

KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 27, 2004

Ordinance 15025

Proposed No. 2004-0259.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 114th Avenue SE and SE 172nd Street File V-2472.

3 Petitioner: Glacier LLC.
4
5

6 1. A petition has been filed requesting vacation of that portion of 114th
7 Avenue SE and SE 172nd Street hereinafter described.

8 2. The department of transportation notified the various utility companies
9 serving the area and has been advised that easements were not required
10 within the vacation area.

11 3. The department of transportation records indicate that King County has
12 not been maintaining 114th Avenue SE and SE 172nd Street. The records
13 indicate that no public funds have been expended for its acquisition.

14 4. The department of transportation considers the subject portion of the
15 right-of-way useless as part of the county road system and believes the
16 public would benefit by the return of this unused area to the public tax
17 rolls.

18 5. The right-of-way is classified as "C-Class" and, in accordance with
19 K.C.C. 14.40.020, the compensation due King County is based on fifty
20 percent of the assessed value of the subject right-of-way, which was
21 determined from records of the department of assessments. King County
22 is in receipt of \$1,419.00 from the petitioner.
23 Due notice was given in the manner provided by law and a hearing was held by the
24 office of the hearing examiner on the 4th day of August, 2004.
25 In consideration of the benefits to be derived from the subject vacation, the council
26 has determined that it is in the best interest of the citizens of King County to grant
27 said petition.

28 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

29 SECTION 1. The vacation approved by this ordinance is subject to the following
30 conditions:

31 A. Vacation of the right-of-way authorized by this ordinance shall not become
32 effective until one of the following events has occurred:

33 1. A cashiers check for \$15,046.64 from the petitioner payable to the King
34 County Treasury has been received as additional compensation for the vacated right-of-
35 way; or

36 2. The Glacier View Binding Site Plan (DDES file nos. B02L1919 and
37 B02DB003) has been filed for record containing a right-of-way dedication of 43,000
38 square feet, more or less.

39 B. Upon recording of the Glacier View Binding Site Plan referenced above, the
40 petitioner shall be refunded any sums previously paid as compensation for the vacated

41 right-of-way. This amount shall include the \$1,419.00 documented in exhibit no. 14 as
42 receipt no. 59365 dated March 17, 2004.

43 C. If neither of the pre-effective contingencies stated in condition no. 1 have been
44 satisfied by December 31, 2004, the approval conferred hereunder shall expire and the
45 subject vacation shall become null and void.

46 SECTION 2. Subject to compliance with section 1 of this ordinance, the council,
47 on the date of adoption hereby vacates and abandons that portion of 114th Avenue SE and
48 of SE 172nd Street, also known as Tract "X" of King County Short Plat No. 1183039,
49 situate in the NE quarter of the SE quarter of Section 29, Township 23 N, Range 5 E
50 Willamette Meridian in King County, Washington more particularly described as follows:

51 Commencing at the intersection of the south line of the NE quarter of the
52 SE quarter of said Section 29 with the west line of said short plat No.
53 1183039, and the true point of beginning for this description; Thence
54 northerly along the west line of said short plat a distance of 30.01 feet to
55 the northerly margin of SE 172nd Street; Thence easterly along said
56 northerly margin of SE 172nd Street a distance of 66.88 feet to the
57 beginning of a curve concave northwesterly and having a radius of 25.00
58 feet; Thence in a counterclockwise direction along the arc of said curve
59 through a central angle of 88 degrees 42 minutes 13 seconds a distance of
60 38.70 feet; Thence northerly along the westerly margin of 114th Avenue
61 SE a distance of 450.25 feet to the northeast corner of Lot 2 of said short
62 plat no. 1183039; Thence along the easterly prolongation of the north line
63 of said Lot 2 a distance of 5 feet; Thence southerly along a line which lies

64 parallel with and 5 feet easterly of the westerly margin of 114th Avenue
65 SE a distance of 338.55 feet to the beginning of a curve concave
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67 counterclockwise direction along the arc of said curve through a central
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70 west half of the NE quarter of the SE quarter of said Section 29; Thence
71 southerly along the east line of 114th Avenue SE right-of-way a distance
72 of 112.72 feet to the south line of the NE quarter of the SE quarter of said

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CLERK
KING COUNTY COUNCIL

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Section 29; Thence west along said south line a distance of 121.99 feet to

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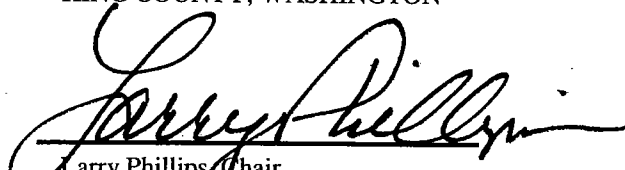
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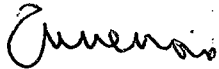
Ordinance 15025 was introduced on 6/1/2004 and passed by the Metropolitan King County Council on 9/27/2004, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

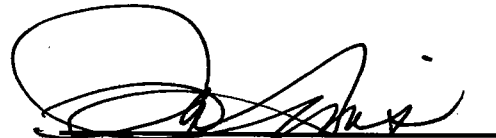

Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 10 day of OCTOBER, 2004.


Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated September 2, 2004

15025
September 2, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
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-2472**
Proposed Ordinance No. **2004-0259**

GLACIER, LLC
Petition for Road Vacation

Location: Portion of 114th Avenue Southeast and Southeast 172nd Street

Petitioner: **Glacier, LLC**
1900 South Puget Drive
Renton, WA 98005
Telephone: (206) 914-6187

King County: Department of Transportation, Road Services Division, *represented by*
Tommy Burdette
201 S. 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-2472 was received by the Examiner on July 19, 2004.

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-2472 was opened by the Examiner at 9:35 a.m., on August 4, 2004, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and continued at 9:50 a.m. The hearing record closed on September 2, 2004. 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 114 th Avenue SE and SE 172 nd Street
Right of way classification:	"C"
Area:	8,702 sq. ft.
Compensation:	\$16,465.64

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 August 4, 2004, public hearing and the statement of facts contained in Proposed Ordinance No. 2004-0259. 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. 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.

4. At the public hearing held on August 4, 2004, it became apparent that there was a significant discrepancy between the Road Services Division Staff Report and the underlying documentation with respect to the size of the vacation area. The staff report described the vacation area to be 425 square feet while the site maps depicted a total vacation area of 8,407.08 square feet. In order to determine the correct figure the hearing was continued and Road Services Division staff was requested to reevaluate its computation.

5. In a letter dated August 17, 2004 the County Road Engineer responded to the continuance notice and identified the error as a failure to recognize within the fee compensation calculation two of the three parcels containing proposed vacation area. Based on its revised assessment the Road Services Division now calculates the total vacation area to be 8,702 square feet and subject to a compensation fee of \$16,465.64. Because the Petitioner has previously paid \$1,419.00, the additional amount due for the vacation area is \$15,046.64.

6. As further noted in the August 17, 2004 letter, the Petitioner is simultaneously processing a binding site plan for the Glacier View Townhomes development which proposes to dedicate new public right-of-way in the amount of 43,266 square feet. Since this figure greatly exceeds the 8,702 square feet being vacated, the County Road Engineer has recommended that the new dedication be allowed to offset the compensation due the county and "that the \$1,419.00 previously paid be refunded to the petitioner after the ordinance vacating the subject area is passed by the King County Council". This recommendation has been incorporated into the

conditions attached to this report, subject to additional provisions that either require the

payment of the additional amount due or the expiration of the vacation approval if the binding site plan has not been recorded by the end of 2004. No comments or objections have been received from the Petitioner regarding the analysis contained in the County Road Engineer's August 17, 2004 letter.

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 King County Council.
3. A portion of 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 a form satisfactory to the affected public utilities.
4. The conditions attached to this report require either payment of the remaining compensation or the dedication of offsetting right-of-way within the Glacier View binding site plan.
5. After the Glacier View binding site plan containing dedication of new public rights-of-way has been recorded, any compensation paid by the petitioner for the vacation area shall be refunded.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2004-0259 to vacate the subject road, subject to the following conditions:

1. Vacation of the right-of-way authorized by this ordinance shall not become effective until one of the following events has occurred:
 - a. A cashiers check for \$15,046.64 from the petitioner payable to the King County Treasury has been received as additional compensation for the vacated right-of-way; or
 - b. The Glacier View Binding Site Plan (DDES file nos. B02L1919 and B02DB003) has been filed for record containing a right-of-way dedication of 43,000 square feet, more or less.
2. Upon recording of the Glacier View Binding Site Plan referenced above, the petitioner shall be refunded any sums previously paid as compensation for the vacated right-of-way. This amount shall include the \$1,419.00 documented in exhibit no. 14 as receipt no. 59365 dated March 17, 2004.
3. If neither of the pre-effective contingencies stated in condition no. 1 have been satisfied by December 31, 2004, the approval conferred hereunder shall expire and the subject vacation shall become null and void.

RECOMMENDED this 2nd day of September, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 2nd day of September, 2004, to the following parties and interested persons:

Comcast
Attn: Sherill Ulery, Permit Coord.
410 Valley Ave. NW, Bldg. C-#12
Puyallup WA 98271

Don Dauphiny
Qwest Communications
1200 12th Ave. NW
Issaquah WA 98027

Glacier, LLC
1900 S. Puget Drive
Renton WA 98055

Mary Lamping
Puget Sound Energy
411 - 108th Ave. NE
Bellevue WA 98009-9734

Natalie Martinez
17122 - 113th Ave. SE
Renton WA 98055

Soos Cr Water & Sewer Dist.
Attn: Alice R. Marshall
PO Box 58039
Renton WA 98058-1039

Tommy Burdette
KCDOT/RD SERV.
MS KSC-TR-0231

Neil DeGoojer
DNRP/WLRD
MS KSC-NR-0600

Sarah Gagnon
DNRP - Wastewater Trtmt.
MS KSC-NR-0503

Nancy Gordon
KCDOT/D&C
MS KSC-TR-0431

Dennis Gorley
KCDOT/Rd. Serv.
MS KSC-TR-0231

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

Denise Hauck
KC Dept. of Exec. Svcs.
MS ADM-ES-0500

Rich Hudson
DDES/LUSD
Cur rent Planning
MS OAK-DE-0100

Fatin Kara
KC DOT/Rd. Svcs. Div.
MS KSC-TR-0222

Tom Lew
KC DNRP/WLRD
MS KSC-NR-0600

Roderick E. Matsuno
KC DOT/MAINT. OP.
MS RSD-TR-0100

Mike Meins
DDES, LUSD
MS OAK-DE-0100

Paulette Norman
KCDOT/RD SERV.
MS KSC-TR-0231

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

Lydia Reynolds-Jones
KC DOT/RD SERV.
MS KSC-TR-0231

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

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 \$250.00 (check payable to King County Office of Finance) *on or before September 16, 2004*. 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 September 23, 2004*.

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 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.

MINUTES OF THE AUGUST 4, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. V-2472.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Tommy Burdette, representing the Department of Transportation; and Charles Jackson, representing the Petitioner.

The following Exhibits were offered and entered into the record at the August 8, 2004 public hearing:

- Exhibit No. 1 Department of Transportation Report for the August 4, 2004, hearing w/16 attachments
- Exhibit No. 2 Petition transmittal letter from the Clerk of the Council, dated April 1, 2003
- Exhibit No. 3 Petition for Vacation received April 1, 2003, w/attached legal description
- Exhibit No. 4 Copy of filing fee check no. 1051 from Glacier LLC
- Exhibit No. 5 Copy of King County short plat no. 1183039
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Map of vacation area
- Exhibit No. 8 Letter to petitioner dated April 17, 2003
- Exhibit No. 9 Letter to petitioner dated April 22, 2003
- Exhibit No. 10 Letter from Mike Meins dated July 22, 2003, re: binding site plan

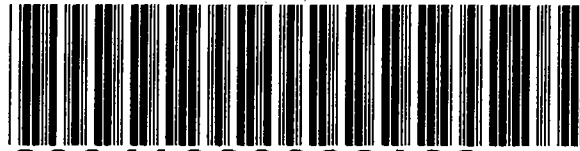
- Exhibit No. 11 Transmittal letter to the Clerk of the Council dated February 26, 2004
- Exhibit No. 12 Letter to Petitioner dated February 12, 2004, re: compensation
- Exhibit No. 13 Compensation worksheet
- Exhibit No. 14 Copy of receipt no. 59365
- Exhibit No. 15 Ordinance transmittal letter to Larry Phillips dated May 20, 2004
- Exhibit No. 16 Proposed ordinance no. 2004-0259
- Exhibit No. 17 Notice of hearing dated July 12, 2004
- Exhibit No. 18 Affidavit of Posting indicating a posting date of July 12, 2004
- Exhibit No. 19 Affidavit of publication - *to be provided upon receipt*
- Exhibit No. 20 Letter to Petitioner dated July 21, 2004
- Exhibit No. 21 Aerial photo (color) of subject area
- Exhibit No. 22 Notice of Hearing

The following additional exhibits were admitted pursuant to continuance:

- Exhibit No. 23 Revised Road Vacation Compensation Information
- Exhibit No. 24 Revised Calculation sheet for determining amount of compensation
- Exhibit No. 25 Emails relating to calculation of area to be vacated
- Exhibit No. 26 Letter to Charles Jackson from Paulette Norman dated August 17, 2004

SLS:gao
V-2472 RPT
Attachments

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



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KING COUNTY ORD 0.00
PAGE 001 OF 013
10/20/2004 09:11
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 15025 AN ORDINANCE authorizing the vacation of a portion of 114th Avenue SE and SE 172nd Street File V-2472. Petitioner: Glacier LLC
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) Commencing at the intersection of the south line of the NE quarter of the SE quarter of said Section 29... 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.

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2004 NOV 30 AM 8:45
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
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Signature Report

September 27, 2004

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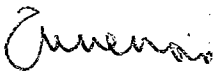
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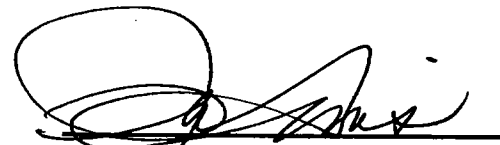

Larry Phillips, Chair

ATTEST:



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Area:	8,702 sq. ft.
Compensation:	\$16,465.64

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 August 4, 2004, public hearing and the statement of facts contained in Proposed Ordinance No. 2004-0259. 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. 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.

4. At the public hearing held on August 4, 2004, it became apparent that there was a significant discrepancy between the Road Services Division Staff Report and the underlying documentation with respect to the size of the vacation area. The staff report described the vacation area to be 425 square feet while the site maps depicted a total vacation area of 8,407.08 square feet. In order to determine the correct figure the hearing was continued and Road Services Division staff was requested to reevaluate its computation.

5. In a letter dated August 17, 2004 the County Road Engineer responded to the continuance notice and identified the error as a failure to recognize within the fee compensation calculation two of the three parcels containing proposed vacation area. Based on its revised assessment the Road Services Division now calculates the total vacation area to be 8,702 square feet and subject to a compensation fee of \$16,465.64. Because the Petitioner has previously paid \$1,419.00, the additional amount due for the vacation area is \$15,046.64.

6. As further noted in the August 17, 2004 letter, the Petitioner is simultaneously processing a binding site plan for the Glacier View Townhomes development which proposes to dedicate new public right-of-way in the amount of 43,266 square feet. Since this figure greatly exceeds the 8,702 square feet being vacated, the County Road Engineer has recommended that the new dedication be allowed to offset the compensation due the county and "that the \$1,419.00 previously paid be refunded to the petitioner after the ordinance vacating the subject area is passed by the King County Council". This recommendation has been incorporated into the

conditions attached to this report, subject to additional provisions that either require the

payment of the additional amount due or the expiration of the vacation approval if the binding site plan has not been recorded by the end of 2004. No comments or objections have been received from the Petitioner regarding the analysis contained in the County Road Engineer's August 17, 2004 letter.

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 King County Council.
3. A portion of 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 a form satisfactory to the affected public utilities.
4. The conditions attached to this report require either payment of the remaining compensation or the dedication of offsetting right-of-way within the Glacier View binding site plan.
5. After the Glacier View binding site plan containing dedication of new public rights-of-way has been recorded, any compensation paid by the petitioner for the vacation area shall be refunded.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2004-0259 to vacate the subject road, subject to the following conditions:

1. Vacation of the right-of-way authorized by this ordinance shall not become effective until one of the following events has occurred:
 - a. A cashiers check for \$15,046.64 from the petitioner payable to the King County Treasury has been received as additional compensation for the vacated right-of-way; or
 - b. The Glacier View Binding Site Plan (DDES file nos. B02L1919 and B02DB003) has been filed for record containing a right-of-way dedication of 43,000 square feet, more or less.
2. Upon recording of the Glacier View Binding Site Plan referenced above, the petitioner shall be refunded any sums previously paid as compensation for the vacated right-of-way. This amount shall include the \$1,419.00 documented in exhibit no. 14 as receipt no. 59365 dated March 17, 2004.
3. If neither of the pre-effective contingencies stated in condition no. 1 have been satisfied by December 31, 2004, the approval conferred hereunder shall expire and the subject vacation shall become null and void.

RECOMMENDED this 2nd day of September, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 2nd day of September, 2004, to the following parties and interested persons:

Comcast
Attn: Sherill Ulery, Permit Coord.
410 Valley Ave. NW, Bldg. C-#12
Puyallup WA 98271

Don Dauphiny
Qwest Communications
1200 12th Ave. NW
Issaquah WA 98027

Glacier, LLC
1900 S. Puget Drive
Renton WA 98055

Mary Lamping
Puget Sound Energy
411 - 108th Ave. NE
Bellevue WA 98009-9734

Natalie Martinez
17122 - 113th Ave. SE
Renton WA 98055

Soos Cr Water & Sewer Dist.
Attn: Alice R. Marshall
PO Box 58039
Renton WA 98058-1039

Tommy Burdette
KCDOT/RD SERV.
MS KSC-TR-0231

Neil DeGoojer
DNRP/WLRD
MS KSC-NR-0600

Sarah Gagnon
DNRP - Wastewater Trtmt.
MS KSC-NR-0503

Nancy Gordon
KCDOT/D&C
MS KSC-TR-0431

Dennis Gorley
KCDOT/Rd. Serv.
MS KSC-TR-0231

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

Denise Hauck
KC Dept. of Exec. Svcs.
MS ADM-ES-0500

Rich Hudson
DDES/LUSD
Cur rent Planning
MS OAK-DE-0100

Fatin Kara
KC DOT/Rd. Svcs. Div.
MS KSC-TR-0222

Tom Lew.
KC DNRP/WLRD
MS KSC-NR-0600

Roderick E. Matsuno
KC DOT/MAINT. OP.
MS RSD-TR-0100

Mike Meins
DDES, LUSD
MS OAK-DE-0100

Paulette Norman
KCDOT/RD SERV.
MS KSC-TR-0231

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

Lydia Reynolds-Jones
KC DOT/RD SERV.
MS KSC-TR-0231

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

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 \$250.00 (check payable to King County Office of Finance) *on or before September 16, 2004*. 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 September 23, 2004*.

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 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.

MINUTES OF THE AUGUST 4, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. V-2472.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Tommy Burdette, representing the Department of Transportation; and Charles Jackson, representing the Petitioner.

The following Exhibits were offered and entered into the record at the August 8, 2004 public hearing:

- Exhibit No. 1 Department of Transportation Report for the August 4, 2004, hearing w/16 attachments
- Exhibit No. 2 Petition transmittal letter from the Clerk of the Council, dated April 1, 2003
- Exhibit No. 3 Petition for Vacation received April 1, 2003, w/attached legal description
- Exhibit No. 4 Copy of filing fee check no. 1051 from Glacier LLC
- Exhibit No. 5 Copy of King County short plat no. 1183039
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Map of vacation area
- Exhibit No. 8 Letter to petitioner dated April 17, 2003
- Exhibit No. 9 Letter to petitioner dated April 22, 2003
- Exhibit No. 10 Letter from Mike Meins dated July 22, 2003, re: binding site plan

- Exhibit No. 11 Transmittal letter to the Clerk of the Council dated February 26, 2004
- Exhibit No. 12 Letter to Petitioner dated February 12, 2004, re: compensation
- Exhibit No. 13 Compensation worksheet
- Exhibit No. 14 Copy of receipt no. 59365
- Exhibit No. 15 Ordinance transmittal letter to Larry Phillips dated May 20, 2004
- Exhibit No. 16 Proposed ordinance no. 2004-0259
- Exhibit No. 17 Notice of hearing dated July 12, 2004
- Exhibit No. 18 Affidavit of Posting indicating a posting date of July 12, 2004
- Exhibit No. 19 Affidavit of publication - *to be provided upon receipt*
- Exhibit No. 20 Letter to Petitioner dated July 21, 2004
- Exhibit No. 21 Aerial photo (color) of subject area
- Exhibit No. 22 Notice of Hearing

The following additional exhibits were admitted pursuant to continuance:

- Exhibit No. 23 Revised Road Vacation Compensation Information
- Exhibit No. 24 Revised Calculation sheet for determining amount of compensation
- Exhibit No. 25 Emails relating to calculation of area to be vacated
- Exhibit No. 26 Letter to Charles Jackson from Paulette Norman dated August 17, 2004

SLS:gao
V-2472 RPT
Attachments