



Signature Report

June 5, 2007

Ordinance 15830

Proposed No. 2007-0188.2

Sponsors Gossett

1 AN ORDINANCE authorizing the vacation of a portion of
2 104th Avenue SW, File V-2556; Petitioners: Charles and
3 Carol Dawson.
4

5 **STATEMENT OF FACTS:**

- 6 1. A petition has been filed requesting vacation of a portion of 104th
7 Avenue SW hereinafter described.
- 8 2. The department of transportation notified the various utility companies
9 serving the area and has been advised that easements have either been
10 obtained or are not required within the vacation area.
- 11 3. The department of transportation records indicates that King County
12 has not been maintaining 104th Avenue SW. The records indicate that no
13 public funds have been expended for its acquisition.
- 14 4. The department of transportation considers the subject portion of the
15 right-of-way useless as part of the King County road system and believes
16 the public would benefit by the return of this unused area to the public tax
17 rolls.

18 5. The right-of-way is classified as "C-Class" and, in accordance with
19 K.C.C. 14.40.020, the compensation due King County is based on fifty
20 percent of the assessed value of the subject right-of-way, which was
21 determined from records of the department of assessments. King County
22 is in receipt of \$6,313.44 from the petitioner.

23 Due notice was given in the manner provided by law and a hearing was
24 held by the office of the hearing examiner on the 2nd day of May 2007.

25 In consideration of the benefits to be derived from the subject vacation the
26 council has determined that it is in the best interest of the citizens of King
27 County to grant said petition.

28 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

29 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
30 and abandons that portion of 104th Avenue SW (also known as Summit Avenue) as
31 conveyed to King County by the recording of the Plat of Imnaha, recorded in Volume 16
32 of Plats, Page 10, records of King County, Washington as described below:

33 That portion of the easterly thirty (30) feet of 104th Avenue Southwest
34 (also known as Summit Avenue) abutting and adjacent to the west line of

35 Lot 5, Block 2, in the Plat of Imnaha recorded in Volume 16 of Plats, Page
36 10, records of King County, Washington.
37

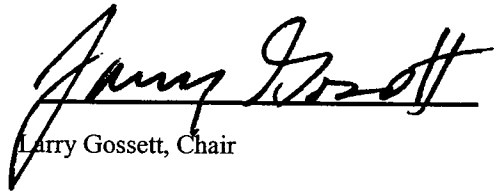
Ordinance 15830 was introduced on 3/26/2007 and passed by the Metropolitan King County Council on 6/4/2007, by the following vote:

Yes: 8 - Mr. Gossett, Ms. Lambert, Mr. von Reichbauer, Mr. Dunn, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine

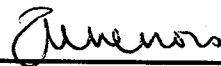
No: 0

Excused: 1 - Ms. Patterson

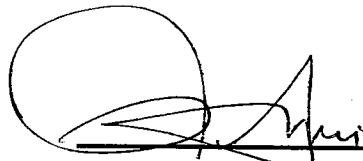
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 8 day of June, 2007.


Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated May 11, 2007

RECEIVED
2007 JUN 11 PM 4:05
CLERK
KING COUNTY COUNCIL

May 11, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation file no. **V-2556**
Proposed Ordinance no. **2007-0188**
Parcel no. **356380-0095**

CHARLES AND CAROL DAWSON
Road Vacation Petition

Location: 104th Avenue Southwest

Petitioners: **Charles and Carol Dawson**
23319 Vashon Highway Southwest
Vashon, Washington 98070
Telephone: (206) 463-4657

King County: Department of Transportation,
Road Services Division, *represented by*
Kelly Whiting
201 S. Jackson St.
Seattle, Washington 98104-3856
Telephone: (206) 296-6552
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-2556 was received by the Examiner on March 13, 2007.

PUBLIC HEARING:

After reviewing the Department'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-2556 was opened by the Examiner at 9:30 a.m. on May 2, 2007, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and at 9:34 a.m., the hearing was continued administratively for receipt of an affidavit of publication of the required Notice of Hearing. The affidavit of publication was received on May 11, 2007, and the hearing was closed. 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 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:	104th Avenue Southwest
Right of way classification:	C
Area:	3,703 square feet
Compensation:	\$6,313.44

2. The Notice of Hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
3. The Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report to the Examiner for the May 2, 2007, public hearing and the statement of facts contained in Proposed Ordinance No. 2007-0188. The Department's report will be attached to those copies of this report and recommendation that are submitted to the 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. 8 and 10.
5. The subject right-of-way is not currently opened, constructed or maintained for public use, and is not known to be used informally for access to any property.
6. Vacation of the 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. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
8. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.

9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

CONCLUSION:

1. The right-of-way segment 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. 2007-0188 to vacate the subject road right-of-way.

RECOMMENDED May 11, 2007.

James N. O'Connor
King County Hearing Examiner *pro tem*

TRANSMITTED May 11, 2007, to the following parties and interested persons:

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

Burton Water Company
c/o James Garrison
11507 - 105th Place SW
Vashon WA 98070

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

Comcast Cable
Attn: Tod Brennan
410 Valley Ave. NW, Ste. 12
Puyallup WA 98371

Charles & Carol Dawson
23319 Vashon Hwy. SW
Vashon WA 98070

Puget Sound Energy
Attn: Judy McCollum
P.O. Box 97034
Bellevue WA 98009

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
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 May 25, 2007*. If a notice of appeal is filed, the original and six (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 1, 2007*.

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 MAY 2, 2007, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2556.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Kelly Whiting, representing the Department, and Charles and Carol Dawson, the Petitioners.

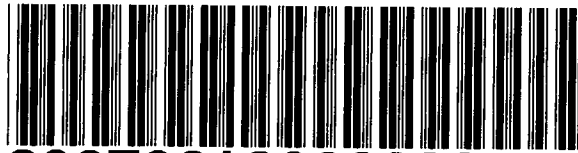
The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the May 2, 2007 hearing, with 14 attachments.
- Exhibit No. 2 Petition transmittal letter, dated March 10, 2006 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Petitioner's letter stating reason for the vacation request dated March 9, 2006
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- Exhibit No. 16 King County Treasurer deposit receipt no. 146647, dated December 20, 2006
- Exhibit No. 17 Transmittal letter dated October 9, 2006 to the Clerk of the Council
- Exhibit No. 18 Ordinance transmittal letter dated March 8, 2007 from the King County Executive to Councilmember Larry Phillips
- Exhibit No. 19 Proposed Ordinance 2007-0188
- Exhibit No. 20 Fiscal Note
- Exhibit No. 21 Notice of Hearing
- Exhibit No. 22 Affidavit of Posting
- Exhibit No. 23 Affidavit of Publication for the date of the hearing

JNOC:gao
V-2556

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



20070618002282

KING COUNTY ORD 0.00
PAGE 01 OF 009
06/18/2007 15:37
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 15830 AN ORDINANCE authorizing the vacation of a 104th Avenue SW File V-2556. Petitioners: Charles and Carol Dawson.**

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 the easterly thirty (30) feet of 104th Avenue Southwest (also known as Summit Avenue) ...

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

356380-0095

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



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 5, 2007

Ordinance 15830

Proposed No. 2007-0188.2

Sponsors Gossett

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5 **STATEMENT OF FACTS:**

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24 held by the office of the hearing examiner on the 2nd day of May 2007.

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26 council has determined that it is in the best interest of the citizens of King
27 County to grant said petition.

28 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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30 and abandons that portion of 104th Avenue SW (also known as Summit Avenue) as
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Ordinance 15830

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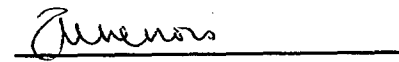
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No: 0
Excused: 1 - Ms. Patterson

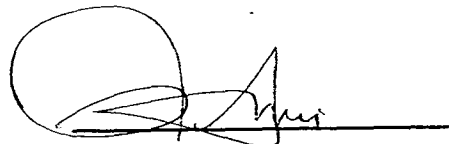
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 8 day of June, 2007.


Ron Sims, County Executive

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RECEIVED
2007 JUN 11 PM 4:05
CLERK
KING COUNTY COUNCIL

15830

May 11, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation file no. V-2556
Proposed Ordinance no. **2007-0188**
Parcel no. **356380-0095**

CHARLES AND CAROL DAWSON
Road Vacation Petition

Location: 104th Avenue Southwest

Petitioners: **Charles and Carol Dawson**
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Vashon, Washington 98070
Telephone: (206) 463-4657

King County: Department of Transportation,
Road Services Division, *represented by*
Kelly Whiting
201 S. Jackson St.
Seattle, Washington 98104-3856
Telephone: (206) 296-6552
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner's:	Approve road vacation

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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:	104th Avenue Southwest
Right of way classification:	C
Area:	3,703 square feet
Compensation:	\$6,313.44

2. The Notice of Hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
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9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

CONCLUSION:

1. The right-of-way segment 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. 2007-0188 to vacate the subject road right-of-way.

RECOMMENDED May 11, 2007.

James N. O'Connor
King County Hearing Examiner *pro tem*

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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
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Charlie Sundberg
Bus. Rel. & Economic Dev.
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