

**ORDINANCE NO. 06-1020**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating portions of South 172nd Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South of Rights-of-Way.

**WHEREAS**, Gateway Development LLC has requested vacation of portions of South 172<sup>nd</sup> Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South of rights-of-way depicted in the legal description attached as Exhibits “A”, “B”, “C”, and “D”; 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. 06-014 fixing the public hearing for July 11, 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 portions of South 172<sup>nd</sup> Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South of rights-of-way, as legally described on Exhibits “A”, “B”, “C”, and “D” 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 portions of South 172<sup>nd</sup> Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South of rights-of-way, as legally described on Exhibits “A”, “B”, “C” and “D” 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, utility easements located within the said portions of the rights-of-way of South 172<sup>nd</sup> Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South are reserved until released by the Grantees thereof.

Section 3. Compensation Required. Gateway Development LLC, 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, less one-half the value of the areas encumbered by utility easements, pursuant to law, together with a processing fee in the sum of \$250.00, which has been determined to be the total sum of \$1,330,250.00, plus the cost of recording the easements 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 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 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 31st day of July, 2006, and signed in authentication thereof on this 31st day of July, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_ ]

S. 172<sup>nd</sup> Street Vacation