

**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**June 12, 2006**

**Ordinance 15520**

**Proposed No. 2006-0068.2**

**Sponsors Phillips**

1                   AN ORDINANCE authorizing the vacation of a portion of  
2                   Southeast Mud Mountain Road, File V-2518, Petitioner:  
3                   Darrel Dickson for the Equanimity Foundation.  
4  
5

6                   **STATEMENT OF FACTS:**

- 7                   1. A petition has been filed requesting vacation of a portion of Southeast  
8                   Mud Mountain Road 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 indicates that King County  
13                  has been maintaining Southeast Mud Mountain Road. 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 "B-Class" and, in accordance with  
20 K.C.C. 14.40.020, the compensation due King County is based on  
21 seventy-five percent of the assessed value of the subject right-of-way,  
22 which was determined from records of the department of assessments.  
23 King County is in receipt of \$3,276.12 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 19th day of April, 2006.

26 In consideration of the benefits to be derived from the subject vacation the  
27 council has determined that it is in the best interest of the citizens of King  
28 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 Mud Mountain Road as quit claimed to King  
32 County by Donna and Herbert Snook on September 30, 1907, County Road Record 852,  
33 records of King County, Washington, as described below:

34 The Westerly 215.50 feet of the Southerly 12.00 feet of Southeast Mud  
35 Mountain Road (King County Road No. 852, formerly Archie Smith No.  
36 2) right-of-way adjacent to the following:

37 The East 10 Acres of that portion of the West 1610 feet of the Southeast  
38 Quarter of Section 6, Township 19 North, Range 7 East, W.M., in King  
39 County, Washington, lying North of the White River and Southerly of

**Ordinance 15520**

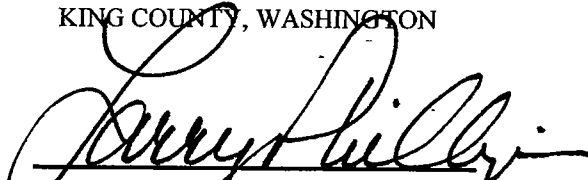
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40 Southeast Mud Mountain Road (King County Road No. 852, formerly  
41 Archie Smith No. 2).  
42

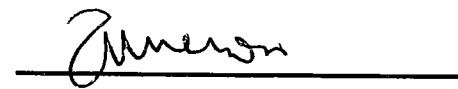
Ordinance 15520 was introduced on 2/13/2006 and passed by the Metropolitan King County Council on 6/12/2006, by the following vote:

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

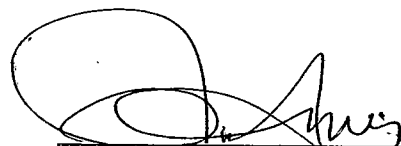
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Phillips, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 19 day of June, 2006.

  
Ron Sims, County Executive

**Attachments** A. Hearing Examiner Report dated May 17, 2006

RECEIVED  
2006 JUN 19 PM 2:58  
CLERK  
KING COUNTY COUNCIL

15520

May 17, 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:** Department of Transportation File No. V-2518  
Proposed Ordinance No. 2006-0068  
Parcel No. 0619079057

**EQUANIMITY FOUNDATION**  
Road Vacation Petition

**Location:** Portion of Southeast Mud Mountain Road

**Petitioner:** Equanimity Foundation,  
*represented by Darrel Dickson*  
3252 Phillips Avenue  
Enumclaw, Washington 98022  
Telephone: (360) 802-0817

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

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2518 was received by the Examiner on March 23, 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-2518 was opened by the Examiner at 10:01 a.m., April 19, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 10:06 a.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on May 12, 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 Southeast Mud Mountain Road
Right of way classification:	B class
Area:	2,586.00 square feet
Compensation:	\$3,276.12

2. The Notice of Hearing on the report of the Department of Transportation (KCDOT) 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 KCDOT's testimony and report to the King County Hearing Examiner for the April 19, 2006 public hearing, and the statement of facts contained in Proposed Ordinance No. 2006-0068. The Department's report will be attached to those copies of this report and recommendation that are submitted to the 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 road segment proposed for vacation is reduced from the original proposal and lies outside the area of potential future need if erosion occurs with the anticipated migration of the White River.
6. Vacation of the subject right-of-way would have no adverse effect on the provision of access and fire and emergency services to the subject property and surrounding area.
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.

CONCLUSIONS:

1. The road segment portion 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. 2006-0068 to vacate the subject road portion.

RECOMMENDED this 17th day of May, 2006.

---

Peter T. Donahue, Deputy  
King County Hearing Examiner

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

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

Equanimity Foundation  
Attn: Darrel Dickson  
3252 Phillips Ave.  
Enumclaw WA 98022

King County Journal  
Attn: Dean Radford  
600 Washington Ave. S.  
Kent WA 98032

Puget Sound Energy  
Attn: Sharon Scott  
P.O. Box 90868  
Bellevue WA 98009

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

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

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

King County Dept. of Executive  
Attn: Denise Hauck, Appraiser  
Property Services Division  
MS ADM-ES-0500

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 DNRP/Prog Dev.  
MS KSC-NR-0700

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. Srves. 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 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 June 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 APRIL 19, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. V-2518.

Peter T. Donahue 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 DOT report to the Hearing Examiner dated March 21, 2006 with 14 attachments
- Exhibit No. 2 Petition transmittal letter dated December 15, 2004 to DOT from the Clerk of the Council, received December 27, 2004
- Exhibit No. 3 Letter dated December 14, 2004 from the Petitioner explaining reasons for request
- Exhibit No. 4 Petition for Vacation of a County Road including the legal descriptions of Petitioner's property received December 15, 2004 by the Council

- Exhibit No. 5 Receipt of the filing fee; King County Council Receipt #00692 dated December 15, 2004 and a copy of the check from the Petitioner #3173
- Exhibit No. 6 Vicinity map, Thomas Brothers, page 838
- Exhibit No. 7 Quit Claim Deed for A. Smith Road, County road No. 852 (also known as SE Mud Mountain Road) from King County road records
- Exhibit No. 8 Map depicting vacation area
- Exhibit No. 9 Letter dated July 29, 2005 to the Petitioner requesting a signature for the revised legal description for the revised vacation area, and returned signed legal description
- Exhibit No. 10 Letter dated September 2, 2005 to the Petitioner identifying DOT recommendation and requesting compensation; compensation calculations are detailed in the compensation worksheet
- Exhibit No. 11 Compensation worksheet
- Exhibit No. 12 Letter to Nicole Keller from Darrel Dickson dated October 13, 2005 requesting a 2<sup>nd</sup> revision to the vacation area and a change in the compensation amount
- Exhibit No. 13 Copy of compensation check in the amount of \$3,276.12
- Exhibit No. 14 Deposit receipt dated October 18, 2005
- Exhibit No. 15 Emails dated October 18, 2005 approving the revised compensation amount
- Exhibit No. 16 Ordinance transmittal letter dated February 1, 2006 from King County Executive Ron Sims to Councilmember Larry Phillips (signed copy unavailable)
- Exhibit No. 17 Proposed Ordinance 2006-0068
- Exhibit No. 18 Fiscal Note
- Exhibit No. 19 Notice of hearing
- Exhibit No. 20 Affidavit of posting for the hearing
- Exhibit No. 21 Affidavit of Publication for date of hearing (entered May 12, 2006)

PTD:gao  
V-2518 RPT



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



20060629000227

KING-COUNTY GO ORD 0.00  
PAGE001 OF 009  
06/29/2006 09:13  
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 15520 AN ORDINANCE authorizing the vacation of a portion of Southeast Mud Mountain Road File V-2518 Petitioners: Darrel Dickson for the Equanimity Foundation.**

**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)

The Westerly 215.50 feet of the Southerly 12.00 feet of Southeast Mud Mountain Road (King County Road...

Additional legal is on page \_\_\_\_\_ of document.

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

0619079057 \_\_\_\_\_

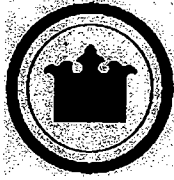
Assessor Tax # not yet assigned

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 29 AM 8:58  
KING COUNTY RECORDS



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**June 12, 2006**

**Ordinance 15520**

**Proposed No. 2006-0068.2**

**Sponsors Phillips**

1 AN ORDINANCE authorizing the vacation of a portion of  
2 Southeast Mud Mountain Road, File V-2518, Petitioner:  
3 Darrel Dickson for the Equanimity Foundation.  
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6 **STATEMENT OF FACTS:**

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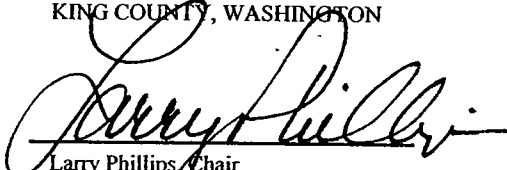
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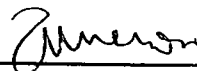
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County Council on 6/12/2006, by the following vote:

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

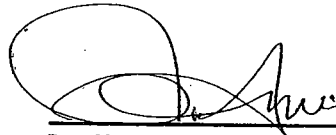
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Phillips, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 19 day of June, 2006.

  
Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated May 17, 2006

RECEIVED  
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CLERK  
METROPOLITAN COUNCIL

15520  
May 17, 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:** Department of Transportation File No. V-2518  
Proposed Ordinance No. 2006-0068  
Parcel No. 0619079057

**EQUANIMITY FOUNDATION**  
Road Vacation Petition

**Location:** Portion of Southeast Mud Mountain Road

**Petitioner:** Equanimity Foundation,  
*represented by Darrel Dickson*  
3252 Phillips Avenue  
Enumclaw, Washington 98022  
Telephone: (360) 802-0817

**King County:** Department of Transportation, Road Services Division  
*represented by Nicole Keller*  
201 S. Jackson Street  
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-2518 was received by the Examiner on March 23, 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:

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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 Southeast Mud Mountain Road
Right of way classification:	B class
Area:	2,586.00 square feet
Compensation:	\$3,276.12

2. The Notice of Hearing on the report of the Department of Transportation (KCDOT) 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 KCDOT's testimony and report to the King County Hearing Examiner for the April 19, 2006 public hearing, and the statement of facts contained in Proposed Ordinance No. 2006-0068. The Department's report will be attached to those copies of this report and recommendation that are submitted to the 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 road segment proposed for vacation is reduced from the original proposal and lies outside the area of potential future need if erosion occurs with the anticipated migration of the White River.
6. Vacation of the subject right-of-way would have no adverse effect on the provision of access and fire and emergency services to the subject property and surrounding area.
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.

CONCLUSIONS:

- I. The road segment portion 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. 2006-0068 to vacate the subject road portion.

RECOMMENDED this 17th day of May, 2006.

---

Peter T. Donahue, Deputy  
King County Hearing Examiner

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

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

Equanimity Foundation  
Attn: Darrel Dickson  
3252 Phillips Ave.  
Enumclaw WA 98022

King County Journal  
Attn: Dean Radford  
600 Washington Ave. S.  
Kent WA 98032

Puget Sound Energy  
Attn: Sharon Scott  
P.O. Box 90868  
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Nicole Keller  
KC DOT, Rd. Svcs. Div.  
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King County Dept. of Executive  
Attn: Denise Hauck, Appraiser  
Property Services Division  
MS ADM-ES-0500

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

Tom Lew  
KC DNRP/WLRD  
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Paulette Norman  
KCDOT/RD SERV.  
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KC DNRP/Prog Dev.  
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KC DOT, Rd. Srvc. Div.  
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NOTICE OF RIGHT TO APPEAL  
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 APRIL 19, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT  
AND ENVIRONMENTAL SERVICES FILE NO. V-2518.**

Peter T. Donahue 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 DOT report to the Hearing Examiner dated March 21, 2006 with 14 attachments
- Exhibit No. 2 Petition transmittal letter dated December 15, 2004 to DOT from the Clerk of the Council, received December 27, 2004
- Exhibit No. 3 Letter dated December 14, 2004 from the Petitioner explaining reasons for request
- Exhibit No. 4 Petition for Vacation of a County Road including the legal descriptions of Petitioner's property received December 15, 2004 by the Council



- Exhibit No. 5 Receipt of the filing fee; King County Council Receipt #00692 dated December 15, 2004 and a copy of the check from the Petitioner #3173
- Exhibit No. 6 Vicinity map, Thomas Brothers, page 838
- Exhibit No. 7 Quit Claim Deed for A. Smith Road, County road No. 852 (also known as SE Mud Mountain Road) from King County road records
- Exhibit No. 8 Map depicting vacation area
- Exhibit No. 9 Letter dated July 29, 2005 to the Petitioner requesting a signature for the revised legal description for the revised vacation area, and returned signed legal description
- Exhibit No. 10 Letter dated September 2, 2005 to the Petitioner identifying DOT recommendation and requesting compensation; compensation calculations are detailed in the compensation worksheet
- Exhibit No. 11 Compensation worksheet
- Exhibit No. 12 Letter to Nicole Keller from Darrel Dickson dated October 13, 2005 requesting a 2<sup>nd</sup> revision to the vacation area and a change in the compensation amount
- Exhibit No. 13 Copy of compensation check in the amount of \$3,276.12
- Exhibit No. 14 Deposit receipt dated October 18, 2005
- Exhibit No. 15 Emails dated October 18, 2005 approving the revised compensation amount
- Exhibit No. 16 Ordinance transmittal letter dated February 1, 2006 from King County Executive Ron Sims to Councilmember Larry Phillips (signed copy unavailable)
- Exhibit No. 17 Proposed Ordinance 2006-0068
- Exhibit No. 18 Fiscal Note
- Exhibit No. 19 Notice of hearing
- Exhibit No. 20 Affidavit of posting for the hearing
- Exhibit No. 21 Affidavit of Publication for date of hearing (entered May 12, 2006)