

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 604

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, APPROVING THE VACATION OF WESTRIDGE – 10 SUBDIVISION

WHEREAS, the City entered into an interlocal agreement (“Interlocal Agreement”) with the Port of Seattle (“Port”) dated January 31, 2014 to facilitate redevelopment of the Northeast Redevelopment Area (“NERA”), which included a provision requiring the City to expedite processing of vacating 12th Place South and accomplish a hearing by no later than May 30, 2014 to enable the Port to complete assembly of its properties in the NERA; and

WHEREAS, the Interlocal Agreement outlines the appraised value to be paid upon vacation of said street; and

WHEREAS, 12th Place South is surrounded on all sides by Port-owned parcels contained in the Westridge – 10 Subdivision; and

WHEREAS, BMC 17.65.020 provides that the vacation of a city street may be processed simultaneously with the vacation of a subdivision; and

WHEREAS, the Port requested the City to vacate the entire Westridge – 10 Subdivision instead of vacating only 12th Place South, and on April 9, 2014 submitted an application to vacate the subdivision; and

WHEREAS, after the required public notice had been given, a public hearing was held on May 19, 2014, and public testimony was taken regarding the vacation of said subdivision; and

WHEREAS, at the conclusion of the hearing, the City Council determined that the subdivision and right-of-way should be vacated;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. The City Council makes the following findings and conclusions:

The parcels located within the Westridge – 10 Subdivision are all under ownership by the Port of Seattle. Additionally, a portion of 12th Place South is surrounded on both sides by the Port-owned subdivision property. The vacation of the subdivision and 12th Place South will enable the Port’s redevelopment of its properties in the NERA as provided in the Interlocal Agreement between the Port and the City. Such redevelopment is consistent

with applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, the zoning code, the subdivision code and other official laws, policies and objectives for the development in the City of Burien. The proposed subdivision vacation meets the review criteria of Chapter 17.65 BMC. Therefore, the City of Burien has no remaining public use or interest in these parcels or portions of right-of-way.

Section 2. Subdivision Vacation. After making the above findings and conclusions regarding the proposed subdivision vacation, the City Council hereby determines that Westridge – 10 Subdivision and the easement for public travel on a portion of 12th Place South, in Burien, Washington, as legally described on **Exhibit A** and depicted on Recording No. 199612231057, attached hereto and incorporated herein by this reference as if set forth in full, shall be vacated upon the conditions set forth herein.

Section 3. Consideration. The Port shall pay to the City the appraised value of two hundred thirty-eight thousand five hundred dollars (\$238,500.00) as required to effectuate this vacation ordinance as agreed in the Interlocal Agreement at Section 9.2. Such payment shall be delivered to the escrow agent at or before Closing, Part 2, as provided in Section 9.2.1 of the Interlocal Agreement. If said payment is not received as required by the Interlocal Agreement, this ordinance shall not go into effect and shall be null and void.

Section 4. Reservation of Rights. This subdivision and right of way vacation does not apply to the easement rights held by the Southwest Suburban Sewer District resulting from King County Superior Court condemnation cause number 93-2-04102-1; such easement rights are reserved to Southwest Suburban Sewer District.

Section 5. Recording by the City Clerk. The City Clerk is hereby directed to record a copy of this ordinance with the King County Department of Records and Elections.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City of Burien and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 2ND DAY OF JUNE 2014, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 2ND DAY OF JUNE 2014.

CITY OF BURIEN

/s/ Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: May 19, 2014

Passed by the City Council: June 2, 2014

Ordinance No. 604

Date of Publication: June 5, 2014

EXHIBIT "A" LEGAL DESCRIPTION

THE EAST 200.17 FEET OF THE WEST 500.97 FEET OF THE NORTHWEST ¼ OF THE
SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 23 NORTH, RANGE
4 EAST W.M.;

EXCEPT THAT PORTION THEREOF LYING WITHIN SOUTH 140TH STREET RIGHT-OF-
WAY;

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

EXHIBIT "B"
MAP

EXHIBIT B

178 86

PLAT OF WESTRIDGE - 10

PAGE 1 OF 2

NW 1/4 SE 1/4 SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., CITY OF BURDEN, COUNTY OF KING, STATE OF WASHINGTON

LEGAL DESCRIPTION

THE EAST 800.17 FEET OF THE WEST 500.97 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 EAST N.M.L.

EXCEPT THAT PORTION THEREOF LYING WITHIN SOUTH 140TH STREET RIGHT-OF-WAY;

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON, AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES...

FURTHER THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF BURDEN, ITS SUCCESSORS AND ASSIGNS TO WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEM WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF BURDEN.

FURTHER THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF BURDEN, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COST OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION...

THIS SUBDIVISION DEDICATION WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS

BY [Signature] WESTRIDGE, INC. BY [Signature] COLUMBIA STATE BANK (AS LENDER ONE)

STATE OF WASHINGTON, COUNTY OF KING, ON THIS 21st DAY OF August, 1996, BEFORE ME PERSONALLY APPEARED TO ME KNOWN TO BE THE [Signature] OF THE CORPORATION THAT EXECUTED THE WITHIN AND FORGOING INSTRUMENT, AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT [Signature] AUTHORIZED TO EXECUTE SAID INSTRUMENT.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC [Signature] DATED 8-21-96 MY APPOINTMENT EXPIRES 8-29-97

STATE OF WASHINGTON, COUNTY OF KING, ON THIS 21st DAY OF August, 1996, BEFORE ME PERSONALLY APPEARED TO ME KNOWN TO BE THE [Signature] OF THE CORPORATION THAT EXECUTED THE WITHIN AND FORGOING INSTRUMENT, AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT [Signature] AUTHORIZED TO EXECUTE SAID INSTRUMENT.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC [Signature] DATED 8-22-96 MY APPOINTMENT EXPIRES 7-19-97

APPROVALS CITY OF BURDEN

EXAMINED AND APPROVED THIS 17th DAY OF December 1996 [Signature] CITY ENGINEER

EXAMINED AND APPROVED THIS 15th DAY OF December 1996 [Signature] DIRECTOR OF COMMUNITY DEVELOPMENT

EXAMINED AND APPROVED THIS 16th DAY OF December 1996 [Signature] DIRECTOR OF PUBLIC FACILITIES

EXAMINED AND APPROVED THIS 18 DAY OF December 1996 [Signature] CITY CLERK [Signature] MAYOR, CITY OF BURDEN

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS 22nd DAY OF December 1996 [Signature] ASSESSOR [Signature] DEPUTY ASSESSOR

CONTROLLER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN MENTIONED, DEDICATED AS STREETS, ALLEYS, OR OTHER PUBLIC USE ARE PAID IN FULL THIS 23rd DAY OF December 1996.

[Signature] KING COUNTY FINANCE MANAGER [Signature] DEPUTY KING COUNTY FINANCE

RECORDING CERTIFICATE

FILE FOR RECORDING AT THE REQUEST OF THE CITY OF BURDEN COUNCIL THIS 21st DAY OF August 1996 AT 10 MINUTES PAST 11:00 AND RECORDED IN VOLUME 172 OF PLATS, PAGE 16-87, RECORDS OF KING COUNTY, WASHINGTON, KING COUNTY RECORDING NUMBER 9612281627

As signed 9/6/96 [Signature] DIVISION OF RECORDS AND ELECTIONS [Signature] SUPERINTENDENT OF RECORDS

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF WESTRIDGE IS BASED UPON AN ACURAL SURVEY AND SUBDIVISION OF SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., THAT THE BEARINGS AND DISTANCES ARE SHOWN CORRECTLY THEREON, THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNER WILL BE STAKED CORRECTLY ON THE GROUND AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATTING REGULATIONS.

[Signature] 8.20.96 DAVID L. HILL CERTIFICATE NO. 28101



CONCEPT ENGINEERING, INC. 455 Rainier Boulevard North, Suite 200 Issaquah, Washington 98027 (206) 392-6055

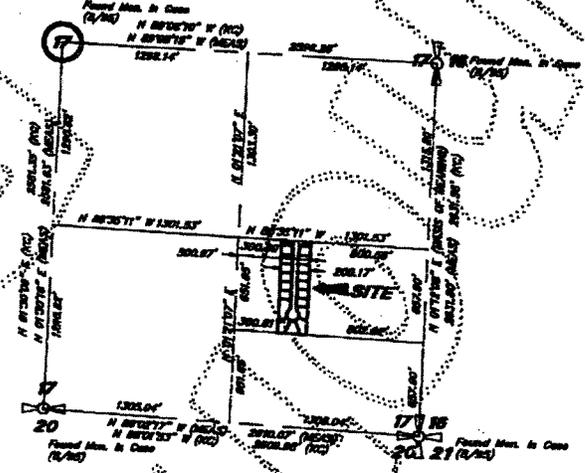
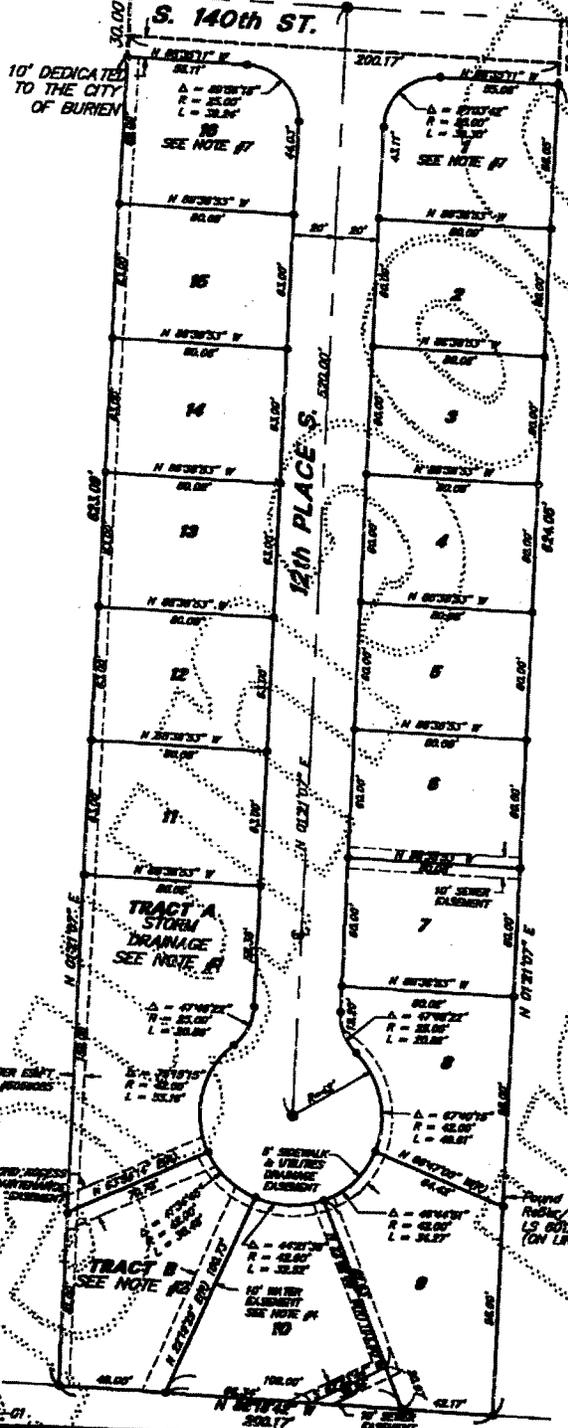
8-20-96

JOB NO. 83245

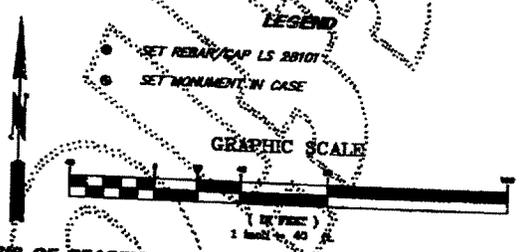
FILE NO. SUB4-01

PLAT OF WESTRIDGE-10

NW 1/4 SE 1/4 SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M.
CITY OF BURLEN, COUNTY OF KING, STATE OF WASHINGTON



SE 1/4 SEC. 17, TWN. 23 N., R. 4 E.
SCALE: 1" = 600'



BASIS OF BEARING:
THE EAST LINE OF THE SE 1/4 SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 EAST ACCORDING TO KING COUNTY CONTROL SURVEY SECTION BREAKDOWN 16-112200 E

- NOTES:**
- TRACT "A" IS FOR STORM DRAINAGE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS A 1/4" INTERLOCK FOR LOTS 1-16.
 - TRACT "B" IS RECREATIONAL OPEN SPACE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS A 1/4" INTERLOCK FOR LOTS 1-16.
 - THIS PLAT IS LOCATED WITHIN THE 35% REDUCTION ZONE.
 - WATER EASEMENT FOR FUTURE EXTENSION OF WATER SURFACE.
 - INSTRUMENTATION FOR THIS SURVEY WAS A GIP THEODOLITE AND ELECTRONIC DISTANCE MEASUREMENT. PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090.
 - THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON DATE INDICATED AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITION EXISTING AT THAT TIME.
 - VEHICULAR ACCESS PROMOTED TO S. 140TH ST. FROM LOTS 1 AND 16.
 - ALL BUILDING DOWNSPOUTS AND FOOTING DRAINS AND DRAINS FROM ALL IMPERVIOUS SURFACES SHALL BE CONNECTED TO THE STORM DRAINAGE SYSTEM.
 - ALL PERFORATED FOOTING DRAIN PIPE INVERTS SHALL BE INSTALLED ABOVE THE SURROUNDING POND OVERFLOW ELEVATION.



12-13-96



CONCEPT ENGINEERING, INC.
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12-11-98