



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 4, 2008

Ordinance 16010

Proposed No. 2007-0473.2

Sponsors Gossett and Patterson

1 AN ORDINANCE authorizing the vacation of a portion of
2 a 40-foot alley between 64th Avenue South and 65th
3 Avenue South rights-of-way, File V-2561; Petitioner: MT
4 Development LLC.

5
6 **STATEMENT OF FACTS:**

7 1. A petition has been filed requesting vacation of a portion of a 40-foot
8 alley between 64th Avenue South and 65th Avenue South rights-of-way
9 hereinafter described.

10 2. The department of transportation notified the various utility companies serving
11 the area and has been advised that easements will not be required at this time.
12 Easements will be attained during the development process.

13 3. The department of transportation records indicates that King County has not
14 been maintaining the subject portion of 40-foot alley between 64th Avenue South
15 and 65th Avenue South rights-of-way. The records indicate that no public funds
16 have been expended for its acquisition.

17 4. The department of transportation considers the subject portion of the rights-of-
18 way useless as part of the county road system and believes the public would
19 benefit by the return of this unused area to the public tax rolls.

20 5. The rights-of-way are classified as "C-Class" and, in accordance with King
21 County Code 14.40.020, the compensation due King County is based on fifty
22 percent of the assessed value of the subject rights-of-way, which was determined
23 from records of the department of assessments. King County is in receipt of
24 \$23,697.73 from the petitioner.

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

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

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

31 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
32 and abandons that portion of a 40-foot alley between 64th Avenue South and 65th
33 Avenue South rights-of-way, as conveyed to King County by the recording of Auditor's
34 File No. 3230299, recorded in Volume 2040 of Deeds, Page 195, records of King
35 County, Washington as described below:

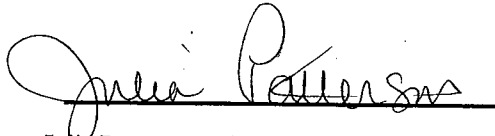
36 That portion of 40-foot rights-of-way as conveyed to King
37 County by the recording of Auditor's File 3230299
38 recorded in Volume 2040 of Deeds, Page 195, records of
39 King County, Washington as described below:

40 The north 20 feet of the south 68.44 feet, of Lots 9 through
 41 15, Block 6, in the Plat of South Seattle Gardens Addition,
 42 recorded Volume 19 of Plats, Page 17, records King
 43 County, Washington. Together with the south 20 feet, of
 44 the north 40 feet, of the south 68.44 feet, of Lots 13
 45 through 15, and of the east half of Lot 12, of said Block 6.
 46

Ordinance 16010 was introduced on 9/24/2007 and passed by the Metropolitan King County Council on 2/4/2008, 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



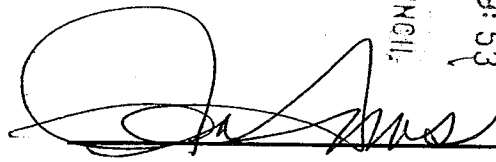
Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 11 day of February, 2008.



Ron Sims, County Executive

RECEIVED
 2008 FEB 13 AM 9:53
 KING COUNTY COUNCIL
 CLERK

Attachments A. Hearing Examiner Report dated January 11, 2008

16010

January 11, 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

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2561**
Proposed Ordinance No. **2007-0473**
Parcel No. **788720-0420**

MT DEVELOPMENT LLC
Road Vacation Petition

Location: Portion of unnamed 40 foot wide alley between 64th and 65th Avenues S, north of Martin Luther King Jr Way S in the unincorporated Skyway area east of Tukwila and north of Renton

Petitioner: **MT Development LLC**
c/o Joseph Hopper
15445 – 53rd Avenue South, Suite 100
Seattle, Washington 98188

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-2561 was received by the Examiner on October 9, 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-2561 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 on call for receipt of the affidavit of notice publication (exhibit no. 33) which was received January 8, 2008. 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 unnamed 40 foot wide alley between 64th and 65th Avenues S
Right of way classification:	C
Area:	8,116 square feet
Compensation:	\$23,697.73

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. 2007-0473. 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. 19 and 22.
5. The subject right-of-way segment, which was decided to provide an alternate to the vacated S 132nd Street (vacated May 6, 1940; see Exhibit 34), is not 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. 2007-0473 to vacate the subject road right-of-way.

RECOMMENDED January 11, 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 25, 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* **February 1, 2008**.

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 NOVEMBER 14, 2007, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2561

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:

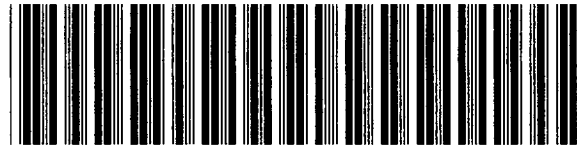
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- Exhibit No. 30 Fiscal Note
- Exhibit No. 31 Notice of hearing
- Exhibit No. 32 Affidavit of posting for the hearing
- Exhibit No. 33 Affidavit of publication for the date of the hearing
- Exhibit No. 34 Copy of Vacation V-38

PTD:gao

V-2561 RPT

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



20080225000661

KING COUNTY CO ORD 0.00
PAGE 001 OF 009
02/25/2008 10:39
KING COUNTY, WA

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

<p>Document Title(s) (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in)</p> <p>1. Ordinance 16010 AN ORDINANCE authorizing the vacation of a portion of a 40-foot alley between 64th Avenue South and 65th Avenue South rights-of-way, File V-2561; Petitioner: MT Development LLC.</p>
<p>Reference Number(s) of Documents assigned or released:</p> <p>Additional reference #'s on page _____ of document</p>
<p>Grantor(s) (Last name, first name, initials)</p> <p>1. King County, Washington</p> <p>Additional names on page _____ of document.</p>
<p>Grantee(s) (Last name first, then first name and initials)</p> <p>1. King County, Washington</p> <p>2. _____</p> <p>Additional names on page _____ of document.</p>
<p>Legal description (abbreviated: i.e. lot, block, plat or section, township, range)</p> <p>That portion of 40-foot rights-of-way as conveyed to King County by the recording of Auditor's File 3230299 ...</p> <p>Additional legal is on page _____ of document.</p>
<p>Assessor's Property Tax Parcel/Account Number <input type="checkbox"/> Assessor Tax # not yet assigned</p> <p>788720-0420</p>
<p>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.</p>

RECEIVED
2008 MAR 12 AM 9:30
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

February 4, 2008

Ordinance 16010

Proposed No. 2007-0473.2

Sponsors Gossett and Patterson

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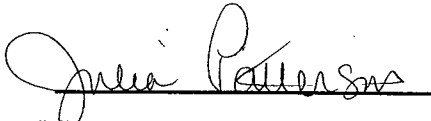
Ordinance 16010

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No: 0
Excused: 0

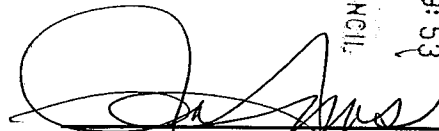
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Julia Patterson, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 11 day of February, 2008.


Ron Sims, County Executive

RECEIVED
2008 FEB 13 AM 9:53
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated January 11, 2008

16010

January 11, 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

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Proposed Ordinance No. **2007-0473**
Parcel No. **788720-0420**

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King County: Department of Transportation, Road Services Division
represented by Nicole Keller
201 S. Jackson St.
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Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

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

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Compensation:	\$23,697.73
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.
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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. 2007-0473 to vacate the subject road right-of-way.

RECOMMENDED January 11, 2008.

Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

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MINUTES OF THE NOVEMBER 14, 2007, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2561

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.

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