

ORDINANCE NO. 450

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, VACATING A PORTION OF NE 145TH STREET (AKA STATE ROUTE 202); SETTING FORTH CONDITIONS FOR SAID VACATION; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City requires a portion of property owned by King County Parks Department along the north side of NE 145th Street in the 14700 block for the construction of new intersection; and

WHEREAS, King County's property was purchased under a Federal grant that requires that the land interest can only be released through the exchange of other recreational land of equal or higher value; and

WHEREAS, King County is agreeable to exchange its land for recreation land along the Sammamish River trail; and

WHEREAS, the owner (Woodinville Village Association) of the property adjacent to the Sammamish River trail, that King County has identified for exchange, is willing to exchange this portion of land for a portion of public right-of-way along NE 145th Avenue NE, just east of the Sammamish River; and

WHEREAS, the City Council has determined that the road improvement is a needed public benefit and has initiated the right-of-way vacation by City Council Resolution No. 342 dated September 16, 2007; and

WHEREAS, pursuant to Chapter 35.79 RCW, a public hearing regarding said vacation was scheduled by Resolution No. 342 and held by the City Council on 16 October 2007 and subsequently continued to 4 December 2007, 15 January 2008, 1 April 2008, 6 May 2008, 8 July 2008, and 9 September 2008; and

WHEREAS, after the close of the scheduled public hearing, the City Council has determined that the subject right-of-way segment is not needed for public motorized use, and that, in addition to the compensation provided hereunder, vacation of the same will provide a public benefit by returning the underlying property to the tax rolls and absolving the City from any continued maintenance responsibility and liability therefore; and

WHEREAS, no private land will be denied direct access onto a public right-of-way as a result of the vacation effected hereunder; and

WHEREAS, the City Council finds that the requested vacation, as conditioned herein, satisfies the criteria enumerated in WMC 12.18.090 and is in the public interest; and

WHEREAS, the City desires to ensure that the right-of-way vacation effected hereunder is expressly contingent upon the transfer of the Sammamish River trail property to King County and the release of interest to the City by King County property to the City; and

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

Section 1. Findings. The City Council finds that:

- a. A vacation of the described right-of-way upon the terms and conditions set forth in this Ordinance, will better serve the public good;
- b. That the right-of-way described in this Ordinance is no longer required for public use;
- c. That the substitution of the new and different right-of-way to be received from King County is more useful to the public;
- d. That conditions are not likely to change in the future as to provide a greater use or need than presently exists; and
- e. The owners of private property abutting proposed right-of-way vacation do not object to the proposed vacation.

Section 2. Right-of-way Vacation Authorized. Subject to the provisions and contingencies set forth below, the portion of right-of-way depicted in Exhibit A and legally described in Exhibit B, both of which are attached hereto and incorporated herein by this reference as if set forth in full, is hereby vacated.

Section 3. Compensation. In lieu of monetary compensation for the right-of-way vacation authorized hereunder, the property owner (Woodinville Village Association) of the Sammamish Trail strip of land as depicted in Exhibit C and legally described in Exhibit D shall transfer interest in this parcel of land to King County. A certified copy of the recorded conveyance document shall be delivered to the City Clerk.

Section 4. Additional Contingencies. In addition to the requirements of Section 2 of this ordinance, the right-of-way vacation authorized hereunder is expressly contingent upon the following:

- A. The conveyance and recording of the conveyance document for the real property as depicted in Exhibit E and legally described in Exhibit F to the City of Woodinville; together with

B. The conveyance and recording of the conveyance document for the easement areas as depicted in Exhibit E and Exhibit G to the City of Woodinville; together with

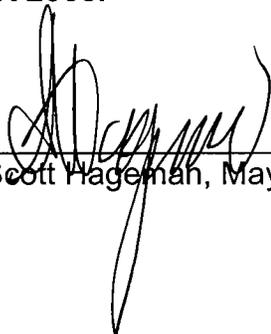
C. The execution and recording of a non-motorized use easement approved by the City Attorney made to the City of Woodinville by Woodinville Village Association over the entire portion of the right-of-way vacation parcel as depicted in Exhibit A and legally described in Exhibit B.

Section 5. Satisfaction of Contingencies. When all of the contingencies and requirements for the vacation of the subject portion of right-of-way have been met, the Public Works Director shall cause to be recorded a written acknowledgment of satisfaction of all contingencies. When the acknowledgment is recorded, the right-of-way vacation authorized by section 2 of this Ordinance shall become effective.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

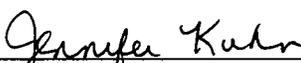
Section 7. Effective Date. This ordinance, being an exercise of power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title. PROVIDED, that the right-of-way vacation authorized hereunder shall not take effect unless and until the City Clerk has filed a certified copy of this ordinance with the King County Records, Elections and Licensing Services Division pursuant to Section 5 hereof.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 16TH DAY OF SEPTEMBER 2008.



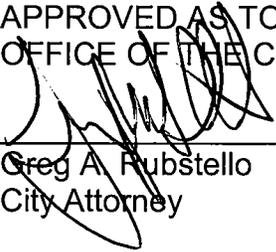
Scott Hageman, Mayor

ATTEST/AUTHENTICATED:



Jennifer Kuhn/CMC
City Clerk

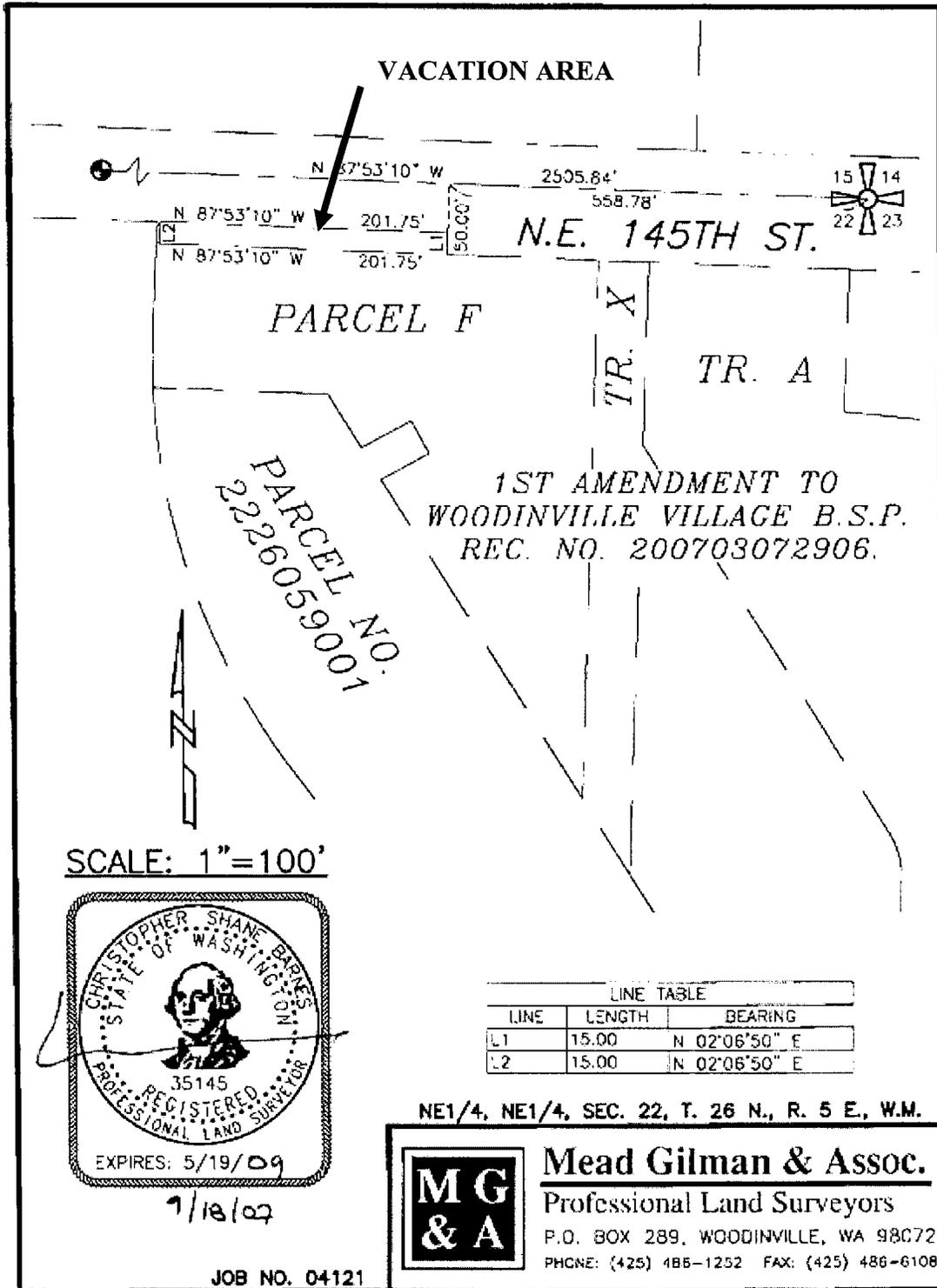
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 9-16-2008
PUBLISHED: 9-22-2008
EFFECTIVE DATE: 9-29-2008
ORDINANCE NO. 450

ORDINANCE NO. 450, EXHIBIT A

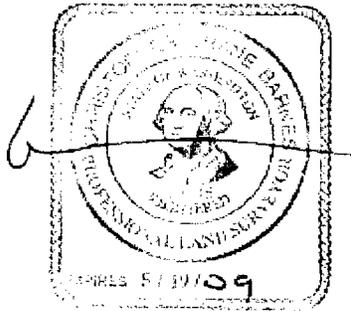


ORDINANCE NO. 450, EXHIBIT B

VACATION LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

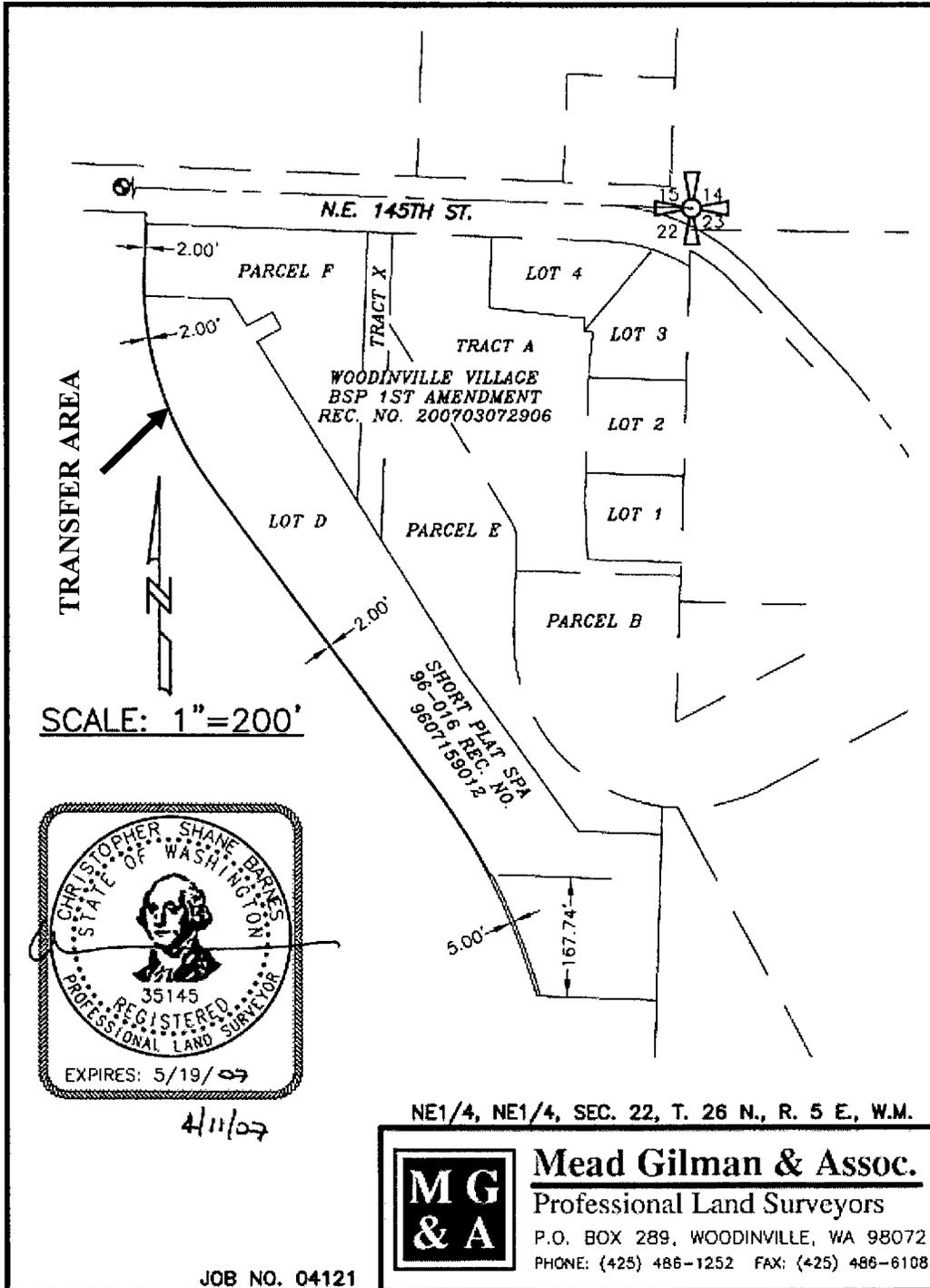
BEGINNING AT THE NORTHEAST CORNER THEREOF;
THENCE NORTH 87°53'10" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 558.78 FEET;
THENCE SOUTH 2°06'50" WEST PERPENDICULAR TO SAID NORTH LINE 50.00 FEET TO THE SOUTHERLY MARGIN OF NE 145TH STREET AND THE **TRUE POINT OF BEGINNING**;
THENCE NORTH 87°53'10" WEST ALONG THE SOUTHERLY MARGIN OF NE 145TH STREET 201.75 FEET;
THENCE NORTH 2°06'50" EAST 15.00 FEET;
THENCE SOUTH 87°53'10" EAST PARALLEL TO THE SOUTHERLY MARGIN OF NE 145TH STREET 201.75 FEET;
THENCE SOUTH 2°06'50" WEST 15.00 FEET TO THE **TRUE POINT OF BEGINNING**;



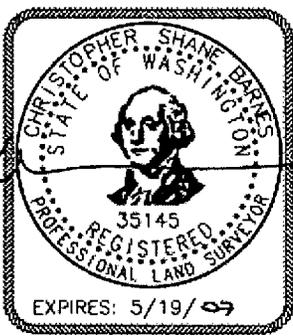
9/13/07

ORDINANCE NO. 450, EXHIBIT C

Area To Be Transferred To King County



SCALE: 1"=200'



NE1/4, NE1/4, SEC. 22, T. 26 N., R. 5 E., W.M.



Mead Gilman & Assoc.
Professional Land Surveyors

P.O. BOX 289, WOODINVILLE, WA 98072
PHONE: (425) 486-1252 FAX: (425) 486-6108

JOB NO. 04121

ORDINANCE NO. 450, EXHIBIT D

**Legal Description of Strip of Land
Along Sammamish River Trail**

THE MOST WESTERLY 2.00 FEET OF PARCEL F OF WOODINVILLE VILLAGE BINDING SITE PLAN 1ST
AMENDMENT AS RECORDED IN VOLUME 239 OF BINDING SITE PLANS, AT PAGES 90-93, UNDER
RECORDING NUMBER 200703072906, RECORDS OF KING COUNTY, WASHINGTON

TOGETHER WITH THE WEST 2.00 FEET LYING NORTH OF THE SOUTH 167.74 FEET AND THE WEST 5.00
FEET OF THE SOUTH 167.74 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

LOT D, CITY OF WOODINVILLE SHORT PLAT NUMBER SPA96-016, AS RECORDED UNDER RECORDING
NUMBER 9607159012.



4/11/07

ORDINANCE NO. 450, EXHIBIT F

Legal Description of King County Parcel

PARCEL 152605-9070

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, SECTION 15, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., KING COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION, A 2 INCH BRASS DISC IN CONCRETE MONUMENT IN CASE, FOUND IN PLACE; THENCE NORTH $87^{\circ}53'17''$ WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION ALSO BEING THE CENTERLINE OF PRIMARY STATE HIGHWAY NO. 2, (STATE ROUTE 202), A DISTANCE OF 387.15 FEET TO THE WEST LINE OF THE EAST 387.15 FEET OF SAID SUBDIVISION; THENCE NORTH $02^{\circ}04'48''$ EAST ALONG SAID WEST LINE, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF SAID HIGHWAY AND THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH $02^{\circ}04'48''$ EAST ALONG SAID WEST LINE 15.95 FEET TO A NON-RADIAL INTERSECTION WITH AN ARC OF A CURVE CONCAVE TO THE NORTHEAST FROM WHICH ITS CENTER BEARS NORTH $47^{\circ}58'37''$ EAST 104.50 FEET DISTANT;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $22^{\circ}26'32''$ A DISTANCE OF 40.93 FEET;

THENCE NORTH $87^{\circ}53'13''$ WEST 40.42 FEET TO A NON-RADIAL INTERSECTION WITH AN ARC OF A CURVE CONCAVE TO THE NORTHWEST FROM WHICH ITS CENTER BEARS NORTH $78^{\circ}52'47''$ WEST 59.50 FEET DISTANT;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $55^{\circ}31'54''$ A DISTANCE OF 57.67 FEET TO A POINT OF COMPOUND CURVATURE AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 199.50 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $04^{\circ}06'32''$ A DISTANCE OF 14.31 FEET TO SAID NORTH MARGIN;

THENCE SOUTH $87^{\circ}53'17''$ EAST ALONG SAID MARGIN A DISTANCE OF 108.87 FEET TO THE **POINT OF BEGINNING**;

CONTAINING 3,406 SQUARE FEET OR 0.08 ACRES, MORE OR LESS.

ORDINANCE NO. 450, EXHIBIT G

**Legal Description of King County
Easement area**

PARCEL 152605-9070

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, SECTION 15, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., KING COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION, A 2 INCH BRASS DISC IN CONCRETE MONUMENT IN CASE, FOUND IN PLACE; THENCE NORTH 87°53'17" WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION ALSO BEING THE CENTERLINE OF STATE ROUTE 202, AS SHOWN ON SHEET 1 OF 1, WASHINGTON STATE DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS, HOLLYWOOD VICINITY, APPROVED FEBRUARY 1, 1966, (ALSO KNOWN AS NORTHEAST 145TH STREET), A DISTANCE OF 387.15 FEET TO THE WEST LINE OF THE EAST 387.15 FEET OF SAID SUBDIVISION;

THENCE NORTH 02°04'48" EAST ALONG SAID WEST LINE, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF SAID HIGHWAY; THENCE CONTINUING NORTH 02°04'48" EAST ALONG SAID WEST LINE 15.95 FEET TO THE **POINT OF BEGINNING** AND A NON-RADIAL INTERSECTION WITH AN ARC OF A CURVE CONCAVE TO THE NORTHEAST FROM WHICH ITS CENTER BEARS NORTH 47°58'37" EAST 104.50 FEET DISTANT;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°26'32" A DISTANCE OF 40.93 FEET TO A POINT TO BE KNOWN AS POINT 'A';

THENCE SOUTH 87°53'13" EAST 13.05 FEET TO NON-RADIAL INTERSECTION WITH AN ARC OF A CURVE CONCAVE TO THE NORTHEAST FROM WHICH ITS CENTER BEARS NORTH 67°25'47" EAST 92.50 FEET DISTANT;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°07'55" A DISTANCE OF 17.97 FEET TO SAID WEST LINE;

THENCE SOUTH 02°04'48" WEST ALONG SAID WEST LINE A DISTANCE OF 18.64 FEET TO THE **POINT OF BEGINNING**;

TOGETHER WITH;

COMMENCING AT AFOREMENTIONED POINT 'A', THENCE NORTH 87°53'13" WEST 40.42 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 87°53'13" WEST 12.19 FEET TO A NON-RADIAL INTERSECTION WITH AN ARC OF A CURVE CONCAVE TO THE NORTHWEST FROM WHICH ITS CENTER BEARS NORTH 76°34'38" WEST 47.50 FEET DISTANT;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°13'46" A DISTANCE OF 44.13 FEET TO A POINT OF COMPOUND CURVATURE AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 187.50 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°46'49" A DISTANCE OF 58.19 FEET TO SAID MARGIN;

THENCE SOUTH 87°53'17" EAST 47.55 FEET TO A NON-RADIAL INTERSECTION WITH AN ARC OF A CURVE CONCAVE TO THE NORTHWEST FROM WHICH ITS CENTER BEARS NORTH 19°13'51" WEST 199.50 FEET DISTANT;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°06'32" A DISTANCE OF 14.31 FEET TO A POINT OF COMPOUND CURVATURE AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 59.50 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 55°31'54" A DISTANCE OF 57.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,360 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.