



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**February 6, 2006**

**Ordinance 15375**

**Proposed No.** 2005-0486.2

**Sponsors** Phillips

1 AN ORDINANCE authorizing the vacation of a portion of  
2 104th Avenue SW, File V-2508, Petitioners: Jim and  
3 Cathy Burger.  
4  
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of 104th  
8 Avenue SW hereinafter described.
- 9 2. The department of transportation notified the various utility companies  
10 serving the area and has been advised that easements are not required  
11 within the vacation area.
- 12 3. The department of transportation records indicate that King County has  
13 not been maintaining 104th Avenue SW. The records indicate that no  
14 public funds have been expended for their acquisition.
- 15 4. The department of transportation considers the subject portions 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 of 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 \$2,565.00 from the petitioner.

24 6. 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 21st day of December,  
26 2005.

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.

30 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 that portion of 104th Avenue SW as conveyed to King County by the  
33 recording of the Plat of Imnaha recorded in Volume 16 of Plats, Page 10, records of King  
34 County, Washington as described below:

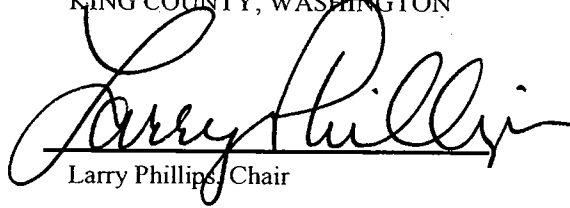
35 That portion of the westerly 30 feet of 104th Avenue (also known as  
36 Summit Avenue) abutting Lots 2, 3, and 4, of Block 3, Plat of Imnaha,

37 according to Volume 16 of Plats, Page 10, records of King County,  
38 Washington.  
39

Ordinance 15375 was introduced on 11/14/2005 and passed by the Metropolitan King County Council on 2/6/2006, by the following vote:

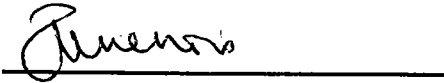
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Hague, Ms. Patterson and Mr. Constantine  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



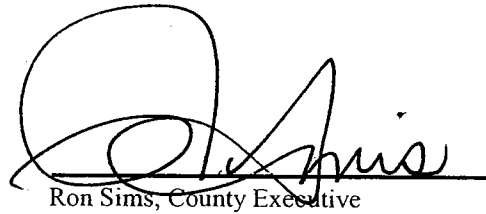
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 16 day of February, 2006.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated January 17, 2006

RECEIVED  
2006 FEB 17 AM 8:04  
KING COUNTY COUNCIL  
CLERK



**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-2508  
Proposed Ordinance No. 2005-0486

**JIM and CATHY BURGER**  
Road Vacation Petition

**Location:** Portion of 104th Avenue Southwest, within plat of *Imnaha* on Vashon Island

**Petitioners:** **Jim and Cathy Burger**  
23340 – 107th Avenue Southwest  
Vashon Island, Washington 98070-7646

**King County:** Department of Transportation, Road Services Division  
*represented by Nicole Keller and Kelly Whiting*  
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-2508 was received by the Examiner on December 6, 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-2508 was opened by the Examiner at 1:30 p.m., December 21, 2005, in the Hearing Examiner’s Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:40 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on January 11, 2006. 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 104th Avenue Southwest
Right of way classification:	C Class
Area:	9,000 square feet
Compensation:	\$2,565.00

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. 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 December 21, 2005, public hearing and the statement of facts contained in Proposed Ordinance No. 2005-0486. The Department’s report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
4. 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 8.
5. The subject right-of-way has never been opened, constructed or maintained, and is not used informally for access to any property.
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, nor on access to adjacent and nearby private property.
7. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.
8. The compensation required by law to be paid as a condition precedent to the vacation of this road

has been deposited with King County.

CONCLUSION:

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.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2005-0486 to vacate the subject road segment.

RECOMMENDED this 17th day of January, 2006.

---

Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 17th day of January, 2006, to the following parties and interested persons:

Jim & Cathy Burger  
23340 - 107th Ave. SW  
Vashon WA 98070-7646

Century Tel  
Attn. Judy Emerick  
8102 Skansie Ave. NW  
Gig Harbor WA 98335

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

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

Kim Claussen  
DDES/LUSD  
MS OAK-DE-0100

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 Sec.  
MS KSC-TR-0317

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

Bill Hintz  
KC DOT, Rd. Maint.  
MS RSD-TR-0100

Nicole Keller  
KC DOT, Rd. Svcs. Div.  
MS KSC-TR-0231

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

Kristen Langley  
DDES/LUSD  
MS OAK-DE-0100

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

Paulette Norman

Robert Nunnenkamp

Lydia Reynolds-Jones

KCDOT/RD SERV.  
MS KSC-TR-0231

KC DNRP/Prog Dev.  
MS KSC-NR-0700

KC DOT/RD SERV.  
MS KSC-TR-0231

Charlie Sundberg  
Bus. Rel. & Economic Dev.  
MS BOA-EX-2000

Kelly Whiting  
KC DOT, Rd. Svcs. Div.  
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 January 31, 2006*. 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 February 7, 2006*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> 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 DECEMBER 21, 2005, PUBLIC HEARING ON DEPARTMENT OF  
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2508.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Kelly Whiting, representing the Department, and Jim Burger, the petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the December 21, 2005 hearing, with 21 attachments
- Exhibit No. 2 Petition transmittal letter, dated December 9, 2003, to KC Department of Transportation, from Clerk of the Council and received December 15, 2003



- Exhibit No. 3 Petition for vacation of a county road including legal descriptions of petitioner's properties dated July 15, 2004
- Exhibit No. 4 Revised petition and legal to include lot 4 dated August 13, 2004
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- Exhibit No. 7 Plat map of Imnaha
- Exhibit No. 8 Map depicting vacation area
- Exhibit No. 9 Copy of compensation check and deposit receipt for 12 foot wide right-of-way
- Exhibit No. 10 Copy of compensation check and deposit receipt for the revised 30 foot right-of-way
- Exhibit No. 11 Letter dated May 18, 2005 to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet
- Exhibit No. 12 Compensation worksheet dated May 18, 2005
- Exhibit No. 13 Revised letter dated July 18, 2005 to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet
- Exhibit No. 14 Compensation worksheet dated July 14, 2005
- Exhibit No. 15 Transmittal letter dated July 26, 2005 to council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 16 Ordinance transmittal letter dated October 31, 2005 from King County Executive to Councilmember Larry Phillips
- Exhibit No. 17 Proposed Ordinance 2005-0486
- Exhibit No. 18 Fiscal note
- Exhibit No. 19 Notice of hearing
- Exhibit No. 20 Affidavit of posting for hearing
- Exhibit No. 21 Affidavit of publication for date of hearing
- Exhibit No. 22 Copy of e-mail string between Road Services and DDES on DDES denial of vacation



20060227000047

KING COUNTY CO ORD 0.00  
PAGE 001 OF 009  
02/27/2006 09:22  
KING COUNTY, WA

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)

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

1. **Ordinance 15375 AN ORDINANCE authorizing the vacation of a portion of 104<sup>th</sup> Avenue SW, File V-2508 Petitioners: Jim and Cathy Burger.**

**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. King Cty.  
2. \_\_\_\_\_

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

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

That portion of the westerly 30 feet of 104<sup>th</sup> Avenue (also known as Summit Avenue) abutting Lots 2, 3 and 4, ...  
Additional legal is on page \_\_\_\_\_ of document.

**Assessor's Property Tax Parcel/Account Number**

356380 - 0105

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  
2006 MAR 21 AM 9:30  
CLERK  
KING COUNTY COUNCIL



**KING COUNTY**  
**Signature Report**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**February 6, 2006**

**Ordinance 15375**

**Proposed No.** 2005-0486.2

**Sponsors** Phillips

1 AN ORDINANCE authorizing the vacation of a portion of  
2 104th Avenue SW, File V-2508, Petitioners: Jim and  
3 Cathy Burger.  
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6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of 104th  
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11 within the vacation area.  
12 3. The department of transportation records indicate that King County has  
13 not been maintaining 104th Avenue SW. The records indicate that no  
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17 public would benefit by the return of this unused area to the public tax  
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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 \$2,565.00 from the petitioner.

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25 held by the office of the hearing examiner on the 21st day of December,  
26 2005.

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.

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

31 SECTION 1. The council, on the effective date of this ordinance, hereby vacates  
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33 recording of the Plat of Imnaha recorded in Volume 16 of Plats, Page 10, records of King  
34 County, Washington as described below:

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Ordinance 15375

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37 according to Volume 16 of Plats, Page 10, records of King County,

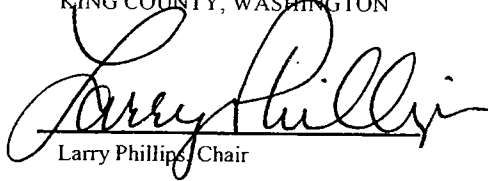
38 Washington.

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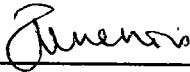
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Hague, Ms. Patterson and Mr. Constantine  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



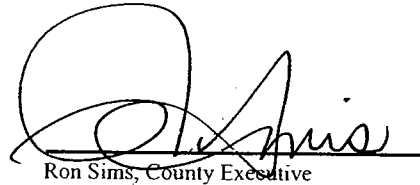
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 16 day of February, 2006.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated January 17, 2006

RECEIVED  
2006 FEB 17 AM 8:04  
KING COUNTY CLERK  
KING COUNTY COUNCIL

**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-2508  
Proposed Ordinance No. 2005-0486

**JIM and CATHY BURGER**  
Road Vacation Petition

**Location:** Portion of 104th Avenue Southwest, within plat of *Imnaha* on Vashon Island

**Petitioners:** **Jim and Cathy Burger**  
23340 – 107th Avenue Southwest  
Vashon Island, Washington 98070-7646

**King County:** Department of Transportation, Road Services Division  
*represented by Nicole Keller and Kelly Whiting*  
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-2508 was received by the Examiner on December 6, 2005.

PUBLIC HEARING:

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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 104th Avenue Southwest
Right of way classification:	C Class
Area:	9,000 square feet
Compensation:	\$2,565.00
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. 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 December 21, 2005, public hearing and the statement of facts contained in Proposed Ordinance No. 2005-0486. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
4. 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 8.
5. The subject right-of-way has never been opened, constructed or maintained, and is not used informally for access to any property.
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, nor on access to adjacent and nearby private property.
7. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.
8. The compensation required by law to be paid as a condition precedent to the vacation of this road

has been deposited with King County.

CONCLUSION:

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.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2005-0486 to vacate the subject road segment.

RECOMMENDED this 17th day of January, 2006.

---

Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 17th day of January, 2006, to the following parties and interested persons:

Jim & Cathy Burger  
23340 - 107th Ave. SW  
Vashon WA 98070-7646

Century Tel  
Attn. Judy Emerick  
8102 Skansie Ave. NW  
Gig Harbor WA 98335

Comcast  
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Puget Sound Energy  
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Kim Claussen  
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Nancy Gordon  
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David Gualtieri  
KCDOT/CIP & Planning Sec.  
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Denise Hauck  
KC Dept. of Exec. Svcs.  
MS ADM-ES-0500

Bill Hintz  
KC DOT, Rd. Maint.  
MS RSD-TR-0100

Nicole Keller  
KC DOT, Rd. Svcs. Div.  
MS KSC-TR-0231

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

Kristen Langley  
DDES/LUSD  
MS OAK-DE-0100

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

Paulette Norman

Robert Nunnenkamp

Lydia Reynolds-Jones



KCDOT/RD SERV.  
MS KSC-TR-0231

KC DNRP/Prog Dev.  
MS KSC-NR-0700

KC DOT/RD SERV.  
MS KSC-TR-0231

Charlie Sundberg  
Bus. Rel. & Economic Dev.  
MS BOA-EX-2000

Kelly Whiting  
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MS KSC-TR-0231

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AND ADDITIONAL ACTION REQUIRED

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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 DECEMBER 21, 2005, PUBLIC HEARING ON DEPARTMENT OF  
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2508.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Kelly Whiting, representing the Department, and Jim Burger, the petitioner.

The following exhibits were offered and entered into the record:

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PTD:gao  
V-2508