



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 16, 2005

Ordinance 15255

Proposed No. 2005-0238.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 Alley in Whitwoods 1st Addition, File V-2481. Petitioners:
3 Arthur and Yurino Kaku.
4
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of that portion of Alley in
8 Whitwoods 1st Addition 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. The department of transportation records indicates that King County
13 has not been maintaining Alley in Whitwoods 1st Addition. 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 percent
21 of the assessed value of the subject right-of-way which was determined
22 from records of the department of assessments. King County is in receipt
23 of \$1,495.20 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 20th day of July, 2005.

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 effective date of this ordinance, hereby vacates
31 and abandons the right-of-ways as described herein:

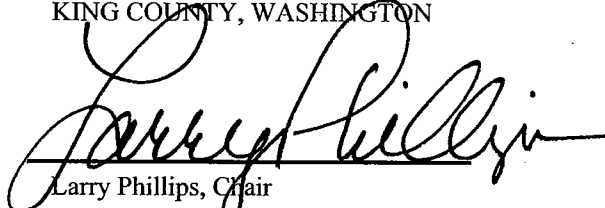
32 That portion of the south 8 feet of the alleyway adjacent to Lot 9 and the

33 east half of Lot 8 as recorded in Whitwoods 1st Addition Plat, recorded
34 under Volume 21 of Plats, Page 60 in King County, Washington.
35

Ordinance 15255 was introduced on 5/31/2005 and passed by the Metropolitan King County Council on 8/15/2005, by the following vote:

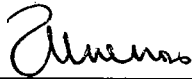
Yes: 12 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. Dunn, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons and Mr. Constantine
No: 0
Excused: 1 - Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 23 day of August, 2005.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated July 21, 2005

RECEIVED
2005 AUG 25 AM 9:36
CLERK
KING COUNTY COUNCIL

July 21, 2005

**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-2481**
Proposed Ordinance no. **2005-0238**

ARTHUR AND YURINO KAKU
Road Vacation Petition

Location: Alley in the Plat of Whitwoods 1st Addition

Petitioner: **Arthur and Yurino Kaku**
1038 Southwest 118th Street
Seattle, Washington 98146
Telephone: (206) 242-2939

King County: Department of Transportation, Road Services Division, *represented by*
Nicole Keller
201 S. Jackson Street
Seattle, Washington 98104-3856
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

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2481 was received by the Examiner on July 14, 2005.

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-2481 was opened by the Examiner at 1:30 p.m., July 20, 2005, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, Seattle, WA 98104, and closed at 1:34. 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:	Alley in the Plat of Whitwoods 1st Addition
Right of way classification:	C
Area:	480 square feet
Compensation:	\$1,495.20

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 July 20, 2005, public hearing and the statement of facts contained in Proposed Ordinance No. 2005-0238. 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 appear in the hearing record as exhibit nos. 6 and 7.

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. 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. 2005-0238 to vacate the subject road.

RECOMMENDED this 21st day of July, 2005.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 21st day of July, 2005, to the following parties and interested persons:

Comcast
Attn: Kermit Benson
410 Valley Ave. NW, Bldg. C-
Puyallup WA 98371

Don Dauphiny
Qwest Communications
1550 Newport Way NW
Issaquah WA 98027

Arthur & Yurino Kaku
1038 SW 118th St.
Seattle WA 98146

Puget Sound Energy
ATTN: Judy McCollum
411 - 108th Ave. NE
Bellevue WA 98009-9734

Southwest Suburban Sewer
431 SW Ambaum Blvd.
Burien WA 98166

Lionel Sun
Seattle Public Util., Eng. Div.
PO Box 34018
Seattle WA 98124-4018

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

Clerk of the Council
MS KCC-CC-1025

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

David Gualtieri
KCDOT/CIP & Planning
MS KSC-TR-0317

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

Bill Hintz
King Co. Dept. of
MS RSD-TR-0100

Nicole Keller
Vacations Engineer
Engineering Services Section
MS KSC-TR-0231

Kristen Langley
KC-DOT/RSD
MS KSC-TR-0222

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

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
BR&ED
Historic Preserv. Prog.
MS KCC-EX-0402

Kelly Whiting
KC Rd. Svcs. Unit
MS KSC-TR-0231

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 August 4, 2005*. 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 August 11, 2005*.

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 JULY 20, 2005, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION ROAD SERVICES DIVISION FILE NO. V-2481.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller and Kelly Whiting, representing the Department.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Transportation staff report for July 21, 2005
- Exhibit No. 2 Petition transmittal letter from Anne Noris dated July 30, 2003 to DOT, received August 4, 2003
- Exhibit No. 3 Petition for Vacation of a County Road received July 30, 2003 including legal descriptions of Petitioner's properties and map attached
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- Exhibit No. 11 Fiscal Note
- Exhibit No. 12 Ordinance transmittal letter dated May 19, 2005 to Councilmember Larry Phillips from King County Executive Ron Sims

- Exhibit No. 13 Proposed Ordinance 2005-0238
- Exhibit No. 14 Notice of Hearing
- Exhibit No. 15 Affidavit of posting dated June 20, 2005
- Exhibit No. 16 Transmittal letter dated August 6, 2004 to the Clerk of the Council
- Exhibit No. 17 Affidavit of Publication for date of hearing (*To be marked upon submission*)

SLS:gao
V-2481 RPT

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



20050902000388

KING COUNTY ORD 0.00
PAGE001 OF 009
09/02/2005 10:29
KING COUNTY, WA

Please print or type information WASHINGTON
65.04)

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

1. **Ordinance 15255 AN ORDINANCE authorizing the vacation of portion of Alley in Whitwoods 1st Addition, File V-2481 Petitioners: Arthur and Yurino Kaku.**

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)

That portion of the south 8 feet of the alleyway adjacent to Lot 9 and the east half of Lot 8 as recorded...

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

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.

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

RECEIVED
2005 OCT 14 AM 9:25
CLERK
KING COUNTY COUNCIL



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

August 16, 2005

Ordinance 15255

Proposed No. 2005-0238.2

Sponsors Phillips

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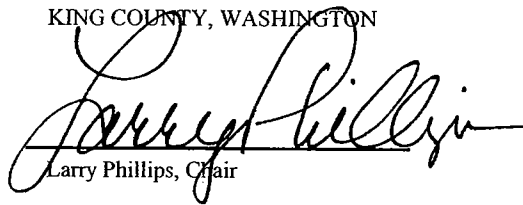
Ordinance 15255

33 east half of Lot 8 as recorded in Whitwoods 1st Addition Plat, recorded
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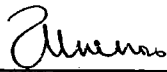
Yes: 12 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. Dunn, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons and Mr. Constantine
No: 0
Excused: 1 - Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



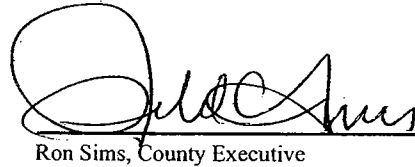
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 23 day of August, 2005.



Ron Sims, County Executive

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CLERK
KING COUNTY COUNCIL

15255

July 21, 2005

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
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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-2481
Proposed Ordinance no. 2005-0238

ARTHUR AND YURINO KAKU
Road Vacation Petition

Location: Alley in the Plat of Whitwoods 1st Addition

Petitioner: **Arthur and Yurino Kaku**
1038 Southwest 118th Street
Seattle, Washington 98146
Telephone: (206) 242-2939

King County: Department of Transportation, Road Services Division, *represented by*
Nicole Keller
201 S. Jackson Street
Seattle, Washington 98104-3856
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

DEPARTMENT'S REPORT:

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Right of way classification:	C
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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 July 20, 2005, public hearing and the statement of facts contained in Proposed Ordinance No. 2005-0238. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
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CONCLUSIONS:

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RECOMMENDATION:

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RECOMMENDED this 21st day of July, 2005.

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King County Hearing Examiner

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Arthur & Yurino Kaku
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Seattle WA 98146

Puget Sound Energy
ATTN: Judy McCollum
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Southwest Suburban Sewer
431 SW Ambaum Blvd.
Burien WA 98166

Lionel Sun
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Kim Claussen
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Neil DeGoojer
DNRP/WLRD
MS KSC-NR-0600

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DNRP - Wastewater Trtmt.
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MS KSC-TR-0431

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MS RSD-TR-0100

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MS KSC-TR-0222

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

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
BR&ED
Historic Preserv. Prog.
MS KCC-EX-0402

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Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller and Kelly Whiting, representing the Department.

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