



# CITY COUNCIL

**AGENDA BILL # AB22-0047**

**City of Algona  
200 Washington Blvd.  
Algona, WA 98001**

| ITEM INFORMATION   |                                      |              |          |
|--|--------------------------------------|--------------|----------|
| <b>SUBJECT:</b><br><br><b>Ordinance 1210-22<br/>Vacating portions of public rights-of-way for the<br/>SCRTS.</b>   | <b>Agenda Date: October 11, 2022</b> |              |          |
|  | Department/Committee/Individual      | Created      | Reviewed |
|  | Mayor                                |              |          |
|  | City Administrator                   |              | X        |
|  | City Attorney                        |              | X        |
|  | City Clerk                           |              | X        |
|  | Finance Dept                         |              |          |
|  | PW/Utilities                         |              |          |
|  | Planning Dept                        |              |          |
|  | Community Services                   |              |          |
|  | Police Dept                          |              |          |
|  | Finance Committee                    |              |          |
| Planning Commission  |                                      |              |          |
| Civil Service Committee  |                                      |              |          |
| <b>Cost Impact:</b>  |                                      |              |          |
| <b>Fund Source:</b>  |                                      |              |          |
| <b>Timeline:</b>   |                                      |              |          |
| <b>Staff Contact: Dana Parker, Deputy City Clerk</b>   |                                      |              |          |
| <b>Attachments:</b>  |                                      |              |          |
| <b>SUBJECT:</b><br><br>An Ordinance vacating portions of the 7 <sup>th</sup> Avenue North, 8 <sup>th</sup> Avenue North, 9 <sup>th</sup> Avenue North, and 59 <sup>th</sup> Ave. South public rights-of-way; Adopting Supportive Findings; Requiring Compensation to the City; Providing for Severability; and establishing an Effective date. |                                      |              |          |
| <b>COMMITTEE REVIEW AND RECOMMENDATION:</b>  |                                      |              |          |
| <b>RECOMMENDED ACTION:</b><br><b>Make a motion to pass.</b>  |                                      |              |          |
| RECORD OF COUNCIL ACTION   |                                      |              |          |
| <i>Meeting Date:</i>   | <i>Action:</i>                       | <i>Vote:</i> |          |
|  |                                      |              |          |

# CITY OF ALGONA, WASHINGTON

## ORDINANCE NO. 1210-22

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**AN ORDINANCE OF THE CITY OF ALGONA, WASHINGTON, VACATING PORTIONS OF THE 7<sup>TH</sup> AVENUE NORTH, 8<sup>TH</sup> AVENUE NORTH, 9<sup>TH</sup> AVENUE NORTH, AND 59<sup>TH</sup> AVENUE SOUTH PUBLIC RIGHTS-OF-WAY; ADOPTING SUPPORTIVE FINDINGS; REQUIRING COMPENSATION TO THE CITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, King County is the owner of Property Tax Lot Nos. 375160-1414, 375160-1416, 335640-7905, 375160-1419, 335640-7925, 375160-1429, 335640-7905, 335640-7910, and 335640-7890, located within the City of Algona; and

**WHEREAS**, in accordance with that certain 2017 *Agreement between King County and the City of Algona Relating to Construction of New Transfer Station* ("Construction Agreement"), King County filed a petition with the City of Algona requesting that the City Council vacate portions of the 7<sup>th</sup> Avenue North, 8<sup>th</sup> Avenue North, 9<sup>th</sup> Avenue North, and 59<sup>th</sup> Avenue South public rights-of-way, as depicted in Exhibit A and legally described in Exhibit B, respectively, said exhibits attached hereto and incorporated herein by this reference as if set forth in full; and

**WHEREAS**, the City Council passed Resolution No. 1248-22 on August 22, 2022, setting a public hearing on the proposed vacation as required by Chapter 35.79 RCW; and

**WHEREAS**, the City Council held a duly-noticed public hearing on September 26, 2022, to receive public comment and testimony on the proposed vacation; and

**WHEREAS**, after considering all testimony and information presented at the public hearing, as well as all written comments submitted, the City Council has determined that the requested vacation should be granted subject to the terms and conditions set forth herein;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALGONA DO ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The City Council hereby adopts the above recitals as findings in support of this ordinance. The Council further enters the following findings:

- A. The City Council is authorized by state law, including without limitation RCW 35A.11.020, RCW 35A.47.020, and Chapter 35.79 RCW, to vacate public rights-of-way.
- B. The right-of-way areas proposed for vacation are surplus to the City's needs. The City does not have plans to further improve or otherwise utilize said areas.
- C. The proposed vacation would not impair access to any property or otherwise impinge upon the legally recognized property rights of any landowner.
- D. The right-of-way areas proposed for vacation are unimproved and have utility primarily to the owner of the abutting property.
- E. The proposed vacation will serve the public interest by, *inter alia*, eliminating City maintenance responsibility for the subject property; generating revenue for the City;

facilitating the development and operation of the proposed South County Regional Transfer Center; and preventing and/or minimizing economic waste.

- F. The owner of the property abutting the right-of-way areas proposed for vacation has expressly requested the vacation and has not filed any written objection.
- G. The proposed vacation does not violate applicable City regulations or Comprehensive Plan provisions.
- H. The proposed vacation is categorically exempt from SEPA review pursuant to WAC 197-11-800(2)(i).
- I. The areas proposed for vacation have been part of a dedicated public right-of-way for over 25 years, were acquired at public expense, and/or are otherwise compensable as a prerequisite to vacation at the full appraised value thereof.
- J. Pursuant to Section 5 of the Construction Agreement, the petitioner commissioned an independent appraisal to determine the monetary value of the right-of-way areas proposed for vacation, and such appraisal is set forth in that certain report prepared by Integra Realty Resources, dated June 15, 2022, and titled *Appraisal of Real Property* ("Appraisal Report").

**Section 2. Vacation.** The portions of the 7<sup>th</sup> Avenue North, 8<sup>th</sup> Avenue North, 9<sup>th</sup> Avenue North, and 59<sup>th</sup> Avenue South public rights-of-way, as depicted in Exhibit A and legally described in Exhibit B, respectively, are hereby vacated subject to the terms and conditions of this ordinance.

**Section 3. Compensation.** Pursuant to RCW 35.79.030 and Section 5 of the Construction Agreement, the vacation authorized under Section 2 of this ordinance shall not take effect unless and until the petitioner has remitted monetary compensation to the City in an amount reflecting the full value of the vacated right-of-way areas as set forth in the Appraisal Report.

**Section 4. Certification; Recording.** Following the effective date of this ordinance, the City Clerk or her designee shall record a certified copy of this ordinance in the office of the King County Auditor.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 6. Effective Date.** This ordinance shall take effect five (5) days after passage and publication of an approved summary hereof consisting of the title, but not sooner than the City's receipt of the compensatory payment required pursuant to Section 3. This ordinance shall not be published or recorded unless and until such payment has been remitted in full.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THIS 11<sup>TH</sup> DAY OF OCTOBER 2022.**

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David E. Hill, Mayor

**ATTEST:**

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Jessica Griess, City Clerk

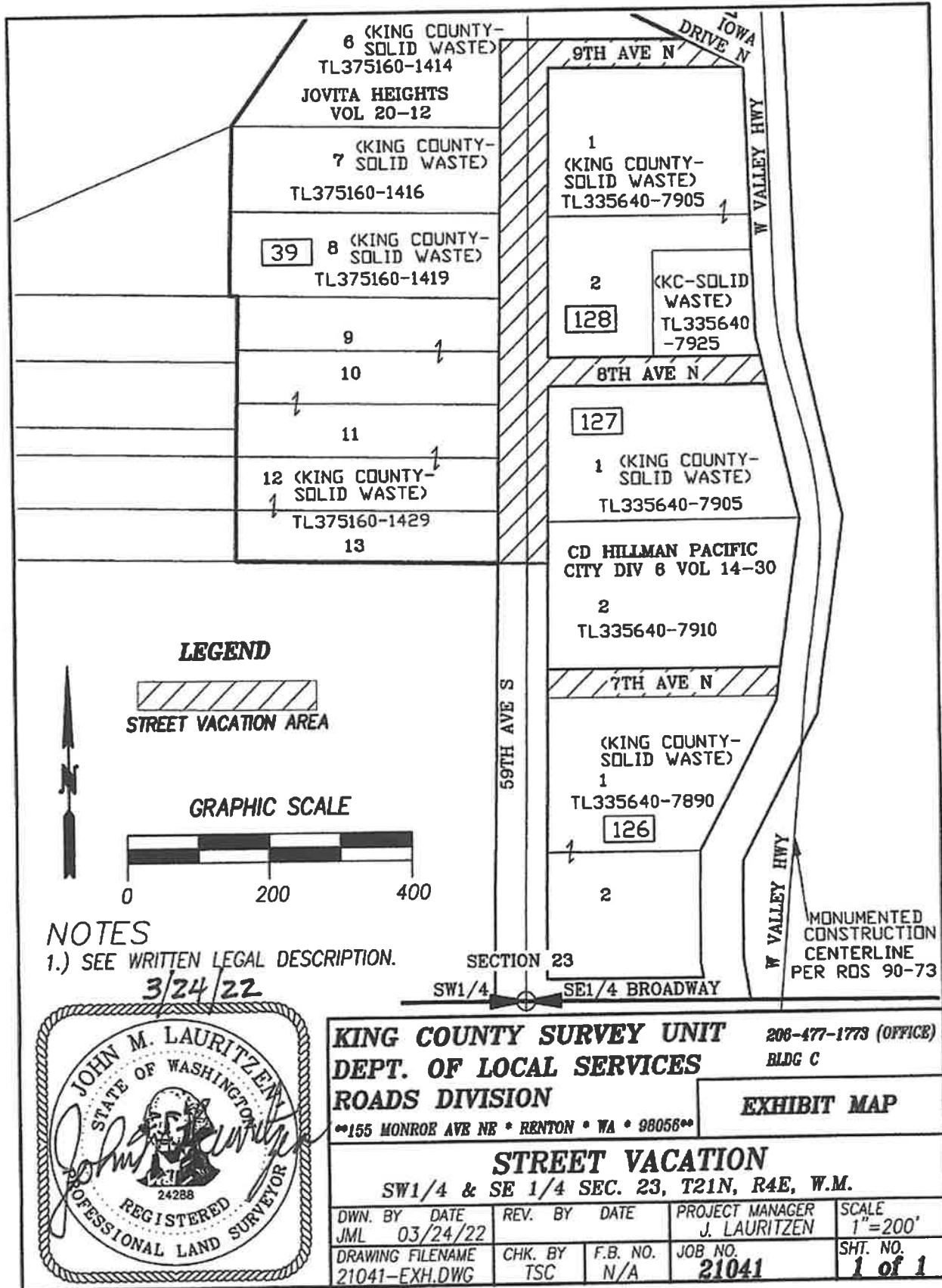
**APPROVED AS TO FORM:**

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J. Zachary Lell  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.: 1210-22

Exhibit A



**NOTES**  
 1.) SEE WRITTEN LEGAL DESCRIPTION.

3/24/22



**KING COUNTY SURVEY UNIT** 206-477-1773 (OFFICE)  
**DEPT. OF LOCAL SERVICES** BLDG C  
**ROADS DIVISION**  
 155 MONROE AVE NE • RENTON • WA • 98056

**EXHIBIT MAP**

| STREET VACATION                         |          |          |         |
|---|----------|----------|---------|
| SW1/4 & SE 1/4 SEC. 23, T21N, R4E, W.M. |          |          |         |
| DWN. BY                                 | DATE     | REV. BY  | DATE    |
| JML                                     | 03/24/22 |          |         |
| PROJECT MANAGER                         | SCALE    |          |         |
| J. LAURITZEN                            | 1"=200'  |          |         |
| DRAWING FILENAME                        | CHK. BY  | F.B. NO. | JOB NO. |
| 21041-EXH.DWG                           | TSC      | N/A      | 21041   |
| SHT. NO.                                |          |          |         |
| 1 of 1                                  |          |          |         |

**Exhibit B**

**SCRTS**

**ROAD VACATION DESCRIPTION**

PORTIONS OF THOSE CERTAIN STREETS LYING WITHIN THE PLAT OF C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 6, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 14 OF PLATS, PAGE 30, RECORDS OF THE KING COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF 7<sup>TH</sup> AVENUE (NORTH) LYING BETWEEN BLOCK 126 AND BLOCK 127 OF SAID PLAT;

ALL OF 8<sup>TH</sup> AVENUE (NORTH) LYING BETWEEN BLOCK 127 AND BLOCK 128 OF SAID PLAT;

TOGETHER WITH ALL OF 9<sup>TH</sup> AVENUE (NORTH) IN JOVITA HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 20 OF PLATS, PAGE 12, RECORDS OF THE KING COUNTY RECORDER LYING SOUTH AND WEST OF THE SOUTHEASTERLY EXTENSION OF IOWA DRIVE;

ALSO, TOGETHER WITH ALL OF 59<sup>TH</sup> AVENUE SOUTH LYING WITHIN SAID PLATS AND NORTH OF LOT 13, BLOCK 39 OF SAID PLAT OF JOVITA HEIGHTS AND SOUTH OF THE NORTHERLY MARGIN OF 9<sup>TH</sup> AVE (NORTH) THEREOF.

SITUATE IN THE WEST HALF OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER, BOTH IN SECTION 23, TOWNSHIP 21 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, CITY OF ALGONA, COUNTY OF KING, STATE OF WASHINGTON.

