

ORDINANCE NO. 06-1009

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating a portion of South 190th Street adjacent to 19004 47th Avenue South.

WHEREAS, Mr. Tim Farnam has requested vacation of a certain portion of the City right-of-way of South 190th Street adjacent to, and abutting, his property located at 19004 47th Avenue South as depicted in the legal description attached as Exhibit “A” and as shown on the map attached as Exhibit “B” to this Ordinance; and

WHEREAS, SMC 11.05.090 adopts the street vacation procedures of RCW 35.79; and

WHEREAS, RCW 35.79.010 authorizes the City Council to initiate street vacation by resolution setting a public hearing which was, in this case, established by Resolution No. 06-008 fixing the public hearing for April 25, 2006, to be followed by Council action; and

WHEREAS, no apparent municipal use of the said right-of-way exists, and the owner has reason to convert this portion of the right-of-way to its development purposes; and

WHEREAS, no objections to vacation were filed 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 aforesaid portion of the right-of-way, as legally described on Exhibit “A” and as depicted on the map marked Exhibit “B” to this Ordinance, is in the public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. Vacation of Rights-of-Way. The portion of the right-of-way of South 190th Street legally described on Exhibit “A” to this Ordinance, and depicted on the map marked

Exhibit "B" to this Ordinance, within the City of SeaTac, is hereby vacated, subject to Sections 2 and 3 of this Ordinance.

Section 2. Reservation of Easements. Notwithstanding Section 1 of this Ordinance, a utility easement shall be granted for any utilities located within the right-of-way being vacated by this Ordinance. In addition, a sensitive areas covenant, in a form acceptable to the City of SeaTac, shall be granted to the City of SeaTac due to the existing Class III stream within the vacated right-of-way. Failure to deliver to the City of SeaTac the easements and/or covenants described in this Section by October 1, 2006, shall void the vacation of right-of-way as described in Section 1 of this Ordinance.

Section 3. Compensation Required. Mr. Tim Farnam, which is the sole landowner of property abutting the aforesaid right-of-way, shall compensate the City of SeaTac in an amount equal to the full appraised value of the total area so vacated, pursuant to law, together with a processing fee, which has been determined to be the total sum of \$10,000.00, plus the cost of recording the easements and covenants described in Section 2 of this Ordinance.

Section 4. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder following the effective date hereof, together with the easements and covenants described in Section 2 of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon 1) the City's receipt of the easements and covenants described in Section 2 of this Ordinance and 2) the City's receipt of the compensation required by Section 3 of this Ordinance. In no event shall this Ordinance be effective sooner than thirty (30) days after passage.

ADOPTED this 25th day of April, 2006, and signed in authentication thereof on this 25th day of April, 2006.

CITY OF SEATAC

Gene Fisher, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date: 9/26/06]

[S. 190th Street Vacation]