



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 30, 2002**

**Ordinance 14445**

**Proposed No.** 2002-0239.2

**Sponsors** Sullivan

1 AN ORDINANCE authorizing the vacation of a portion of  
2 194th Avenue Northeast, (File V-2418). Petitioners:  
3 Karen Isaacson and Stephen Cook.  
4  
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of that portion of 194th  
8 Avenue Northeast hereinafter described.
- 9 2. The department of transportation notified the various utility companies  
10 serving the area and has been advised that utility easements were not  
11 required within the vacation area.
- 12 3. The department of transportation records indicates that King County  
13 has not been maintaining 194th Avenue Northeast. The records indicate  
14 that no public funds have been expended for its acquisition.
- 15 4. The department of transportation considers the subject portion of the  
16 right-of-way useless as part of the County road system and believes the

39 Ranchettes Addition, according to Volume 51 of Plats, Page 67, records of  
40 King County, Washington.

41 SUBJECT TO:

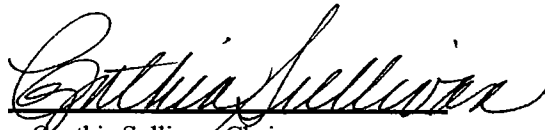
42 Access easement agreement 20020305001286 for pedestrian traffic and  
43 for emergency and service vehicles.

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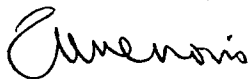
Ordinance 14445 was introduced on 5/28/2002 and passed by the Metropolitan King  
County Council on 7/29/2002, by the following vote:

Yes: 9 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.  
Phillips, Mr. Constantine, Mr. Pullen, Ms. Hague and Ms. Patterson  
No: 0  
Excused: 4 - Mr. Pelz, Mr. McKenna, Mr. Gossett and Mr. Irons

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 9 day of August, 2002.

  
Ron Sims, County Executive

RECEIVED  
2002 AUG -9 AM 11:42  
CLERK  
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated 7-9-02

## PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2418 was opened by the Examiner at 1:30 p.m., June 26, 2002, in the 8<sup>th</sup> Floor Conference Room, 900 Fourth Avenue, Seattle, Washington, adjourned at 2:12 p.m., and administratively continued until July 3, 2002 for the purpose of receiving exhibit nos. 19 and 16. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

## FINDINGS OF FACT:

### 1. General Information.

Road name and location:	A portion of 194 <sup>th</sup> Avenue Northeast, located north from Northeast 159 <sup>th</sup> Street within unincorporated King County near Woodinville
Right of way classification:	"C" Class
Area:	9,277 square feet
Compensation:	\$9,277 <sup>1</sup>

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the June 26, 2002 public hearing and the statement of facts contained in Proposed Ordinance No. 2002-0239. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. An "access easement" encumbers the easterly ten feet of the portion of 194<sup>th</sup> Avenue Northeast which is being vacated and added to the petitioner's property. Exhibit no. 12. The principal purpose of that easement is to provide access for pedestrians between Northeast 159<sup>th</sup> Street and Cottage Lake Elementary School property. The parties also acknowledge, as stated in section 6 of the easement recitals, that the easement could also be used for emergency and service vehicles. Obviously such use would be unusual and necessarily limited due to the narrowness of the easement and the presence of fencing. The petitioners Isaacson and Cook support the easement and, in fact, executed and recorded that easement, benefiting Northshore School District No. 417, in February of this year. Exhibit no. 12.
4. Petitioners Isaacson and Cook intend to construct a fence along the east side of a line of trees located within the right-of-way area for which vacation is petitioned. That fence also will be located along the west boundary of the ten foot wide public access easement described in finding no. 3, preceding. Obviously, the petitioners do not object to the public access use of this strip of land, but express considerable concern regarding the attractive nuisance aspects of the trees. The petitioners have found within the understory of those trees, a book of burned matches, a large

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<sup>1</sup> The assessed value of the parent parcel is equivalent to \$2.00 per square foot (\$102,000 divided by 50,965 square feet). Multiply that times the square footage of the vacation area (\$2.00 x 9,277 sq. ft.) and that equals \$18,554.00. 50% of the \$18,554 is \$9,277.

Karen Isaacson and Stephen Cook  
19246 NE 159th Street  
Woodinville WA 98072

Verizon NW  
2312 W. Casino Road #C  
Everett WA 98204-1440  
KSC-TR-0231 WA

Jodi Simmons  
Engineer II  
DOT/Road Services

Greg Borba  
DDES/LUSD  
MS OAK-DE-0100

Curt Crawford  
KC Dept. Natural Resources  
Water and Land Resources Division  
MS-KSC-NR-0600

Neil DeGoojer  
King County Office of Open Space  
MS KSC-NR-600

Dennis Gorley  
Dept of Transportation  
Road Services Division  
MS KSC-TR-0231

David Gualtieri  
KCDOT  
Long Range Planning  
MS-KSC-TR-0813

Trish Gustafson  
KC Property Services Division  
MS ADM-ES-0500

Kristen Langley  
DDES/CPLN  
MS OAK-DE-0100

Roderick E. Matsuno  
KC Dept. of Transportation  
Road Maintenance Section  
MS RSD-TR-0100

Anne Noris  
Clerk of Council  
Metropolitan King County Council  
MS KCC-CC-1025

Paulette Norman  
King County Department of  
Roads Division  
MS-KSC-TR-0222

Lydia Reynolds-Jones  
King County Dept Transportation  
Manager/Project Support Services  
MS KSC-TR-0231

Judy Riley  
King County DOT  
Transit/D&C  
MS KSC-TR-0431

Charlie Sundberg  
Office of Cultural Resources  
Landmarks & Heritage Program  
MS STR-CR-0200

Joe Wilson  
King County Parks & Cultural Resources  
Project Manager  
MS LBP-PR-0100

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **July 23, 2002**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before **July 30, 2002**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.



20020821000236

KING-COUNTY GO CORD  
PAGE 001 OF 009  
08/21/2002 09:02  
KING COUNTY, WA

0.00

Return Address:  
Clerk of the Council  
Metropolitan King County Council  
Room W 1025 King County Courthouse  
Seattle, WA 98104

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

1. **Ordinance 14445 AN ORDINANCE authorizing the vacation of a portion of 194<sup>th</sup> Avenue Northeast, (File V-2418) Petitioner: Karen Isaacson and Stephen Cook.**

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**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page \_\_\_\_\_ of document.

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**Grantor(s)** (Last name, first name, initials)

1. **King County, Washington**

Additional names on page \_\_\_\_\_ of document.

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**Grantee(s)** (Last name first, then first name and initials)

1. \_\_\_\_\_

2. \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

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**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

**The west 30 feet together with the west half of the 40 foot diameter cul-de-sac of 194th ...**

Additional legal is on page \_\_\_\_\_ of document.

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**Assessor's Property Tax Parcel/Account Number**  Assessor Tax # not yet assigned

RECEIVED  
2002 OCT -7 AM 11:01  
CLERK  
KING COUNTY COUNCIL

2002 082 1000236

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 30, 2002**

**Ordinance 14445**

**Proposed No. 2002-0239.2**

**Sponsors Sullivan**

1 AN ORDINANCE authorizing the vacation of a portion of  
2 194th Avenue Northeast, (File V-2418). Petitioners:  
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5  
6 **STATEMENT OF FACTS:**

- 7  
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16
1. A petition has been filed requesting vacation of that portion of 194th Avenue Northeast hereinafter described.
  2. The department of transportation notified the various utility companies serving the area and has been advised that utility easements were not required within the vacation area.
  3. The department of transportation records indicates that King County has not been maintaining 194th Avenue Northeast. The records indicate that no public funds have been expended for its acquisition.
  4. The department of transportation considers the subject portion of the right-of-way useless as part of the County road system and believes the

2002 082 1000235

17 public would benefit by the return of this unused area to the public tax  
18 rolls.

19 5. An access easement has been recorded, under King County Recording  
20 No. 20020305001286, granting the easterly 10 feet of the portion of 194<sup>th</sup>  
21 Avenue NE which is being vacated and added to the petitioner's property  
22 in order to allow access for pedestrians, and emergency and service  
23 vehicles from NE 159<sup>th</sup> Street to Cottage Lake Elementary School.

24 6. The right-of-way is classified as "C-Class" and, in accordance with  
25 King County Code 14.40.020, the compensation due King County is based  
26 on 50 percent of the assessed value of the subject right-of-way which was  
27 determined from records of the department of assessments. King County  
28 is in receipt of \$9,277.00 from the petitioner.

29 Due notice was given in the manner provided by law and a hearing was  
30 held by the office of the hearing examiner on the July 3, 2002.

31 In consideration of the benefits to be derived from the subject vacation,  
32 the council has determined that it is in the best interest of the citizens of  
33 King County to grant said petition.

34 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

35 SECTION 1. The council, on the 29th day of July, 2002, hereby vacates and  
36 abandons that portion of 194th Avenue Northeast as described as:

37 The west 30 feet together with the west half of the 40 foot diameter cul-  
38 de-sac of 194th Avenue Northeast abutting Lot 10, Cottage Lake

2002 082 1000236

39 Ranchettes Addition, according to Volume 51 of Plats, Page 67, records of  
40 King County, Washington.

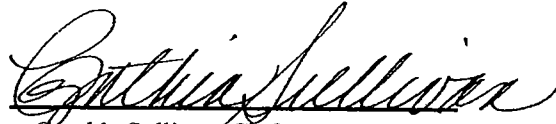
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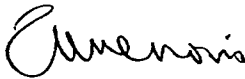
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Yes: 9 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.  
Phillips, Mr. Constantine, Mr. Pullen, Ms. Hague and Ms. Patterson  
No: 0  
Excused: 4 - Mr. Pelz, Mr. McKenna, Mr. Gossett and Mr. Irons

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 9 day of August, 2002.

  
Ron Sims, County Executive

RECEIVED  
2002 AUG - 9 AM 11:42  
CLERK  
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated 7-9-02

2002 082 1000236



July 9, 2002

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654**

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. V-2418  
Proposed Ordinance No. 2002-0239

**Karen M. Isaacson and Stephen R. Cook**  
Road Vacation Application

**Location:** Portion of 194<sup>th</sup> Avenue NE North of NE 159<sup>th</sup> Street

**Applicant:** **Karen M. Isaacson and Stephen R. Cook**  
19246 NE 159<sup>th</sup> Street  
Woodinville, WA 98072  
Telephone: (425) 788-2893

**King County:** Department of Transportation  
Road Services Division *represented by*  
**Dennis Gorley**, Supervisor  
201 South Jackson Street  
Seattle, WA 98164  
Telephone: (206) 296-6522  
Facsimile: (206) 296-0567

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation (modified)

**DEPARTMENT'S REPORT:**

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2418 was received by the Examiner on May 29, 2002.

2002 082 1000236

**PUBLIC HEARING:**

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2418 was opened by the Examiner at 1:30 p.m., June 26, 2002, in the 8<sup>th</sup> Floor Conference Room, 900 Fourth Avenue, Seattle, Washington, adjourned at 2:12 p.m., and administratively continued until July 3, 2002 for the purpose of receiving exhibit nos. 19 and 16. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS OF FACT:**

1. General Information.

Road name and location: A portion of 194<sup>th</sup> Avenue Northeast, located north from Northeast 159<sup>th</sup> Street within unincorporated King County near Woodinville  
Right of way classification: "C" Class  
Area: 9,277 square feet  
Compensation: \$9,277<sup>1</sup>

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the June 26, 2002 public hearing and the statement of facts contained in Proposed Ordinance No. 2002-0239. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. An "access easement" encumbers the easterly ten feet of the portion of 194<sup>th</sup> Avenue Northeast which is being vacated and added to the petitioner's property. Exhibit no. 12. The principal purpose of that easement is to provide access for pedestrians between Northeast 159<sup>th</sup> Street and Cottage Lake Elementary School property. The parties also acknowledge, as stated in section 6 of the easement recitals, that the easement could also be used for emergency and service vehicles. Obviously such use would be unusual and necessarily limited due to the narrowness of the easement and the presence of fencing. The petitioners Isaacson and Cook support the easement and, in fact, executed and recorded that easement, benefiting Northshore School District No. 417, in February of this year. Exhibit no. 12.
4. Petitioners Isaacson and Cook intend to construct a fence along the east side of a line of trees located within the right-of-way area for which vacation is petitioned. That fence also will be located along the west boundary of the ten foot wide public access easement described in finding no. 3, preceding. Obviously, the petitioners do not object to the public access use of this strip of land, but express considerable concern regarding the attractive nuisance aspects of the trees. The petitioners have found within the understory of those trees, a book of burned matches, a large

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2002 082 1000236

piece of burned furniture, food wrappers, beer cans, and toilet paper. They testify, and the Roads Division agrees, that the proposed right-of-way vacation, subject to the public access easement, will allow that area to be cleaned up and maintained while at the same time preserving public access to Cottage Lake Elementary School via 194<sup>th</sup> Avenue Northeast.

5. Maps showing the vicinity of the proposed vacation and the specific area to be vacated is Attachment 4 to this Report and Recommendation.
6. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

**CONCLUSIONS:**

The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation—particularly when subject to the public access easement and “notice on title” requirement indicated below. The petitioners demonstrate a commitment to accommodate the newly executed access easement. However, it cannot be assumed that all successors and assigns will be similarly enlightened. Consequently, the following additional notice on title should be recorded:

**Notice on Title  
Land Use Control**

A public access easement benefiting Northshore School District No. 411 encumbers the most easterly ten feet of the subject property. As a condition of right-of-way vacation from King County to the subject property, the property owner, successors and assigns, shall not plant or construct anything which discourages or prevents passage of pedestrians or Northshore School District No. 411 authorized vehicles within that easement.

**RECOMMENDATION:**

APPROVE proposed Ordinance No. 2002-0239 with the amendment described in the conclusions above. The access easement shall be subject to easement agreement 20020305001286 for pedestrian traffic and for emergency/service vehicle access.

RECOMMENDED this 9th day of July, 2002.

---

R.S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 9th day of July, 2002, to the following parties and interested persons:

AT&T Broadband  
20811 84th Ave. S.  
Kent WA 98032

Woodinville Water District  
17238 Woodinville-Duvall Road  
PO Box 1390

Puget Sound Energy  
ATTN: Dana Laggart  
PO Box 97034

Woodinville WA 98072-1390

Bellevue WA 98009-9734

2002 082 1000236

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Verizon NW  
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Jodi Simmons  
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Judy Riley  
King County DOT  
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MS KSC-TR-0431

Charlie Sundberg  
Office of Cultural Resources  
Landmarks & Heritage Program  
MS STR-CR-0200

Joe Wilson  
King County Parks & Cultural Resources  
Project Manager  
MS LBP-PR-0100

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AND ADDITIONAL ACTION REQUIRED**

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2002 082 1000236

MINUTES OF THE JULY 26, 2002 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION  
FILE NO. V-2418.

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing was Dennis Gorley, representing the Department; and Karen M. Isaacson, the Applicant.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DOT report to the Hearing Examiner dated June 13, 2002 with 20 attachments
- Exhibit No. 2 Petition transmittal letter dated August 30, 2000 to Department of Transportation from the Clerk of the Council
- Exhibit No. 3 Letter of explanation and Petition for Vacation of a County road including legal descriptions of petitioner's property
- Exhibit No. 4 September 18, 2000 letter to the petitioner explaining the road vacation process
- Exhibit No. 5 Copy of file fee; check #9116 from Karen Isaacson and Stephen Cook
- Exhibit No. 6 Vicinity Map
- Exhibit No. 7 Map depicting vacation area
- Exhibit No. 8 Letter dated October 3, 2000 requesting a record of survey map
- Exhibit No. 9 Record of survey map
- Exhibit No. 10 July 2, 2001 transmittal letter to the Council providing recommendation to KCDOT and County Road Engineer
- Exhibit No. 11 Letter dated July 13, 2001 to Karen Isaacson and Stephen Cook identifying amount of compensation with attached Road Vacation Compensation Worksheet V-2418
- Exhibit No. 12 Access easement – recording no. 2002030500128
- Exhibit No. 13 Correspondence dated March 28, 2002 confirming easement and compensation amount
- Exhibit No. 14 Copy of compensation – check #9578 from Karen Isaacson and Stephen Cook
- Exhibit No. 15 Ordinance transmittal letter dated May 21, 2002 from the King County Executive to Councilmember Cynthia Sullivan
- Exhibit No. 16 Proposed Ordinance 2002-0239
- Exhibit No. 17 Notice of hearing
- Exhibit No. 18 Affidavit of posting for hearing

Entered July 3, 2002 pursuant to administrative continuance:

- Exhibit No. 19 Affidavit of publication for date of hearing

RST:gao  
Attachments  
V-2418 2002-0239 RPT

2002 082 1030236