

- *119<sup>th</sup> Street SW* (formerly known as Cooper Road), was dedicated to the County on the Plat of Paine Field No. 3 in 1948. The County road right-of-way (ROW) is 60 feet in width, 30 feet on each side of the centerline. (Engineer's Report (ER) Exhibit 1)
- The Plat of Paine Field No. 3 is in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 27 Township 28 Range 4. (ER Exhibit 2)
- Aerial photographs taken from 1955 to 2015 show 119<sup>th</sup> Street SW as an opened, constructed and paved road (See Exhibit 2, Aerial Photographs). In the past, the County maintained 119<sup>th</sup> Street SW for 2,017 feet west of Alexander Road to its terminus that abuts the east property line of tax parcels 28042700100801 and 28042700100800. *This vacation request concerns the most westerly 300 feet (approximately) of the County ROW ending at its western terminus.*
- The portion of the County road ROW petitioned to be vacated abuts Tracts 124, 125, 126 and 127 of the Plat of Paine Field No.3 and relates to that portion of 119<sup>th</sup> Street SW to the west of the existing cul-de-sac.
- Tracts 124 and 125 are owned by Mr. Erlend Millikan, owner of JERD Investments, LLC. (ER Exhibit 4)
- Tracts 126 and 127 are owned by Mr. Tuan Hoang Hai, owner of Solstice Management, LLC. (ER Exhibit)
- In 2006, a locked metal gate was installed across 119<sup>th</sup> Street SW just west of 26th Place West by DPW as a preventative measure to deter illegal and hazardous dumping and to ensure and protect the public's safety. At that time, the County anticipated that removal or relocation of the gate may be necessary to accommodate future development in the area.
- In 2010, a 45,500 square foot distribution warehouse known as Northshore Sheet Metal, Inc. was approved for development by Planning and Development Services (PDS) on Tracts 124 and 125 of said plat. (ER Exhibit 6)
- When the Northshore Sheetmetal facility was reviewed, the County Engineer and the County Traffic Engineer approved interim frontage improvements, in place of full frontage improvements, along 119<sup>th</sup> Street SW.
- A 2010 Traffic Mitigation and Concurrency Final Comments Memorandum dated December 20, 2010, stated that the portion of 119<sup>th</sup> Street SW to the west of the cul-de-sac was inaccurately identified as an unopened ROW. DPW 2012 Road Log

records show that 119<sup>th</sup> Street SW is maintained 2,191 feet west from its intersection with Alexander Road, approximately 300 feet past the cul-de-sac. (ER Exhibit 7)

- At the time the Northshore Sheetmetal facility was constructed, the section of asphalt pavement on 119<sup>th</sup> Street SW between the gate and the west property line had deteriorated significantly due to lack of use and maintenance. That portion of 119<sup>th</sup> Street SW west of the cul-de-sac was proposed to be paved for access to, and parking for, Northshore Sheetmetal, Inc. The proposal was reviewed and approved by the County Engineer and the Traffic Engineer in a meeting held February 5, 2010, with requirements for a Right of Way Use Permit and Maintenance Covenant. The portion of 119<sup>th</sup> Street SW proposed to be vacated is paved and primarily used for head-in parking for, and access to, the Northshore Sheetmetal facility since it was constructed. (ER Exhibit 8)
- In May 2018, Solstice Management, LLC., submitted an application to PDS to develop a 39,500 square foot manufacturing building on Tracts 126 and 127, known as the Qualitel New Facility. (ER Exhibit 9)
- The Qualitel New Facility proposes to take access from 119<sup>th</sup> Street SW.
- A sidewalk was constructed on the southern portion of Tract 126 and is illegally being used for motorists to drive from 119<sup>th</sup> Street SW onto the adjoining private property to the west. This has created an illegal private connection between 119<sup>th</sup> Street SW and Beverly Park Road (ER Exhibit 10). This vehicular connection is prohibited under SCC 30.24.020(2).
- As part of the review of the Qualitel New Facility, the PDS Transportation Development Reviewer determined that the sidewalk being used for the illegal vehicular connection must be removed, and that the existing parking for Northshore Sheetmetal, Inc. to the west of the cul-de-sac did not comply with the County's Engineering Design and Development Standards (EDDS) and needed to be modified for approval. As an alternative to making these changes, Solstice Management, LLC and JERD Investments, LLC, (the Petitioners) proposed vacating the portion of 119<sup>th</sup> Street SW ROW to the west of the cul-de-sac.
- In July 2018, the Petitioners submitted an application proposing to vacate that portion of 119<sup>th</sup> Street SW west of the cul-de-sac. (ER Exhibit 11)
- The Petitioners entered into a Property Exchange Agreement for the usage of the property after the vacation is approved. (ER Exhibit 12)

- The Petitioners also own the property west of the proposed vacation, which is commonly known as Bev-Ed Corporate Park. The Petitioners propose to amend the existing Binding Site Plan associated with Bev-Ed Corporate Park to include Tracts 124, 125, 126 and 127 of the Plat of Paine Field No. 3 and rename the entire commercial complex as Bev-Ed Business Park. (ER Exhibit 13)
- A Drainage Facility Maintenance Agreement is in place between JERD Investments LLC. and DPW, recorded under AFN 201106030488. (ER Exhibit 14)
- The public will be benefited by the vacation of that portion of 119<sup>th</sup> Street SW located to the west of the constructed cul-de-sac, as it is not needed for the County's current or planned transportation system.
- The Petitioners' real property taxes will be amended to reflect the value added by the vacation of the County road abutting their property.
- 119<sup>th</sup> Street SW is an opened, constructed and paved road which the County maintains for 2,017 feet west of the intersection with Alexander Road. The portion of ROW proposed to be vacated, solely provides parking for, and access to, the Petitioners' properties and is useless for public road purposes. The public will be benefited by no longer being obligated to maintain this portion of 119<sup>th</sup> Street SW.
- It is not advisable to preserve any portion of the County ROW proposed to be vacated for the County transportation system of the future because commercial development immediately to the west prevents any connection to other County roads.
- 119<sup>th</sup> Street SW does not abut a body of saltwater or freshwater.
- The County did not receive any objection from any party opposing the proposed vacation.
- Inquiries to the local utilities revealed that Alderwood Water and Wastewater Management have an existing water main and sewer line in that section of the proposed ROW vacation, PUD has electrical facilities within the ROW, PSE has gas main and service on the south side of 119<sup>th</sup> Street SW, and Comcast Cable has potential fiber optic crossing to serve the building to the south. (ER Exhibits 15-18)
- RCW 36.87.140 and SCC 13.100.100 allow the County to retain an easement in respect to the vacated ROW for the construction, repair, and maintenance of utilities and services. It is recommended that an easement be retained for all utilities within the ROW of 119<sup>th</sup> Street SW for the construction, repair and maintenance of public utilities and services.

- An access easement shall be provided by JERD Investments LLC to Lot 126 of the Plat of Paine Field No. 3 (PPF3) over the north 20 feet of the south half of the vacated ROW and Lot 125 PPF3 over the north 20 feet of the south half of the vacated ROW adjacent to Lot 124 PPF3.
- DPW determined the fair market value of that portion of 119<sup>th</sup> Street SW petitioned to be vacated at \$58,093.00. The Petitioners have agreed to this valuation.
- The portion of 119<sup>th</sup> Street SW petitioned to be vacated is classified as a Class C road under SCC 13.100.040(7) (d). Class C roads and ROW are those in which the County has an easement interest and public expenditures were made. Under SCC 13.100.080(2)(b), Petitioners are required to pay *fifty percent* of the appraised value, as determined by DPW, which equals **\$29,046.50**.
- The vacation of the county road right-of-way granted herein shall not take effect unless within one year of the date of the Ordinance is passed by Council, Solstice Management LLC and JERD Investments, LLC, have paid for the itemized cost and expenses of the proceedings enumerated by the Department of Public Works under SCC 13.100.070
- The proposed vacation is in Council District # 2.