



King County

**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 29, 2007**

**Ordinance 15945**

**Proposed No.** 2007-0415.2

**Sponsors** Gossett

1 AN ORDINANCE authorizing the vacation of a portion of  
 2 SE 312th Street (also known as State Street), File V-2586,  
 3 Petitioner: Charles L. Brown.  
 4

5 STATEMENT OF FACTS:

6 1. A petition has been filed requesting vacation of a portion of SE 312th  
 7 Street hereinafter described.

8 2. The department of transportation notified the various utility companies  
 9 serving the area and has been advised that easements are not required  
 10 within the vacation area.

11 3. The department of transportation records indicates that King County  
 12 has not been maintaining SE 312th Street. The records indicate that no  
 13 public funds have been expended for its acquisition. A critical areas  
 14 review will be required prior to any future development, clearing, or other  
 15 site alteration with the vacation area.

16 4. The department of transportation considers the subject portion of the

17 right-of-way useless as part of the county road system and believes the  
18 public would benefit by the return of this unused area to the public tax  
19 rolls.

20 5. The right-of-way is classified as "C-Class" and, in accordance with  
21 K.C.C. 14.40.020, the compensation due King County is based on fifty  
22 percent of the assessed value of the subject right-of-way, which was  
23 determined from records of the department of assessments. King County  
24 is in receipt of \$5,764.50 from the petitioner.

25 Due notice was given in the manner provided by law and a hearing was  
26 held by the office of the hearing examiner on the 26th day of September  
27 2007.

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

31 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

32 SECTION 1. The council, on the effective date of this ordinance, hereby vacates  
33 and abandons that portion of SE 312th Street right-of-way (also known as State Street) as  
34 conveyed to King County by the recording of the plat of C.D. Hillman's Auburndale  
35 Addition to the City of Seattle, Division No. 1, recorded in Volume 13 of Plats, Page 62,  
36 records of King County, Washington as described below:

37 That portion of the northerly 30 feet of Southeast 312th Street right-of-  
38 way (also known as State Street) as conveyed to King County by the plat  
39 of C.D. Hillman's Auburndale Addition to the City of Seattle, Division

Ordinance 15945

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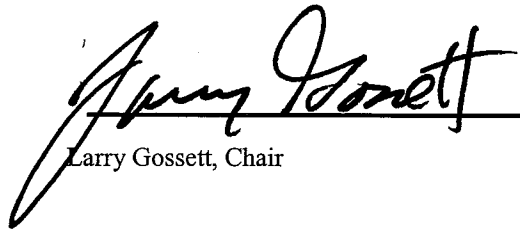
40 No. 1, recorded in Volume 13 of Plats, Page 62, records of King County,  
41 Washington, abutting and adjacent to the south line of Lot 1, Block 4, of  
42 said plat.

43

Ordinance 15945 was introduced on 8/20/2007 and passed by the Metropolitan King County Council on 10/29/2007, by the following vote:

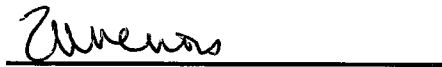
Yes: 9 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr. Dunn, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



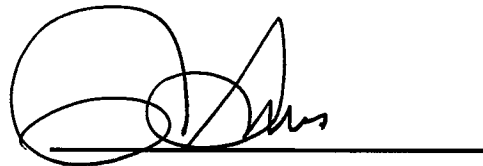
Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 9 day of November, 2007.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated October 4, 2007

RECEIVED  
2007 NOV -9 PM 2:16  
KING COUNTY COUNCIL

October 4, 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:** King County Department of Transportation File No. **V-2586**  
Proposed Ordinance No. **2007-0415**  
Parcel No. **333940-0315**

**CHARLES L. BROWN**  
Road Vacation Petition

**Location:** Portion of Southeast 312th Street (aka State Street) in the Lea Hill/Auburn area

**Petitioner:** **Charles L. Brown**  
235 South 124th Street  
Seattle, Washington 98168  
Telephone: (206) 375-1492

**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's:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2586 was received by the Examiner on September 4, 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-2586 was opened by the Examiner on September 26, 2007, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104 and closed that day. 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:	Portion of Southeast 312th Street
Right of way classification:	C Class
Area:	18,900 square feet
Compensation:	\$5,764.50

2. 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. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report to the Examiner for the September 26, 2007, public hearing and the statement of facts contained in Proposed Ordinance No. 2007-0415. 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. 7 and 9.
5. The subject right-of-way segment 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. 2007-0415 to vacate the subject road right-of-way.

RECOMMENDED October 4, 2007.

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Peter T. Donahue  
King County Hearing Examiner

TRANSMITTED October 4, 2007, to the following parties and interested persons:

Charles L. Brown  
235 S. 124th St.  
Seattle 98168

City of Auburn  
Attn: Joe Welsh  
25 W. Main St.  
Auburn WA 98001-4998

City of Auburn  
Attn: Dennis Dowdy  
25 W. Main  
Auburn WA 98001

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

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

Puget Sound Energy  
Attn: Douglas Corbin  
6905 S. 228th St.  
Kent WA 98032

Qwest  
Attn: Marge Bailey  
210 - 84th St., Ste. 18  
Lakewood WA 98499

Verizon Communications  
Attn: Debbie Condron  
P.O. Box 1003  
Everett WA 98206

Connie Blumen  
King County Dept Natural  
Water & Land Resources  
KSC-NR-0600

Kim Claussen  
DDES/LUSD  
MS OAK-DE-0100

Neil DeGoojer  
DNRP/WLRD  
MS KSC-NR-0600

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

Susan Una-Kaufman  
 DNRP-Wastewater  
 MS KSC-NR-0503

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* **October 18, 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* **October 25, 2007**.

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 SEPTEMBER 26, 2007, PUBLIC HEARING ON DEPARTMENT OF  
 TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2586.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department. There were no other participants.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the September 26, 2007 hearing, with 15 attachments
- Exhibit No. 2 Petition transmittal letter, dated December 11, 2006 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Petitioner's cover letter dated November 30, 2006
- Exhibit No. 4 Petition for vacation of a County road including legal descriptions of Petitioners' properties
- Exhibit No. 5 Copy of filing fee, check #5819 from the Petitioners
- Exhibit No. 6 Receipt #815 for filing fee

- Exhibit No. 7 Vicinity map
- Exhibit No. 8 King County Plat Map of C.D. Hillman's Auburndale Addition to the City of Seattle, recorded in Volume 13 of Plats, Page 62 records of King County
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Letter to Charles L. Brown dated January 3, 2007 notifying him of the RSD's receipt of his petition
- Exhibit No. 11 E-mail string of final notice for the road vacation sent to agencies on March 7, 2007. Final notice response deadline was April 15, 2007
- Exhibit No. 12 Letter to Charles L. Brown dated May 11, 2007 identifying DOT's recommendation and requesting compensation
- Exhibit No. 13 Compensation worksheet
- Exhibit No. 14 Copy of the compensation check in the amount of \$5,764.50
- Exhibit No. 15 Deposit receipt No. 146666, dated May 23, 2007
- Exhibit No. 16 Transmittal letter to the Clerk of the King County Council dated May 18, 2007 providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 17 Ordinance transmittal letter dated August 6, 2007 to Councilmember Larry Gossett from the King County Executive
- Exhibit No. 18 Proposed Ordinance 2007-0415
- Exhibit No. 19 Fiscal Note
- Exhibit No. 20 Notice of hearing
- Exhibit No. 21 Affidavit of posting for the hearing
- Exhibit No. 22 Affidavit of publication for the date of the hearing

PTD:gao

V-2586 RPT