

KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 6, 2006

Ordinance 15581

Proposed No. 2006-0233.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 Southwest Pohl Road, File V-2500, Petitioners: Alan
3 Person and Elna Ryan.
4
5

6 **STATEMENT OF FACTS:**

7 1. A petition has been filed requesting vacation of a portion of Southwest
8 Pohl Road 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 will be as needed.

12 3. The department of transportation records indicates that King County
13 has been maintaining Southwest Pohl Road. The records indicate that no
14 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 King County road system and believes

17 the 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 \$311.72 from the petitioners.

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 26th day of July, 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 F.G. Pohl Road Extension 1 (County Road No. 1441) as
32 conveyed to King County by Auditor's File No. 3666214, records of King County,
33 Washington, described as follows:

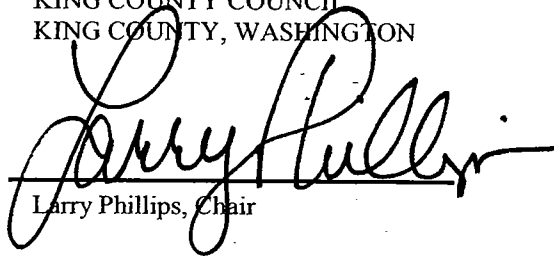
34 That portion of F. G. Pohl Road Extension 1 (County Road No. 1441)

36 lying Northerly of the South line of Lot "A" KCLLA No. L98L0164,
37 Recording Number 2000032900008, records of King County, Washington.
38

Ordinance 15581 was introduced on 5/22/2006 and passed by the Metropolitan King County Council on 9/5/2006, by the following vote:

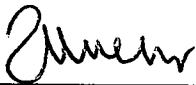
Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Ms. Hague, Mr. Constantine and Ms. Patterson
No: 0
Excused: 1 - Mr. Gossett

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



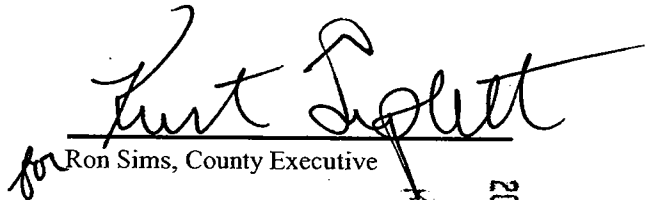
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 13th day of September, 2006.



for Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated August 9, 2006

RECEIVED
2006 SEP 13 PM 1:16
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-2500**
Proposed Ordinance No. **2006-0233**
Parcel No. **022102-9039**

ALAN PERSON AND ELNA RYAN
Road Vacation Petition

Location: Portion of Southwest Pohl Road, Vashon Island

Petitioners: **Alan Person and Elna Ryan**
10564 – 14th Avenue South
Seattle, Washington 98168
Telephone: (206) 632-6391

King County: Department of Transportation, Road Services Division
represented by Nicole Keller
201 South Jackson Street
Seattle, Washington 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:
Department's Final:
Examiner's:

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-2500 was received by the Examiner on June 14, 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-2500 was opened by the Examiner at 1:31 p.m., July 26, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:44 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on August 8, 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 location:	Portion of Southwest Pohl Road, Vashon Island
Right of way classification:	B Class
Area:	1,607.70 square feet
Compensation:	\$311.72

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 July 26, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0233. The Department's report will be attached to the 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. 7 and 9.
5. The subject right-of-way is open for public use and is maintained by the county.
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 abutting 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.

CONCLUSION:

1. The road subject to this petition is not necessary as part of the King County road system, and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2006-0233 to vacate the subject road.

RECOMMENDED this 9th day of August, 2006.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 9th day of August, 2006, to the following parties and interested persons:

Comcast
Attn: Gerald Biggs
410 Valley Ave. NW
Puyallup WA 98371

Judy Emerick
Centel Communications
8102 Skansie Ave.
Gig Harbor WA 98335

Fire District No. 13
Attn: Keith Yamane
PO Box 1150
Vashon WA 98070

Kitty Ogg
PSE
6522 Kitsap Way
Bremerton WA 98312

Alan Person
1016 N. 45th St., Apt. #5
Seattle WA 98103

Elna Ryan
10564 - 14th Ave. S.
Seattle WA 98168

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.
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 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. 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 August 23, 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 August 30, 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 JULY 26, 2006, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2500.

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

The following Exhibits were offered and entered into the record:

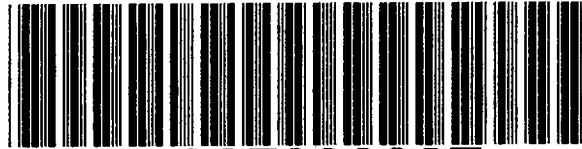
- | | |
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- Exhibit No. 5 Land survey supplied by the petitioner dated January 2000
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- Exhibit No. 7 Vicinity map Thomas Brothers, page 682, J-7
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- Exhibit No. 9 Map depicting vacation area
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- Exhibit No. 11 Compensation worksheet
- Exhibit No. 12 Copy of compensation check in the amount of \$311.72
- Exhibit No. 13 King County Cash Transmittal and Receipt
- Exhibit No. 14 Transmittal letter dated January 6, 2006 to the Clerk of the Council providing recommendation of DOT and county road engineer
- Exhibit No. 15 Ordinance transmittal letter to the Council Chair from the KC Executive dated May 9, 2006
- Exhibit No. 16 Proposed ordinance 2006-0233
- Exhibit No. 17 Fiscal Note
- Exhibit No. 18 Notice of Hearing
- Exhibit No. 19 Affidavit of Posting
- Exhibit No. 20 Affidavit of Publication for date of hearing
- Exhibit No. 21 Letter to the Hearing Examiner from Kathleen Ryan dated July 26, 2006
- Exhibit No. 22 Final notice of Proposed Road Vacation

PTD:gao
V-2500 RPT

RECEIVED

Return Address: 23 AM 9:42
Clerk of the Council
Metropolitan King County Council
Mail stop KCC-CC 1039



20060925000087

KING COUNTY ORD 0.00
PAGE 001 OF 009
09/25/2006 09:08
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 <u>must</u> be filled in)	
1. Ordinance 15581 AN ORDINANCE authorizing the vacation of a portion of Southwest Pohl Road File V-2500 Petitioners: Alan Person and Elna Ryan.	
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 F. G. Pohl Road Extension 1 (County Road No. 1441) lying Northerly of the South line of...	
Additional legal is on page _____ of document.	
Assessor's Property Tax Parcel/Account Number	<input type="checkbox"/> Assessor Tax # not yet assigned
022102-9039	
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



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 6, 2006

Ordinance 15581

Proposed No. 2006-0233.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 Southwest Pohl Road, File V-2500, Petitioners: Alan
3 Person and Elna Ryan.

4

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STATEMENT OF FACTS:

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1. A petition has been filed requesting vacation of a portion of Southwest
8 Pohl Road hereinafter described.

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10 serving the area and has been advised that easements have either been
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16 right of way useless as part of the King County road system and believes

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17 the public would benefit by the return of this unused area to the public tax
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19 5. The right of way is classified as "B-Class" and, in accordance with
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36 lying Northerly of the South line of Lot "A" KCLLA No. L98L0164,
37 Recording Number 2000032900008, records of King County, Washington.
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Ordinance 15581 was introduced on 5/22/2006 and passed by the Metropolitan King County Council on 9/5/2006, by the following vote:

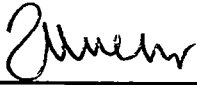
Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Ms. Hague, Mr. Constantine and Ms. Patterson
No: 0
Excused: 1 - Mr. Gossett

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



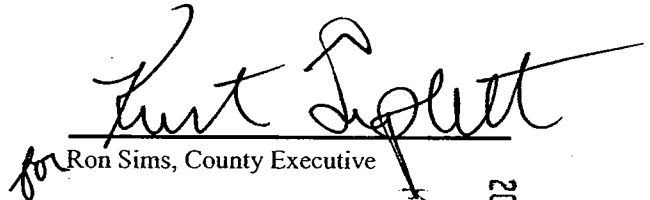
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 13th day of September, 2006.



for Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated August 9, 2006

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2006 SEP 13 PM 1:16
KING COUNTY COUNCIL CLERK

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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-2500
Proposed Ordinance No. 2006-0233
Parcel No. 022102-9039

ALAN PERSON AND ELNA RYAN
Road Vacation Petition

Location: Portion of Southwest Pohl Road, Vashon Island

Petitioners: **Alan Person and Elna Ryan**
10564 – 14th Avenue South
Seattle, Washington 98168
Telephone: (206) 632-6391

King County: Department of Transportation, Road Services Division
represented by Nicole Keller
201 South 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's:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2500 was received by the Examiner on June 14, 2006.

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 location:	Portion of Southwest Pohl Road, Vashon Island
Right of way classification:	B Class
Area:	1,607.70 square feet
Compensation:	\$311.72
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 July 26, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0233. The Department's report will be attached to the 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. 7 and 9.
5. The subject right-of-way is open for public use and is maintained by the county.
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 abutting 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.

CONCLUSION:

1. The road subject to this petition is not necessary as part of the King County road system, and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2006-0233 to vacate the subject road.

RECOMMENDED this 9th day of August, 2006.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 9th day of August, 2006, to the following parties and interested persons:

Comcast
Attn: Gerald Biggs
410 Valley Ave. NW
Puyallup WA 98371

Judy Emerick
Centel Communications
8102 Skansie Ave.
Gig Harbor WA 98335

Fire District No. 13
Attn: Keith Yamane
PO Box 1150
Vashon WA 98070

Kitty Ogg
PSE
6522 Kitsap Way
Bremerton WA 98312

Alan Person
1016 N. 45th St., Apt. #5
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Elna Ryan
10564 - 14th Ave. S.
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Kim Claussen
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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
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MS KSC-TR-0431

David Gualtieri
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Denise Hauck
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Bill Hintz
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MS RSD-TR-0100

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KC DOT, Rd. Svcs. Div.
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 DNRP/Prog Dev.
MS KSC-NR-0700

Lydia Reynolds-Jones
KC DOT/RD SERV.
MS KSC-TR-0231

Charlie Sundberg
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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 JULY 26, 2006, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2500.

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

The following Exhibits were offered and entered into the record:

- | | |
|---------------|---|
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- Exhibit No. 22 Final notice of Proposed Road Vacation

PTD:gao

V-2500 RPT