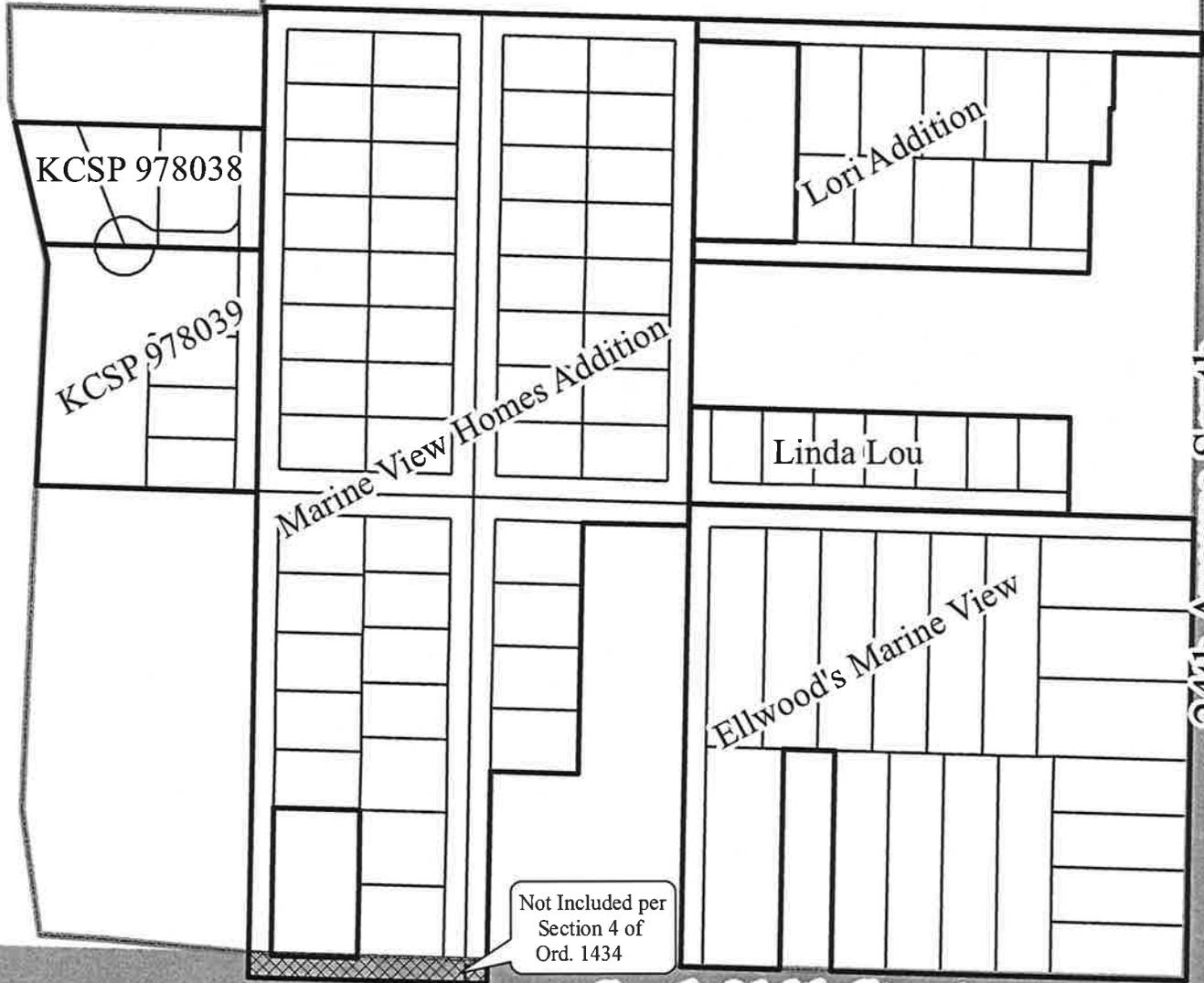
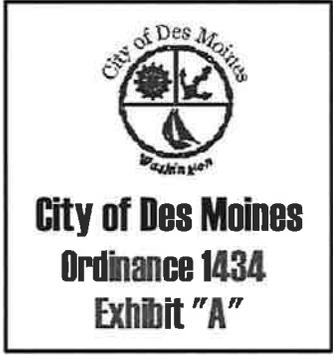
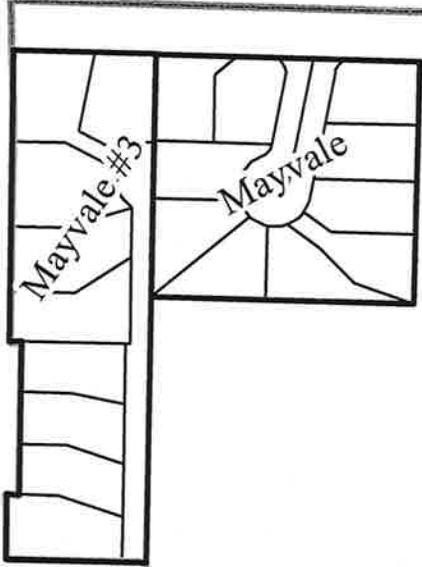
DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance vacates subdivision and plats known as Mayvale, Mayvale Number Three, Plat of Lori Addition, Marine View Homes Addition, Linda Lou, and Ellwood's Marine View and short subdivisions and plats known as King County Short Plat No. 978038 and King County Short Plat No. 978039 located within property commonly known as a portion of the Port of Seattle "Buy-Out" area 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: August 1, 2008



Not Included per  
Section 4 of  
Ord. 1434

**South 216th Street**

**24th Avenue South**