

KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

December 14, 2004

Ordinance 15109

Proposed No. 2004-0404.2

Sponsors Phillips

1	AN ORDINANCE authorizing the vacation of a portion of	
2	64th Avenue Northeast - File V-2491. Petitioner: Jerold	
3	Ullery.	
4		
5		
6	STATEMENT OF FACTS:	
7	1. A petition has been filed requesting vacation of a portion of 64th	
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 easements were not required	
11	within the vacation area.	
12	3. There is no evidence that the subject portion of 64th Avenue Northeast	
13	was opened for public use or maintained by King County. The records	
14	indicate 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	

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 to be
23	\$18,336.03. King County is in receipt of that amount from the petitioner.
24	Due notice was given in the manner provided by law and a hearing was
25	opened by the office of the hearing examiner on the 22nd day of
26 -	September, 2004 and closed on the 9th day of November, 2004.
27	In consideration of the benefits to be derived from the subject vacation the
28	council has determined that it is in the best interest of the citizens of King
29	County to grant said petition.
80	BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
31	SECTION 1. The council, on the effective date of this ordinance, hereby vacates
32	and abandons the right-of-ways as described herein:
33	That portion of the southerly half of 64th Avenue Northeast abutting Lot 4
34	of King County Short Plat Number L95S0065, recorded under Recording

35 Number 9802119015, Records of King County, Washington, lying Northwesterly of the "as built" cul-de-sac having a radius of 27.5 feet. 36 37 Ordinance 15109 was introduced on 8/30/2004 and passed by the Metropolitan King County Council on 12/13/2004, by the following vote: Yes: 9 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Ferguson, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine No: 0 Excused: 4 - Mr. Pelz, Mr. McKenna, Mr. Hammond and Mr. Gossett KING COUNTY COUNCIL KING COUNTY, WASHINGTO ATTEST: Anne Noris, Clerk of the Council APPROVED this 2004. Sims, County Executiv

Attachments

A. Hearing Examiner Report dated November 12, 2004 without maps

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 Transportation File no. V-2491

Proposed Ordinance no. 2004-0404

JEROLD ULLERY

Road Vacation Petition

Location:

A portion of 64th Avenue Northeast in the vicinity of

Northeast 130th Place

Petitioner:

Jerold Ullery

12963 - 64th Avenue Northeast

Kirkland, WA 98034

Telephone: (425) 821-3768

King County:

Department of Transportation, Road Services Division, represented by

Dennis Gorley

201 S. Jackson Street Seattle, WA 98104-3856 Telephone: (206) 296-6522 Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:

Department's Final:

Examiner:

Approve road vacation Approve road vacation

Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2491 was received by the Examiner on September 8, 2004.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file

V-2491—Ullery Page 2 of 5

with the petition, the Examiner conducted a public hearing on the subject as follows: The hearing on Item No. V-2491 was opened by the Examiner at 10:35 a.m., on September 22, 2004, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and was continued for administrative purposes. The Affidavit of Publication was received on October 13, 2004. Supplemental e-mail reports and additional exhibits were received on October 26, November 8 and November 9, 2004. The hearing was closed on November 9, 2004.

<u>FINDINGS</u>, <u>CONCLUSIONS & RECOMMENDATION</u>: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location: A portion of 64th Avenue Northeast in the vicinity of

Northeast 130th Place

Right of way classification:

"C"

Area:

2,845 sq. ft.

Compensation:

\$18,363.03

- 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 September 22, 2004, public hearing and the statement of facts contained in Proposed Substitute Ordinance No. 2004-0404. The Department's report and Proposed Substitute Ordinance No. 2004-0404 will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
- 3. The Petitioner initially requested vacation of the entire portion of 64th Avenue Northeast abutting lot 4 of King County Short Plat L95S0065 (12963 64th Avenue Northeast, the Petitioner's property). That area included a portion of the improved right-of-way of 64th Avenue Northeast that terminates in a cul-de-sac adjacent to 12963 64th Avenue Northeast.

Review of the proposal by the King County Roads Division and the Water and Land Resources Department identified that the proposed vacation area was partially improved and that a storm water catch basin appeared to be within the proposed vacation area. In addition, easements were identified as necessary to allow for the continued provision of services by Verizon and Northshore Utilities District to properties in the area. The reviewing county agencies recommended that the area proposed for vacation be reduced to exclude the existing cul-de-sac.

In response to the agency reviews and comments, the area proposed to be vacated was revised by the Petitioner and a survey was provided. The area now proposed to be vacated is limited to that portion of the southerly half of 64th Avenue Northeast lying northwesterly of the "as-built" culde-sac having a radius of 27.5 feet. This revision has satisfied the concerns of the reviewing agencies, Verizon and Northshore Utilities District.

4. 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:

- 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. 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.

RECOMMENDATION:

APPROVE proposed Substitute Ordinance No. 2004-0404, a copy of which is attachment 3 to this report and recommendation.

RECOMMENDED this 12th day of November, 2004.

James N. O'Connor King County Hearing Examiner pro tem

TRANSMITTED this 12th day of November, 2004, to the following parties and interested persons:

Comcast Attn: Sherill Ulery 410 Valley Ave. NW Puyallup WA 98371	Don Dauphiny Qwest Communications 1550 Newport Way NW Issaquah WA 98027	Judy McCollum Puget Sound Energy 411 - 108th Ave. NE Bellevue WA 98009-9734
Ioan & Dorina Morar 13604 SE 107th Pl. Renton WA 98059	Renton Utilities Renton City Hall, Flr. 6 1055 S. Grady Way Renton WA 98055	Neil DeGoojer DNRP/WLRD MS KSC-NR-0600
Nancy Gordon KCDOT/D&C MS KSC-TR-0431	Dennis Gorley KCDOT/Rd. Serv. MS KSC-TR-0231	David Gualtieri KCDOT/CIP & Planning MS KSC-TR-0317
Denise Hauck KC Dept. of Exec. Srvcs. MS ADM-ES-0500	Rich Hudson DDES/LUSD Current Planning MS OAK-DE-0100	Fatin Kara KC DOT/Rd: Srvcs. Div. MS KSC-TR-0222
Roderick E. Matsuno KC DOT/MAINT. OP. MS RSD-TR-0100	Paulette Norman KCDOT/RD SERV. MS KSC-TR-0231	Robert Nunnenkamp KC Parks & Recreation MS KSC-NR-0700

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 November 29, 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 December 3, 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 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 SEPTEMBER 22, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT TRANSPORTATION FILE NO. V-2491.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing was Dennis Gorley, representing the Department.

The following exhibits were offered and entered into the record:

Exhibit No. 1 Department of Transportation staff report for 9/22/04

Exhibit No. 2 Petition transmittal letter from Anne Noris dated 10/16/03

Exhibit No. 3 Letter of request from Jerold Ullery dated 10/15/03 with attached Petition

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Exhibit No. 16 Proposed ordinance no. 2004-0404

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JNOC:gao V-2491 RPT

Attachments

Return Address: Clerk of the Council Metropolitan King County Council Mail stop KCC-CC 1039



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

Avenue Northeast, File V-2491. Petitioners: Jerold Ullery.		
Reference Number(s) of Documents assigned or released:	8005 F	刀
Additional reference #'s on page of document	FEB -7 AM 9: 30	E C
Grantor(s) (Last name, first name, initials)	~ A A	<
1. King County, Washington		E VEO
Additional names on page of document.	9: 30 DUNCIL	
Grantee(s) (Last name first, then first name and initials)		
1		
Additional names on page of document. Legal description (abbreviated: i.e. lot, block, plat or section, township, range That portion of the southerly half of 64 th Avenue Northeast abutting Lot 4 of	e) King County Short Plat	
Additional legal is on page of document.		
Assessor's Property Tax Parcel/Account Number	or Tax # not yet assigned	
The Auditor/Recorder will rely on the information provided on the form. The staff verify the accuracy or completeness of the indexing information provided herein.	f will not read the documer	nt to
I am requesting an emergency nonstandard recording for an additional RCW 36.18.010. I understand that the recording processing requirent or otherwise obscure some part of the text of the original document.	al fee as provided in nents may cover up	
Signature o	f Requesting Party	



KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

December 14, 2004

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Proposed Ordinance no. 2004-0404

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Petitioner:

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12963 - 64th Avenue Northeast

Kirkland, WA 98034

Telephone: (425) 821-3768

King County:

Department of Transportation, Road Services Division, represented by

Dennis Gorley .

201 S. Jackson Street Seattle, WA 98104-3856 Telephone: (206) 296-6522 Facsimile: (206) 296-0567

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Examiner:

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RECOMMENDATION:

APPROVE proposed Substitute Ordinance No. 2004-0404, a copy of which is attachment 3 to this report and recommendation.

RECOMMENDED this 12th day of November, 2004.

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