



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 26, 2003

Ordinance 14749

Proposed No. 2003-0279.2

Sponsors Sullivan

1 AN ORDINANCE authorizing the vacation of a portion of
2 SW 240th Street File V-2442. Petitioner: Michiko
3 Revocable Trust.
4
5

6 **STATEMENT OF THE FACTS:**

- 7 1. A petition has been filed requesting vacation of that portion of SW
8 240th Street hereinafter described.
- 9 2. The department of transportation notified the various utility companies
10 serving the area and has been advised that all necessary easements have
11 been obtained within the vacation area.
- 12 3. The department of transportation records indicates that King County
13 has not been maintaining SW 240th Street. The records indicate that no
14 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

**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: Department of Development and Environmental Services File No. **V-2442**
Proposed Ordinance No. **2003-0279**

MICHIKO REVOCABLE TRUST
Road Vacation Petition

Location: Portion of Southwest 240th Street west of Dockton Road Southwest

Petitioner: **Michiko Revocable Trust**
c/o Jeffrey M. Sayre
1016 Jefferson Street
Seattle, WA 98104

King County: Department of Transportation
represented by Jodi Simmons
201 South Jackson Street
Seattle, WA 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2442 was received by the Examiner on July 1, 2003.

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-2442 was opened by the Examiner at 10:00 a.m., July 18, 2003, in the Fifth Floor Conference Room of the Union Bank of California Building, 900 – 4th Avenue, Seattle, Washington, and continued for administrative purposes at 10:05 a.m. On July 29, 2003, the examiner received exhibit no. 17 and declared the hearing record closed. 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, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:**1. General Information.**

Road name and location: Portion of Southwest 240th Street west of Dockton Road Southwest

Right-of-way classification: "C"

Area: 14,100 square feet

Compensation: \$13,324.50

2. 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 July 18, 2003 public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0279. The said report and proposed ordinance will be attached to the copies of this report and recommendation submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

CONCLUSIONS:

1. 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.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the Metropolitan King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction,

repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0279 to vacate the subject right-of-way.

RECOMMENDED this 30th day of July, 2003.

James N. O'Connor, Pro Tem
King County Hearing Examiner

TRANSMITTED this 30th day of July, 2003, to the following parties and interested persons:

Century Tel
Attn: Tim Grigar
8120 Sakanise Avenue
Gig Harbor WA 98335

Terry Davis
Comcast, Inc.
410 Valley Ave. NW
Puyallup WA 98371

King County Water District #19
P.O. Box T
1760 - 100th Ave. SW
Vashon WA 98070

PSE
Attn: Sharon Scott
P.O. Box 97034
Bellevue WA 98009-9734

Sayre Law Offices
Attn: Jeffrey M. Sayre
1016 Jefferson St.
Seattle WA 98104

Jodi Simmons
Engineer II
DOT/Road Services
MS KSC-TR-0231 WA

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Clerk of the Council
MS KCC-CC-1025

Curt Crawford
KC DNR
Water & Land Res. Div.
MS KSC-NR-0600

Neil DeGoojer
KC Office of Open Space
MS KSC-NR-600

Pam Elardo
KC DNR&P
Wastewater Treatment Div.
MS KSC-NR-0503

Nancy Gordon
King County DOT
Transit/D&C
MS KSC-TR-0431

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

David Gualtieri
KCDOT
CIP & Planning Sec.
MS KSC-TR-0317

King County Dept. of Executive Services
Attn: Denise Hauck, Appraiser
Property Services Division
MS ADM-ES-0500

Roderick E. Matsuno
KC DOT
Road Maint. Section
MS RSD-TR-0100

Paulette Norman
KCDOT
Roads Division
MS KSC-TR-0231

Robert Nunnenkamp
KC Parks and Recreation
MS LBP-PR-0100

Lydia Reynolds-Jones
KC DOT
Project Support Serv.
MS KSC-TR-0231

Gary Samek
KC DOT
Road Services Div.
MS KSC-TR-0222

Charlie Sundberg
Office of Cultural Res.
Landmarks & Heritage Prog.
MS STR-CR-0200

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before August 13, 2003*. If a notice of appeal is filed, the original and six (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 August 20, 2003*. 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, 516 3rd Avenue, Seattle, Washington 98104, 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 fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES of the public hearing of Mishiko Revocable Trust, File no. V-2442, July 18, 2003.

James N. O'Connor was the Hearing Examiner for this matter.

Participating the public hearing were Jody Simmons, representing the King County Department of Transportation; and Christine Martin, attorney representing the applicant.

The following exhibits were offered and entered into the record:

- Exhibit No.1 Report to the Hearing Examiner dated June 30, 2003, with 16 attachments.
- Exhibit No.2 Petition transmittal letter, dated September 21 2001, to KC Department of Transportation, from Clerk of the Council
- Exhibit No.3 September 20, 2001 letter and petition for vacation of a County road, including legal descriptions of petitioners' properties
- Exhibit No.4 Copy of filing fee, check #9266 from Sayre Law Offices
- Exhibit No.5 April 10, 2002 letter to petitioner explaining road vacation process.
- Exhibit No.6 Vicinity map
- Exhibit No.7 Map depicting vacation area
- Exhibit No.8 Warranty Deed recording #198005050360, conveying right-of-way
- Exhibit No.9 Short plat recording #8403159003.
- Exhibit No.10 March 13, 2003 letter to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed on compensation worksheet.
- Exhibit No.11 March 14, 2003 letter to Council providing recommendation of KCDOT and County Engineer.
- Exhibit No.12 Copy of compensation check from Michiko Revocable Trust, and deposit receipt.

- Exhibit No.13 Ordinance transmittal letter dated June 9, 2003, from King County Executive to Councilmember Cynthia Sullivan.
- Exhibit No.14 Proposed Ordinance 2003-0279
- Exhibit No.15 Notice of Hearing
- Exhibit No.16 Affidavit of Posting for hearing.
- Exhibit No.17 Affidavit of Publication for date of hearing.

JOC:gao/cp
Attachments
V-2442 RPT

Return Address:
Clerk of the Council
Metropolitan King County Council
Mail stop KCC-CC 1025



20030916000059

KING COUNTY CO CORD 0.00
PAGE 001 OF 009
09/16/2003 09:01
KING COUNTY, WA

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 <u>must</u> be filled in) 1. ORDINANCE 14749 AN ORDINANCE authorizing the vacation of a portion of SW 240th Street File V-2442. Petitioners: Michiko Revocable Trust.
Reference Number(s) of Documents assigned or released: Additional reference #'s on page _____ of document
Grantor(s) (Last name, first name, initials) 1. King County, Washington Additional names on page _____ of document.
Grantee(s) (Last name first, then first name and initials) 1. _____ 2. _____ Additional names on page _____ of document.
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) The south 30 feet of the west 470 feet of the east 500 feet of Government Lot 8, Section 16, Township 22 Additional legal is on page _____ of document.
Assessor's Property Tax Parcel/Account Number <input type="checkbox"/> Assessor Tax # not yet assigned
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.

RECEIVED
2003 OCT 29 PM 12:16
CLERK
KING COUNTY COUNCIL

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

August 26, 2003

Ordinance 14749

Proposed No. 2003-0279.2

Sponsors Sullivan

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2 SW 240th Street File V-2442. Petitioner: Michiko
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6 **STATEMENT OF THE FACTS:**

- 7 1. A petition has been filed requesting vacation of that portion of SW
8 240th Street hereinafter described.
9 2. The department of transportation notified the various utility companies
10 serving the area and has been advised that all necessary easements have
11 been obtained within the vacation area.
12 3. The department of transportation records indicates that King County
13 has not been maintaining SW 240th Street. The records indicate that no
14 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

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

19 5. The right-of-way is classified as "C-Class" and, in accordance with
20 K.C.C. 14.40.020, the compensation due King County is based on fifty
21 percent of the assessed value of the subject right-of-way which was
22 determined from records of the department of assessments. King County
23 is in receipt of \$13,324.50 from the petitioner.

24 Due notice was given in the manner provided by law and a hearing was
25 held by the office of the hearing examiner on the 18th day of July, 2003.

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

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. The council, on the 25 day of August, 2003, hereby vacates and
31 abandons that portion of SW 240th Street as conveyed to King County by warranty deed
32 recorded under number 198005050360 records of King County, Washington described as
33 follows:

34 The south 30 feet of the west 470 feet of the east 500 feet
35 of Government Lot 8, Section 16, Township 22 North,

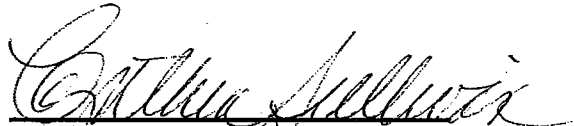
36 Range 3 East, Willamette Meridian, in King County,
37 Washington.

38

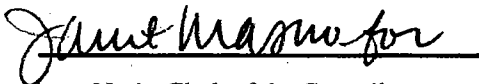
Ordinance 14749 was introduced on 6/23/2003 and passed by the Metropolitan King County Council on 8/25/2003, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague, Mr. Irons and Ms. Patterson
No: 0
Excused: 1 - Mr. Hammond


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 5 day of September 2003.


Ron Sims, County Executive

RECEIVED
2003 SEP -5 AM 11:44
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report Dated July 30, 2003

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

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

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Proposed Ordinance No. 2003-0279

MICHIKO REVOCABLE TRUST
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Petitioner: **Michiko Revocable Trust**
c/o Jeffrey M. Sayre
1016 Jefferson Street
Seattle, WA 98104

King County: Department of Transportation
represented by Jodi Simmons
201 South Jackson Street
Seattle, WA 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

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repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0279 to vacate the subject right-of-way.

RECOMMENDED this 30th day of July, 2003.

James N. O'Connor, Pro Tem
King County Hearing Examiner

TRANSMITTED this 30th day of July, 2003, to the following parties and interested persons:

Century Tel
Attn: Tim Grigar
8120 Sakanise Avenue
Gig Harbor WA 98335

Terry Davis
Comcast, Inc.
410 Valley Ave. NW
Puyallup WA 98371

King County Water District #19
P.O. Box T
1760 - 100th Ave. SW
Vashon WA 98070

PSE
Attn: Sharon Scott
P.O. Box 97034
Bellevue WA 98009-9734

Sayre Law Offices
Attn: Jeffrey M. Sayre
1016 Jefferson St.
Seattle WA 98104

Jodi Simmons
Engineer II
DOT/Road Services
MS KSC-TR-0231 WA

Greg Borba
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Clerk of the Council
MS KCC-CC-1025

Curt Crawford
KC DNR
Water & Land Res. Div.
MS KSC-NR-0600

Neil DeGoojer
KC Office of Open Space
MS KSC-NR-600

Pam Elardo
KC DNR&P
Wastewater Treatment Div.
MS KSC-NR-0503

Nancy Gordon
King County DOT
Transit/D&C
MS KSC-TR-0431

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

David Gualtieri
KCDOT
CIP & Planning Sec.
MS KSC-TR-0317

King County Dept. of Executive Services
Attn: Denise Hauck, Appraiser
Property Services Division
MS ADM-ES-0500

Roderick E. Matsuno
KC DOT
Road Maint. Section
MS RSD-TR-0100

Paulette Norman
KCDOT
Roads Division
MS KSC-TR-0231

Robert Nunnenkamp
KC Parks and Recreation
MS LBP-PR-0100

Lydia Reynolds-Jones
KC DOT
Project Support Serv.
MS KSC-TR-0231

Gary Samek
KC DOT
Road Services Div.
MS KSC-TR-0222

Charlie Sundberg
Office of Cultural Res.
Landmarks & Heritage Prog.
MS STR-CR-0200

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JOC:gao/cp
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