



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**January 29, 2008**

**Ordinance 16008**

**Proposed No.** 2007-0474.2

**Sponsors** Gossett and Patterson

1 AN ORDINANCE authorizing the vacation of a portion of  
2 SW 184th Way, File V-2577; Petitioner: Vashon Sewer  
3 District.  
4

5 **STATEMENT OF FACTS:**

6 1. A petition has been filed requesting vacation of a portion of SW 184th  
7 Way 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 SW 184th Way. 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 county road system and believes the  
16 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 \$6,331.50 from the petitioner.

23 6. The road services division has confirmed with the King County utilities  
24 technical review committee that the petitioner, Vashon Sewer District, is  
25 considered a government agency.

26 7. In accordance with K.C.C. 14.40.020.D, compensation due to King  
27 County for a road vacation may be waived at the discretion of the King  
28 County council. Therefore, the road services division recommends that  
29 the full amount of compensation due to King County for this petition be  
30 waived and refunded to the petitioner.

31 Due notice was given in the manner provided by law and a hearing was  
32 held by the office of the hearing examiner on the 14th day of November,  
33 2007.

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

37 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

38 SECTION 1. The council, on the effective date of this ordinance, hereby vacates  
39 and abandons that portion of SW 184th Way right-of-way as conveyed to King County

40 by the recording of the Vashon Meadows recorded in Volume 220 of Plats, Page 23,  
41 records of King County, Washington as described below:

42 Beginning at the northeast corner of Tract "C", in the Plat  
43 of Vashon Meadows, recorded in Volume 220 of Plats,  
44 Page 23, records of King County, Washington; Thence S  
45  $89^{\circ}01'02''$  E, a distance of 89.21 feet; Thence S  $01^{\circ}06'44''$   
46 W, a distance of 10.23 feet to the intersection with a curve  
47 of radius 224.00 feet; Thence westerly along said curve, an  
48 arc length of 71.99 feet, to the southeast corner of said  
49 Tract "C"; Thence N  $01^{\circ}06'44''$  E, a distance of 59.75 feet,  
50 to the point of beginning.

51 Area is approximately 0.06 acres.


52            SECTION 2. In accordance with K.C.C. 14.40.020.D, the council hereby waives  
53 the compensation, and shall refund the full amount of \$6,331.50 to the petitioner.

54

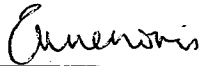
Ordinance 16008 was introduced on 9/24/2007 and passed by the Metropolitan King  
County Council on 1/28/2008, by the following vote:

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

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

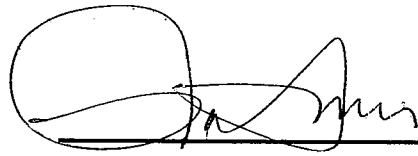
  
\_\_\_\_\_  
Julia Patterson, Chair

ATTEST:

  
\_\_\_\_\_

Anne Noris, Clerk of the Council

APPROVED this 5 day of February, 2008.

  
\_\_\_\_\_  
Ron Sims, County Executive

Attachments      A. Hearing Examiner Report dated January 4, 2008

RECEIVED  
2008 FEB - 6 AM 9: 17  
CLERK  
KING COUNTY COUNCIL

16008

January 4, 2008

**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](mailto:hearex@metrokc.gov)

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. **V-2577**  
Proposed Ordinance No. **2007-0474**  
Parcel No. **888760-0135**

**VASHON SEWER DISTRICT**  
Road Vacation Petition

**Location:** Portion of Southwest 184th Way

**Petitioner:** **Vashon Sewer District**  
c/o Daniel McClary  
P.O. Box 4436  
Federal Way, Washington 98063  
Telephone: (206) 383-4051

**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'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-2577 was received by the Examiner on October 17, 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-2577 was opened by the Examiner on November 14, 2007, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104 and continued administratively for receipt of the affidavit of notice publication, which was received November 19, 2007. The hearing record was also reopened by Examiner order November 19, 2007 for receipt of written comments from the Vashon Meadows Homeowners Association, and responses thereto, closing November 30, 2007. 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 Southwest 184th Way
Right of way classification:	C
Area:	2,700 square feet
Compensation fee amount:	\$6,331.50

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 November 14, 2007, public hearing and the statement of facts contained in Proposed Ordinance No. 2007-0474. 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. 9 and 11.
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 Vashon Meadows Homeowners Association, which under subdivision covenants bears maintenance responsibility for subdivision amenities (ornamental fixtures and landscaping) located within the subject right-of-way, inquired as to whether it would be incurring any liability by virtue of the proposed road vacation. The Petitioner has assured the Association that it would not incur such liability by vacation, and would continue to bear the aforementioned maintenance obligations under the covenants.
10. The compensation normally required by law to be paid as a condition precedent to vacation of this road, \$6,331.50, has been deposited with King County. However, KCC 14.40.020.D allows a compensation waiver for public agencies, at the Council's discretion.<sup>1</sup> KCDOT Road Services recommends that the compensation be waived and the monies refunded to the Petitioner.

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.
2. As the thrust of the governmental agency compensation waiver seems to recognize a public benefit from waiving compensation in the spirit of intergovernmental cooperation, and nothing in the record suggests that the waiver should not be granted in this case, the Examiner shall second KCDOT's recommendation of waiver.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2007-0474 to vacate the subject road right-of-way and waive compensation pursuant to KCC 14.40.020.D.

RECOMMENDED January 4, 2008.

---

Peter T. Donahue  
King County Hearing Examiner

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* **January 18, 2008**. 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* **January 25, 2008**.

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

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<sup>1</sup> "When a road is vacated for a governmental agency, compensation shall be in accordance with the classification of the road, except that some or all of the compensation may be waived at the discretion of the council." [KCC 14.40.020.D]

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 NOVEMBER 14, 2007, PUBLIC HEARING ON DEPARTMENT OF  
TRANSPORTATION FILE NO. V-2577

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller representing the Department; Stephen H. Roos, representing Orchard Place LLC and Mr. McClary.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DOT report to the Hearing Examiner dated October 15, 2007 with 15 attachments
- Exhibit No. 2 Letter to Daniel McClary from DOT dated January 18, 2006 on the right-of-way use permit denial
- Exhibit No. 3 Letter from Vashon-Maury Island Chamber of Commerce dated February 15, 2006
- Exhibit No. 4 Petition transmittal letter dated October 5, 2006 to DOT from the Clerk of the Council
- Exhibit No. 5 Petitioner's cover letter stating the reason for the requested dated October 5, 2006
- Exhibit No. 6 Petition for Vacation of a County Road including legal descriptions of the Petitioner's properties received October 5, 2006
- Exhibit No. 7 Copy of filing fee – check #482 from the Petitioner
- Exhibit No. 8 Receipt #808 from the King County Council for the filing fee
- Exhibit No. 9 Vicinity map from Thomas Brothers, page 683, 1-F
- Exhibit No. 10 King County plat map of Vashon Meadows, recorded in Volume 220 of Plats, page 23, records of King County, Washington
- Exhibit No. 11 Map depicting vacation area
- Exhibit No. 12 Site photographs depicting vacation site
- Exhibit No. 13 On-hold letter dated January 4, 2007 to the petitioner notifying him that the petition did not contain the necessary signatures
- Exhibit No. 14 Quitclaim deed, deeding Tract C from the Vashon Meadow's Homeowner's Association to the Vashon Sewer District, recording number 20070209001256, records of King County, Washington
- Exhibit No. 15 Revised petition signed by the Vashon Sewer District's representative, Craig Chambers
- Exhibit No. 16 Letter dated June 7, 2007 to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet
- Exhibit No. 17 Compensation worksheet
- Exhibit No. 18 Copy of compensation check in the amount of \$6,331.50



- Exhibit No. 19 King County Treasurer deposit receipt no. 146669 received July 19, 2007
- Exhibit No. 20 Transmittal letter dated June 11, 2007 to the Clerk of the Council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 21 Ordinance transmittal letter dated August 30, 2007 from King County Executive to Councilmember Larry Phillips
- Exhibit No. 22 Proposed Ordinance 2007-0474
- Exhibit No. 23 Fiscal Note
- Exhibit No. 24 Notice of hearing
- Exhibit No. 25 Affidavit of posting for the hearing
- Exhibit No. 26 Affidavit of publication for the date of the hearing
- Exhibit No. 27 Letter from Vashon Meadows Homeowners Association to the Hearing Examiner dated November 13, 2007
- Exhibit No. 28 Letter from Vashon Meadows, LLC to Carolyn J. Mouton of the Vashon Meadows Homeowners Association dated November 28, 2007

PTD:gao  
V-2577 RPT

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



Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

<b>Document Title(s)</b> (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in) 1. <b>Ordinance 16008 AN ORDINANCE authorizing the vacation of a portion of SW 184<sup>th</sup> Way, File V-2577; Petitioner: Vashon Sewer District.</b>	
<b>Reference Number(s) of Documents assigned or released:</b> Additional reference #'s on page _____ of document	
<b>Grantor(s)</b> (Last name, first name, initials) 1. <b>King County, Washington</b> Additional names on page _____ of document.	
<b>Grantee(s)</b> (Last name first, then first name and initials) 1. King County, Washington 2. _____ Additional names on page _____ of document.	
<b>Legal description</b> (abbreviated: i.e. lot, block, plat or section, township, range) That portion beginning at the northeast corner of Tract "C", in the Plat of Vashon Meadows, recorded in ... Additional legal is on page _____ of document.	
<b>Assessor's Property Tax Parcel/Account Number</b> <input type="checkbox"/> Assessor Tax # not yet assigned 888760-0135	
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.	

RECEIVED  
2008 MAR 10 AM 9:54  
KING COUNTY CLERK  
KING COUNTY COUNCIL

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**

**January 29, 2008**

**Ordinance 16008**

**Proposed No.** 2007-0474.2

**Sponsors** Gossett and Patterson

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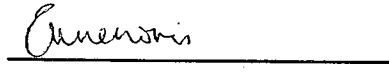
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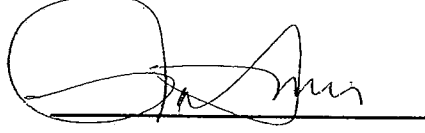
Yes: 9 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Ms. Lambert, Mr. von  
Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
\_\_\_\_\_  
Julia Patterson, Chair

ATTEST:

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

APPROVED this 5 day of February, 2008.   
\_\_\_\_\_  
Ron Sims, County Executive

**Attachments**      A. Hearing Examiner Report dated January 4, 2008

RECEIVED  
2008 FEB - 6 AM 9:17  
CLERK  
KING COUNTY COUNCIL

16008

January 4, 2008

**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](mailto:hearex@metrokc.gov)

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. V-2577  
Proposed Ordinance No. 2007-0474  
Parcel No. 888760-0135

**VASHON SEWER DISTRICT**  
Road Vacation Petition

**Location:** Portion of Southwest 184th Way

**Petitioner:** **Vashon Sewer District**  
c/o Daniel McClary  
P.O. Box 4436  
Federal Way, Washington 98063  
Telephone: (206) 383-4051

**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-2577 was received by the Examiner on October 17, 2007.

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 name and location:	Portion of Southwest 184th Way
Right of way classification:	C
Area:	2,700 square feet
Compensation fee amount:	\$6,331.50
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 November 14, 2007, public hearing and the statement of facts contained in Proposed Ordinance No. 2007-0474. 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. 9 and 11.
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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.
2. As the thrust of the governmental agency compensation waiver seems to recognize a public benefit from waiving compensation in the spirit of intergovernmental cooperation, and nothing in the record suggests that the waiver should not be granted in this case, the Examiner shall second KCDOT's recommendation of waiver.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2007-0474 to vacate the subject road right-of-way and waive compensation pursuant to KCC 14.40.020.D.

RECOMMENDED January 4, 2008.

---

Peter T. Donahue  
King County Hearing Examiner

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 January 18, 2008*. 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 January 25, 2008*.

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<sup>1</sup> "When a road is vacated for a governmental agency, compensation shall be in accordance with the classification of the road, except that some or all of the compensation may be waived at the discretion of the council." [KCC 14.40.020.D]

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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 NOVEMBER 14, 2007, PUBLIC HEARING ON DEPARTMENT OF  
TRANSPORTATION FILE NO. V-2577

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller representing the Department; Stephen H. Roos, representing Orchard Place LLC and Mr. McClary.

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- Exhibit No. 10 King County plat map of Vashon Meadows, recorded in Volume 220 of Plats, page 23, records of King County, Washington
- Exhibit No. 11 Map depicting vacation area
- Exhibit No. 12 Site photographs depicting vacation site
- Exhibit No. 13 On-hold letter dated January 4, 2007 to the petitioner notifying him that the petition did not contain the necessary signatures
- Exhibit No. 14 Quitclaim deed, deeding Tract C from the Vashon Meadow's Homeowner's Association to the Vashon Sewer District, recording number 20070209001256, records of King County, Washington
- Exhibit No. 15 Revised petition signed by the Vashon Sewer District's representative, Craig Chambers
- Exhibit No. 16 Letter dated June 7, 2007 to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet
- Exhibit No. 17 Compensation worksheet
- Exhibit No. 18 Copy of compensation check in the amount of \$6,331.50

- Exhibit No. 19 King County Treasurer deposit receipt no. 146669 received July 19, 2007
- Exhibit No. 20 Transmittal letter dated June 11, 2007 to the Clerk of the Council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 21 Ordinance transmittal letter dated August 30, 2007 from King County Executive to Councilmember Larry Phillips
- Exhibit No. 22 Proposed Ordinance 2007-0474
- Exhibit No. 23 Fiscal Note
- Exhibit No. 24 Notice of hearing
- Exhibit No. 25 Affidavit of posting for the hearing
- Exhibit No. 26 Affidavit of publication for the date of the hearing
- Exhibit No. 27 Letter from Vashon Meadows Homeowners Association to the Hearing Examiner dated November 13, 2007
- Exhibit No. 28 Letter from Vashon Meadows, LLC to Carolyn J. Mouton of the Vashon Meadows Homeowners Association dated November 28, 2007

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