

**ORDINANCE NO. 1724**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON,** vacating a portion of City right-of-way known as South 236<sup>th</sup> Street, located in the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.

**WHEREAS,** DMMC 12.10.060 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 by resolution, and

**WHEREAS,** The City has initiated vacation of a portion of the public right-of-way commonly known South 236<sup>th</sup> Street, located in the City of Des Moines as shown on Exhibit "A", attached hereto and incorporated by reference through Resolution No. 1404, 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. 1404 fixing the public hearing for October 10, 2019, 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 October 10, 2019, 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, and

**WHEREAS,** the Council finds that vacation of the aforesaid rights-of-way, as legally described and depicted on 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 subject to this Ordinance consists of an area known as South 236<sup>th</sup> Street, further legally described in Section 2 of this Ordinance; and

(2) The public right-of-way described in section 2 of this Ordinance was not improved for City transportation purposes; 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 has never been opened for transportation purposes, and

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

(6) The right-of-way is classified as a Class "C" right-of-way since no public funds have ever been expended in its acquisition; and

(7) Vacation of a Class "C" right-of-way requires no compensation.

**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, one-half to each as required by RCW 35.79.040:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, WHICH IS S01°18'30"W 173.89 FEET FROM THE NORTHEAST CORNER THEREOF, SAID POINT BEING A POINT ON A 41°43' CURVE TO THE RIGHT, THE TANGENT TO SAID CURVE AT SAID POINT BEARS N88°23'42"W, RUNNING THENCE ON SAID CURVE TO THE RIGHT, WITH A WIDTH OF 30.00 FEET ON EACH SIDE, A DISTANCE OF 220.26 FEET AND THENCE N01°17'40"E 33.18 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF

THE SOUTHEAST QUARTER, WHICH IS N88°36'50"W  
140.00 FEET FROM THE NORTHEAST CORNER THEREOF,  
HAVING AN AREA OF 0.35 ACRE.

**Sec. 3. Conditions of right-of-way vacation.** The right-of-way subject to vacation under this Ordinance shall be subject to the following conditions:

(1) Highline College, the abutting property owner shall not be required to pay the City of Des Moines compensation for vacation of this Class C right-of-way, pursuant to DMMC 12.10.070(2)(c).

(2) The abutting property owner recognizes that the City of Des Moines retains an easement or the right to exercise and grant easements for utility purveyors in respect to the land vacated by this Ordinance for the construction, repair, and maintenance of public utilities and services, and that the City of Des Moines will grant utility easements through the right-of-way subject to vacation under this Ordinance:

(a) The City reserves an easement within the entire vacated area for the purpose of future storm water facilities associated with the Federal Way Link Extension College Way Connection Project in the College East Parking Lot.

3) Petitioner, City of Des Moines, shall be responsible for obtaining and recording the easement referenced herein.

4) Highline College agrees to dedicate property (Exhibit B) required by the City to construct the Federal Way Link Extension College Way Connection Project in the College East Parking Lot.

5) Highline College agrees to provide the City a Temporary Construction Easement (Exhibit C) to construct improvements associated with the Federal Way Link Extension College Way Connection Project in the College East Parking Lot.

**Sec. 4. Easements and reservation of easements.** Pursuant to RCW 35.79.030, the City of Des Moines retains easements as set forth in section 3 of this Ordinance and retains the right to exercise and grant easements in respect to



**Sec. 7. 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 10th day of October, 2019 and signed in authentication thereof this 10th day of October, 2019.



M A Y O R

APPROVED AS TO FORM:

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

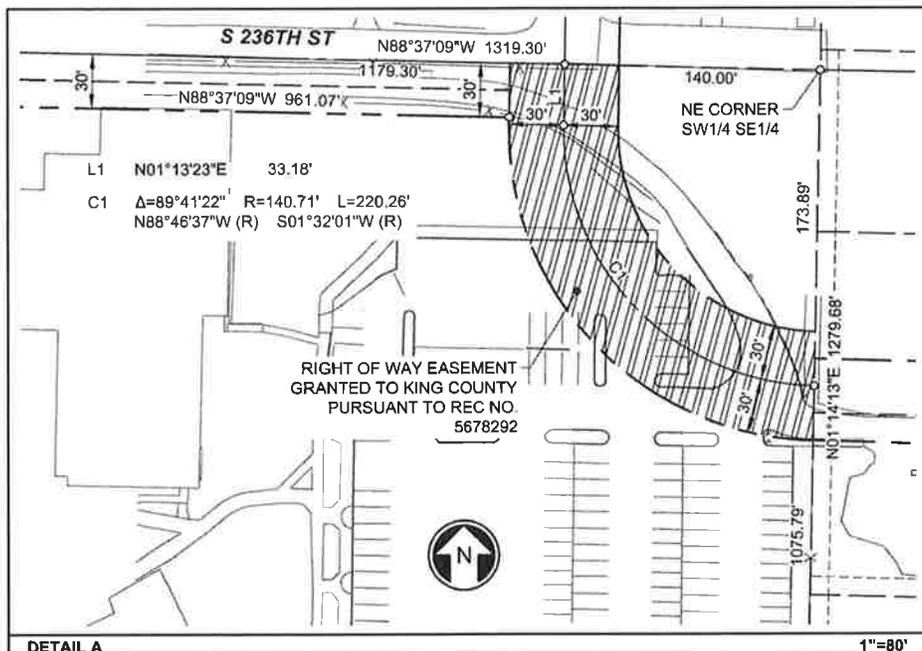
ATTEST:

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

Published: October 15, 2019

# SOUTH 236TH STREET VACATION

SW 1/4 SE 1/4 SEC 16, T 22 N, R 4 E, W.M.



LEGEND	
	STREET RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PROPERTY LINE

THE CITY OF DES MOINES SHALL RETAIN AN EASEMENT OR THE RIGHT TO EXERCISE AND GRANT EASEMENTS IN RESPECT TO THE VACATED LAND FOR THE CONSTRUCTION, REPAIR AND MAINTENANCE OF PUBLIC UTILITIES AND SERVICES.

STREET VACATION

**L & A** LIN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM



STREET VACATION AREA:	15,230 SF
<b>EXHIBIT "A"</b>	
<b>R/W S 236TH ST VACATION</b>	
ASSESSOR NO.:	N/A
DATE:	09/06/2019
OWNER:	CITY OF DES MOINES
BLOCK NO.:	N/A
LOT NO.:	N/A
CITY OF DES MOINES	KING COUNTY, WA

**EXHIBIT "A"**

R/W No. FL227.1  
PIN 1622049016  
STATE OF WASHINGTON – HIGHLINE COMMUNITY COLLEGE

**Area of South 236th Street Vacation:**

THAT PORTION OF RIGHT OF WAY GRANTED TO KING COUNTY PURSUANT TO RECORDING NUMBER 5678292 DESCRIBED AS FOLLOWS:

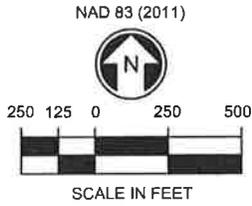
BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, WHICH IS S01°18'30"W 173.89 FEET FROM THE NORTHEAST CORNER THEREOF, SAID POINT BEING A POINT ON A 41°43' CURVE TO THE RIGHT, THE TANGENT TO SAID CURVE AT SAID POINT BEARS N88°23'42"W, RUNNING THENCE ON SAID CURVE TO THE RIGHT, WITH A WIDTH OF 30.00 FEET ON EACH SIDE, A DISTANCE OF 220.26 FEET AND THENCE N01°17'40"E 33.18 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, WHICH IS N88°36'50"W 140.00 FEET FROM THE NORTHEAST CORNER THEREOF.

THE CITY OF DES MOINES SHALL RETAIN AN EASEMENT OR THE RIGHT TO EXERCISE AND GRANT EASEMENTS IN RESPECT TO THE VACATED LAND FOR THE CONSTRUCTION, REPAIR AND MAINTENANCE OF PUBLIC UTILITIES AND SERVICES.

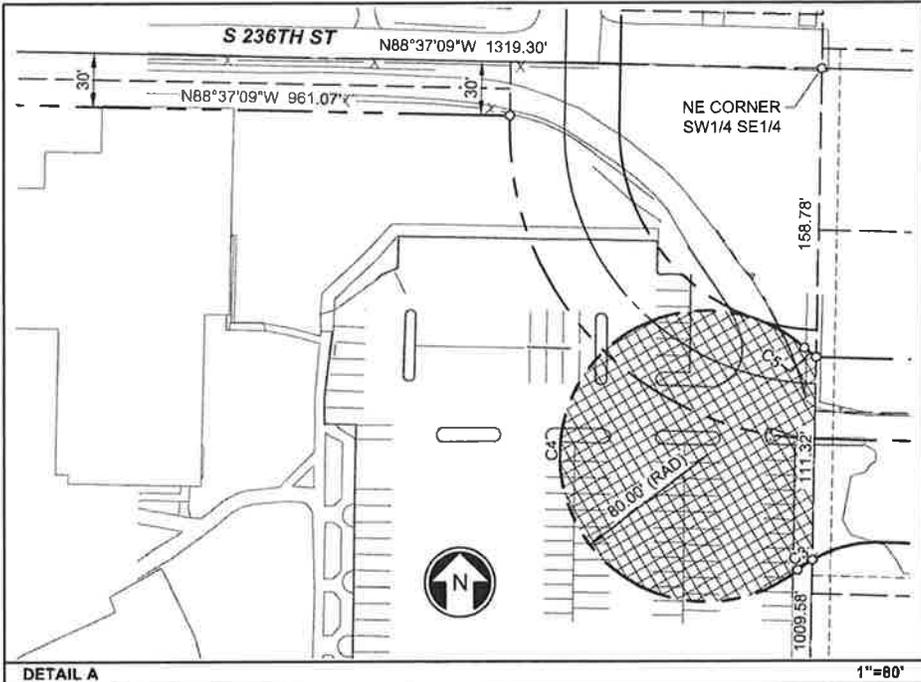
CONTAINING 15,230 SF, MORE OR LESS

# COLLEGE WAY DEDICATION

SW 1/4 SE 1/4 SEC 16, T 22 N, R 4 E, W.M.



- C3 Δ=08°10'58" R=70.00' L=10.00'  
N30°08'41"W (R) N38°19'40"W (R)
- C4 Δ=260°35'48" R=80.00' L=363.86'  
N42°16'09"E (R) S38°19'40"E (R)
- C5 Δ=08°37'39" R=54.50' L=8.21'  
S42°16'09"W (R) S33°38'30"W (R)



LEGEND	
	STREET RIGHT-OF-WAY LINE
	PROPOSED RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PROPERTY LINE

STREET DEDICATION

L & A

LIN & ASSOCIATES

LINK LIGHT RAIL TRANSIT SYSTEM



STREET DEDICATION AREA: 18,567 SF

**EXHIBIT "B"**  
**R/W COLLEGE WAY DEDICATION**

ASSESSOR NO.: 1622049016 DATE: 09/06/2019  
 OWNER: HIGHLINE COMMUNITY COLLEGE  
 BLOCK NO.: N/A LOT NO.: N/A  
 CITY OF DES MOINES KING COUNTY, WA

**EXHIBIT "B"**

R/W No. FL227.1  
PIN 1622049016  
STATE OF WASHINGTON – HIGHLINE COMMUNITY COLLEGE

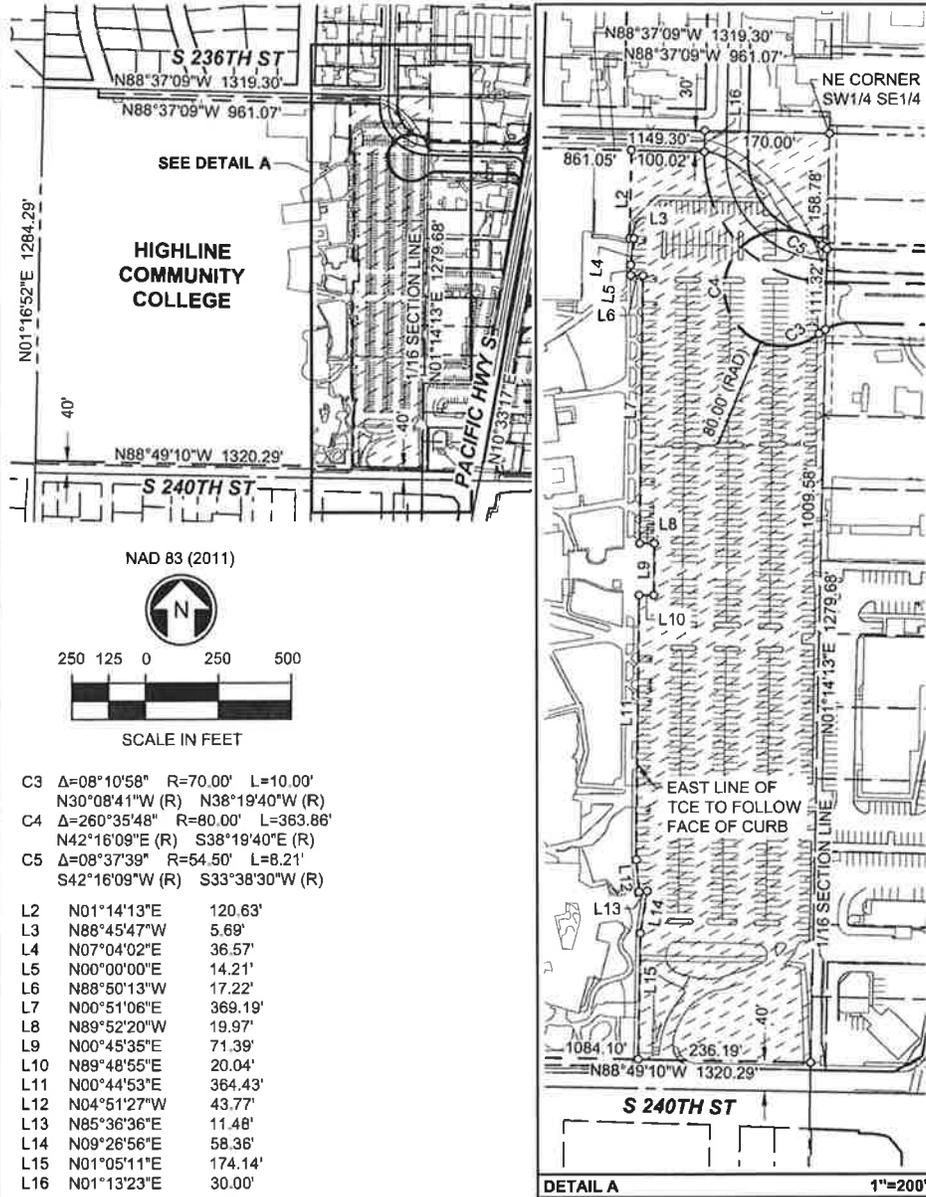
**Area of College Way Dedication:**

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE  
SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE  
MERIDIAN, IN KING COUNTY, WASHINGTON;  
THENCE ALONG THE EAST LINE OF SAID SUBDIVISION S01°14'13"W A DISTANCE OF 158.78 FEET  
TO THE **POINT OF BEGINNING**;  
THENCE CONTINUING ALONG SAID EAST LINE S01°14'13"W A DISTANCE OF 111.32 FEET TO THE  
BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF  
70.00 FEET, TO WHICH POINT OF BEGINNING A RADIAL LINE BEARS N30°08'41"W;  
THENCE SOUTHWESTERLY, TO THE LEFT ALONG SAID CURVE THROUGH A CENTRAL ANGLE  
OF 08°10'58" AN ARC DISTANCE OF 10.00 FEET TO THE BEGINNING OF A REVERSE CURVE  
HAVING A RADIUS OF 80.00 FEET;  
THENCE WESTERLY, NORTHERLY AND EASTERLY, TO THE RIGHT ALONG SAID CURVE  
THROUGH A CENTRAL ANGLE OF 260°35'48" AN ARC DISTANCE OF 363.86 FEET TO THE  
BEGINNING OF A REVERSE CURVE HAVING A RADIUS OF 54.50 FEET;  
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°37'39" AN  
ARC DISTANCE OF 8.21 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 18,567 SQUARE FEET, MORE OR LESS

*Earl J. Bone 9/12/19*

**TEMPORARY CONSTRUCTION EASEMENT**  
SW 1/4 SE 1/4 SEC 16, T 22 N, R 4 E, W.M.



LEGEND	
	STREET RIGHT-OF-WAY LINE
	PROPOSED RIGHT-OF-WAY LINE
	STREET CENTER LINE
	PROPERTY LINE
	EASEMENT LINE TEMPORARY

TEMP CONST ESMT



TEMP CONST AREA: 295,262 SF

**LR**  
**L & A** LIN & ASSOCIATES  
LINK LIGHT RAIL TRANSIT SYSTEM

**EXHIBIT "C"**  
**R/W S 236TH ST TCE**

ASSESSOR NO.: 1622049016 DATE: 09/06/2019  
OWNER: HIGHLINE COMMUNITY COLLEGE  
BLOCK NO.: N/A LOT NO.: N/A  
CITY OF DES MOINES KING COUNTY, WA

**EXHIBIT "C"**

R/W No. FL227.1  
PIN 1622049016  
STATE OF WASHINGTON – HIGHLINE COMMUNITY COLLEGE

**Temporary Construction Easement Area Acquired by Grantee:**

**BEGINNING** AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;  
THENCE ALONG THE EAST LINE OF SAID SUBDIVISION S01°14'13"W A DISTANCE OF 158.78 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 54.50 FEET, OF WHICH THE RADIAL LINE BEARS S33°38'30"W;  
THENCE NORTHWESTERLY AND TO THE RIGHT ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°37'39" AN ARC DISTANCE OF 8.21 FEET TO THE BEGINNING OF A REVERSE CURVE HAVING A RADIUS OF 80.00 FEET;  
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 260°35'48" AN ARC DISTANCE OF 363.86 FEET TO THE POINT OF REVERSE CURVE HAVING A RADIUS OF 70.00 FEET;  
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°10'58" AN ARC DISTANCE OF 10.00 FEET TO THE EAST LINE OF SAID SUBDIVISION;  
THENCE ALONG SAID EAST LINE S01°14'13"W A DISTANCE OF 1009.58 FEET TO THE NORTH MARGIN OF SOUTH 240TH STREET, BEING THE NORTH LINE OF THE SOUTH 40 FEET OF SAID SUBDIVISION;  
THENCE ALONG SAID NORTH LINE N88°49'10"W A DISTANCE OF 236.19 FEET;  
THENCE, LEAVING SAID NORTH LINE, N01°05'11"E A DISTANCE OF 174.14 FEET;  
THENCE N09°26'56"E, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 58.36 FEET;  
THENCE S85°36'36"W, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 11.48 FEET;  
THENCE N04°51'27"W, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 43.77 FEET;  
THENCE N00°44'53"E, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 364.43 FEET;  
THENCE S00°48'55"W, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 20.04 FEET;  
THENCE N00°45'35"E, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 71.39 FEET;  
THENCE N89°52'20"W, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 19.97 FEET;  
THENCE N00°51'06"E, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 369.19 FEET;  
THENCE N88°50'13"W, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 17.22 FEET;  
THENCE N00°00'00"E, ALONG THE FACE OF THE EXISTING CURB, A DISTANCE OF 14.21 FEET  
THENCE N07°04'02"E A DISTANCE OF 36.57 FEET;  
THENCE N88°45'47"W A DISTANCE OF 5.69 FEET;  
THENCE N01°14'13"E A DISTANCE OF 120.63 FEET TO THE SOUTHERLY MARGIN OF SOUTH 236TH STREET BEING A DISTANCE OF 30.00 FEET SOUTHERLY MEASURED AT RIGHT ANGLES FROM THE NORTH LINE OF SAID SUBDIVISION;  
THENCE ALONG SAID SOUTHERLY MARGIN S88°37'09"E A DISTANCE OF 100.02 FEET;  
THENCE N01°13'23"E A DISTANCE OF 30.00 FEET TO THE NORTH LINE OF SAID SUBDIVISION;  
THENCE ALONG SAID NORTH LINE S88°37'09"E A DISTANCE OF 170.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 295,262 SQUARE FEET, MORE OR LESS

*Earl J. Bone 9/12/19*