



# CITY COUNCIL

**AGENDA BILL # AB22-0048**

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

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>Ordinance 1211-22 Vacating a portion of West Valley Hwy. S. for the 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			
Cost Impact:	Finance Committee		
Fund Source:	Planning Commission		
Timeline:	Civil Service Committee		
<b>Staff Contact: Dana Parker, Deputy City Clerk</b>			
<b>Attachments:</b>			
<b>SUBJECT:</b>  An Ordinance vacating a portion of West Valley Highway; 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> <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. 1211-22

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**AN ORDINANCE OF THE CITY OF ALGONA, WASHINGTON, VACATING A PORTION OF WEST VALLEY HIGHWAY; 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. 335640-7905 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 a portion of the West Valley Highway public right-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. 1249-22 on September 6, 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 area proposed for vacation is surplus to the City's needs. The City does not have plans to further improve or otherwise utilize said area.
- 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 area proposed for vacation is unimproved and has 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 area 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 area proposed for vacation has been part of a dedicated public right-of-way for over 25 years, was acquired at public expense, and/or is 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 area 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 portion of the West Valley Highway public right-of-way, as depicted in Exhibit A and legally described in Exhibit B, is 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 area 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 11TH DAY OF OCTOBER 2022.**

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David E. Hill, Mayor

**ATTEST:**

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Jessica Griess, City Clerk

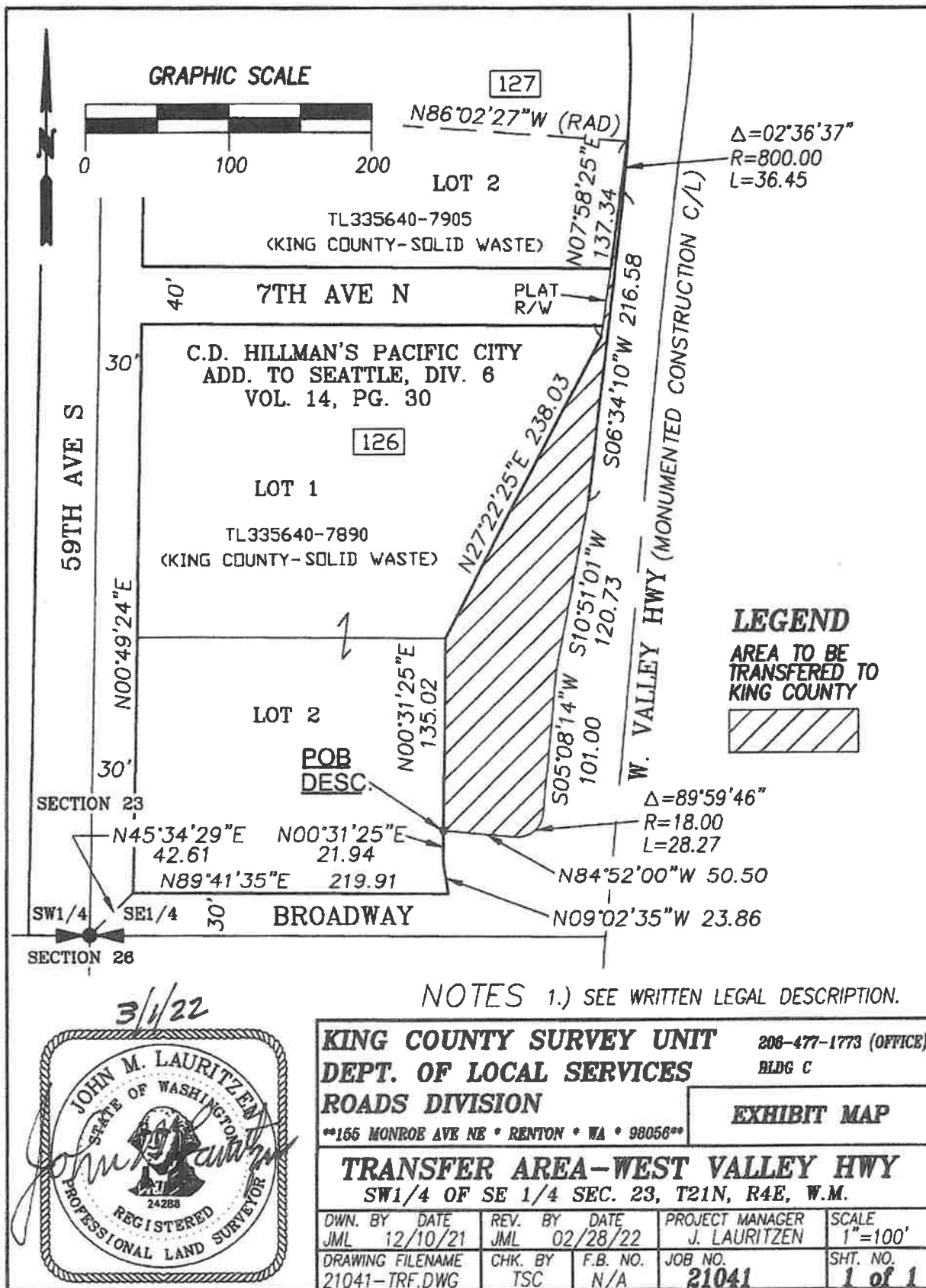
**APPROVED AS TO FORM:**

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J. Zachary Lell  
City Attorney

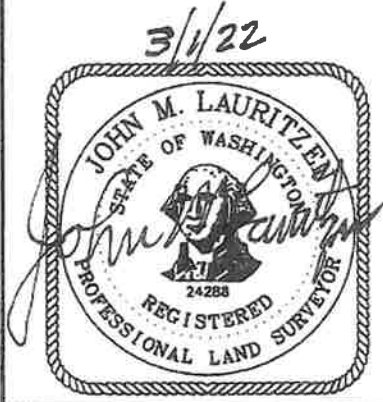
Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.: 1211-22

Exhibit A



**LEGEND**  
 AREA TO BE TRANSFERRED TO KING COUNTY

NOTES 1.) SEE WRITTEN LEGAL DESCRIPTION.



<b>KING COUNTY SURVEY UNIT</b>		206-477-1773 (OFFICE)	
<b>DEPT. OF LOCAL SERVICES</b>		BLDG C	
<b>ROADS DIVISION</b>		<b>EXHIBIT MAP</b>	
**165 MONROE AVE NE • RENTON • WA • 98056**			
<b>TRANSFER AREA—WEST VALLEY HWY</b>			
SW1/4 OF SE 1/4 SEC. 23, T21N, R4E, W.M.			
DWN. BY	DATE	REV. BY	DATE
JML	12/10/21	JML	02/28/22
PROJECT MANAGER	J. LAURITZEN		
SCALE	1"=100'		
DRAWING FILENAME	CHK. BY	F.B. NO.	JOB NO.
21041-TRF.DWG	TSC	N/A	21041
SHT. NO.	1 of 1		

## Exhibit B

### SCRTS

#### TRANSFER AREA-WEST VALLEY HWY- DESCRIPTION

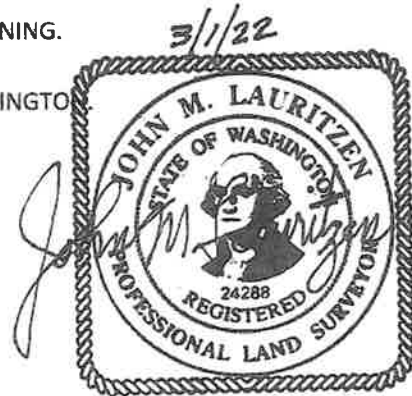
THAT PORTION OF WEST VALLEY HIGHWAY ABUTTING BLOCK 126 AND BLOCK 127, CD HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 6, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 14 OF PLATS, PAGE 30, RECORDS OF THE KING COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN AS SHOWN ON THE RECORD OF SURVEY BY KING COUNTY ROAD SERVICES DIVISION FILED UNDER RECORDING NUMBER 20120619900001;

THENCE NORTH 45°34'29" EAST 42.61 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 126;  
THENCE ALONG THE SOUTH LINE OF BLOCK 126, NORTH 89°41'35" EAST 219.91 FEET TO THE SOUTHEAST CORNER OF BLOCK 126;  
THENCE NORTHERLY ALONG THE EAST LINE OF BLOCK 126, NORTH 9°02'35" WEST 23.86 FEET;  
THENCE ALONG SAID EAST LINE, NORTH 0°31'25" EAST 21.94 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING ALONG SAID EAST LINE, NORTH 0°31'25" EAST 135.02 FEET TO THE NORTHEAST CORNER OF LOT 2 OF BLOCK 126;  
THENCE ALONG SAID EAST LINE OF BLOCK 126, NORTH 27°22'25" EAST 238.03 FEET TO AN ANGLE POINT;  
THENCE ALONG THE EASTERLY LINE OF BLOCK 126 AND ITS NORTHERLY EXTENSION ACROSS 7<sup>TH</sup> AVE NORTH AND THENCE ALONG THE EASTERLY LINE OF BLOCK 127, NORTH 7°58'25" EAST 137.34 FEET TO THE INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE THE CENTER OF WHICH BEARS NORTH 86°02'27" WEST 800.00 FEET;  
THENCE SOUTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 800.00 FEET THROUGH A CENTRAL ANGLE OF 2°36'37" AN ARC DISTANCE OF 36.45 FEET;  
THENCE SOUTH 6°34'10" WEST 216.58 FEET;  
THENCE SOUTH 10°51'01" WEST 120.73 FEET;  
THENCE SOUTH 5°08'14" WEST 101.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 18.00 FEET;  
THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°59'46" AN ARC DISTANCE OF 28.27 FEET TO A POINT THAT BEARS SOUTH 84°52'00" EAST FROM THE POINT OF BEGINNING;  
THENCE NORTH 84°52'00" WEST 50.50 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE CITY OF ALGONA, COUNTY OF KING, STATE OF WASHINGTON

CONTAINING 20,058 SQ. FT., MORE OR LESS.



21041-SCRTS-WEST VALLEY HIGHWAY TRANSFER PARCEL FROM THE CITY OF ALGONA\_JML\_2-28-22