

KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 16, 2006

Ordinance 15469

Proposed No. 2006-0073.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 Southeast 352nd Street, File V-2510, Petitioners: Jeffrey
3 and Annette Kushmaul.

4
5
6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of Southeast
8 352nd Street hereinafter described.
- 9 2. The department of transportation notified the various utility companies
10 serving the area and has been advised that easements have either been
11 obtained or are not required within the vacation area.
- 12 3. The department of transportation records indicates that King County
13 has not been maintaining Southeast 352nd Street. The records indicate
14 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. King County
23 is in receipt of \$13,699.13 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 5th day of April, 2006.

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 that portion of Southeast 352nd Street as conveyed to King County by the
32 recording of the Plat of Townsite of Cumberland, Volume 19 of Plats, Page 52, records of
33 King County, Washington, as described below:

34 That portion of Southeast 352nd Street abutting Lot 46, in Block 6, Plat of

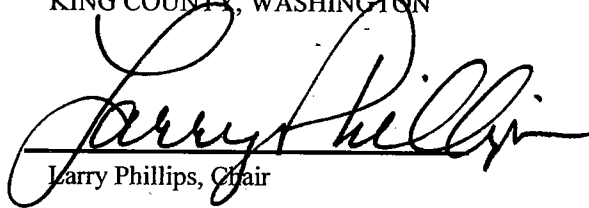
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Townsite of Cumberland, Volume 19 of Plats, Page 52, records of King
County, Washington.

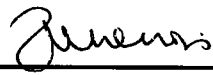
Ordinance 15469 was introduced on 2/13/2006 and passed by the Metropolitan King
County Council on 5/15/2006, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Dunn, Mr. Ferguson, Mr.
Gossett, Ms. Hague, Ms. Patterson and Mr. Constantine
No: 0
Excused: 1 - Ms. Lambert

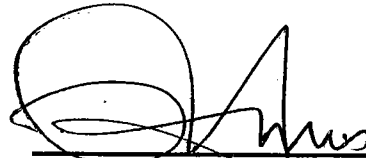
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 24 day of May, 2006.


Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated April 21, 2006

RECEIVED
2006 MAY 24 PM 3:41
CLERK
KING COUNTY COUNCIL

15469
April 21, 2006

**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: King County Department of Transportation File No. **V-2510**
Proposed Ordinance No. **2006-0073**
Parcel No. **187140-0210**

JEFFREY AND ANNETTE KUSHMAUL
Road Vacation Petition

Location: Southeast 352nd Street

Petitioner: **Jeffrey and Annette Kushmaul**
485 Michael Avenue
Enumclaw, Washington 98022
Telephone: (253) 218-8426

King County: Department of Transportation,
Road Services Division, *represented by*
Nicole Keller
201 S. Jackson St.
Seattle, Washington 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-2510 was received by the Examiner on March 6, 2006.

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-2510 was opened by the Examiner at 9:34 a.m., April 5, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, Seattle, WA 98104, and closed at 9:36 a.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on April 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:	Southeast 352nd Street
Right of way classification:	C
Area:	4,059 square feet
Compensation:	\$13,699.13

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 may be 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 April 5, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0073. 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 is currently not opened for public use and is not maintained by the County.
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. All necessary easements have been obtained 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.

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.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2006-0073 to vacate the subject road.

RECOMMENDED this 21st day of April, 2006.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 21st day of April, 2006, to the following parties and interested persons:

Comcast Cable
Attn: Jim Nies
4020 Auburn Way N.
Auburn WA 98002

Jeffrey & Annette Kushmaul
485 Michael Ave.
Enumclaw WA 98022
Bellevue WA 98004

Puget Sound Energy
Attn: Jennifer Mai
355 - 110th Ave. NE

Qwest
Attn: Don Dauphiny
1550 Newport Way NW
Issaquah WA 98027

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

Nicole Keller
KC DOT, Rd. Svcs. Div.
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Lydia Reynolds-Jones
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 May 5, 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 May 12, 2006*.

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 APRIL 5, 2006, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2510.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department.

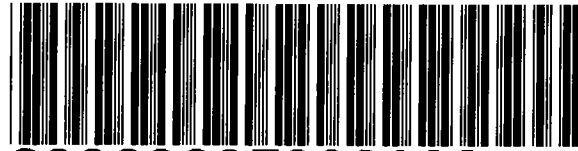
The following Exhibits were offered and entered into the record:

- | | |
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| Exhibit No. 1 | DOT report to the Hearing Examiner dated March 1, 2006 with 14 attachments |
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| Exhibit No. 6 | Vicinity map from Thomas Brothers, page 749 |
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- Exhibit No. 16 Fiscal note
- Exhibit No. 17 Notice of hearing
- Exhibit No. 18 Affidavit of posting for hearing
- Exhibit No. 19 Affidavit of publication for date of hearing

PTD:gao
V-2510 RPT

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



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KING COUNTY CO ORD 0.00
PAGE001 OF 009
06/05/2006 09:25
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 must be filled in)

1. **ORDINANCE 15469 AN ORDINANCE** authorizing the vacation of a portion of Southeast 352nd Street File V-2510. **Petitioners: Jeffrey and Annette Kushmaul.**

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 County, Washington

2. _____

Additional names on page _____ of document.

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

That portion of Southeast 352nd Street abutting Lot 46, in Block 6, Plat of Townsite of Cumberland...

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

187140-0210 _____

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 JUN 30 AM 9:28
CLERK
KING COUNTY COUNCIL



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

May 16, 2006

Ordinance 15469

Proposed No. 2006-0073.2

Sponsors Phillips

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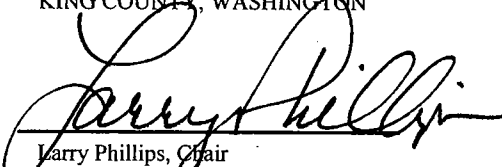
Ordinance 15469

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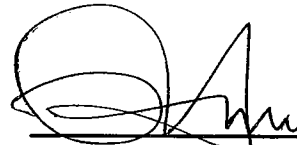
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KING COUNTY, WASHINGTON


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Anne Noris, Clerk of the Council

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SUBJECT: King County Department of Transportation File No. V-2510
Proposed Ordinance No. **2006-0073**
Parcel No. **187140-0210**

JEFFREY AND ANNETTE KUSHMAUL
Road Vacation Petition

Location: Southeast 352nd Street

Petitioner: **Jeffrey and Annette Kushmaul**
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Enumclaw, Washington 98022
Telephone: (253) 218-8426

King County: Department of Transportation,
Road Services Division, *represented by*
Nicole Keller
201 S. Jackson St.
Seattle, Washington 98104-3856
Telephone: (206) 296-3731
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:

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CONCLUSIONS:

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Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department.

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PTD:gao
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