



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 4, 2008

Ordinance 16029

Proposed No. 2007-0611.2

Sponsors Gossett and Patterson

1 AN ORDINANCE authorizing the vacation of a portion of
2 NE 205th Street, File V-2568; Petitioner: Warren Moon of
3 The Awareness Society.
4

5 **STATEMENT OF FACTS:**

6 1. A petition has been filed requesting vacation of a portion of the NE
7 205th Street right-of-way, dedicated as Boundary Road, hereinafter
8 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 are not required within the vacation area at this time.

12 3. The department of transportation records indicates that King County
13 has not been maintaining the NE 205th Street right-of-way. The records
14 indicate that no public funds have been expended for its acquisition. A
15 critical areas review will be required prior to any future development,
16 clearing, or other site alteration with the vacation area.

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

21 5. A private Access and Utility Easement has been recorded under King
22 County recording number 20070817002058, records King County,
23 Washington.

24 6. The right-of-way is classified as "C-Class" and, in accordance with
25 K.C.C. 14.40.020, the compensation due King County is based on fifty
26 percent of the assessed value of the subject right-of-way, which was
27 determined from records of the department of assessments. King County
28 is in receipt of \$835.34 from the petitioner.

29 Due notice was given in the manner provided by law and a hearing was
30 held by the office of the hearing examiner on the 19th day of December
31 2007.

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

35 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:


36 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
37 and abandons that portion of the NE 205th Street right-of-way as conveyed to King
38 County by the recording of the Plat of Cherry Gardens Divisions No. 3, recorded in
39 Volume 22 of Plats, Page 26, records of King County, Washington as described below:

40 That portion of NE 205th Street thirty (30) foot right-of-
 41 way dedicated as Boundary Road, abutting and adjacent to
 42 the north line of Tract 188 of the Plat of Cherry Gardens
 43 Division No. 3, recorded in Volume 22 of Plats, Page 26,
 44 records of King County, Washington, and the north line of
 45 that vacated portion of the east thirty (30) feet of 320th
 46 Avenue NE right-of-way (dedicated as Cedar Road)
 47 adjacent and abutting the west line of said Tract 188.
 48

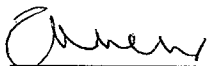
Ordinance 16029 was introduced on 11/19/2007 and passed by the Metropolitan King County Council on 3/3/2008, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


 Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council
 APPROVED this 10 day of MARCH, 2008.



Ron Sims, County Executive

RECEIVED
 2008 MAR 13 AM 10:05
 KING COUNTY COUNCIL
 CLERK

Attachments A. Hearing Examiner dated February 7, 2008

February 7, 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-2568**
Proposed Ordinance No. **2007-0611**
Parcel No. **155000-0640**

THE AWARENESS SOCIETY
Road Vacation Petition

Location: Portion of Northeast 205th Street on the King County/Snohomish
County border east of the City of Duvall

Petitioner: The Awareness Society
represented by **Mark Smythe**
112 West Meeker
Puyallup, Washington 98371

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:

Deny 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-2568 was received by the Examiner on December 6, 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-2568 was opened by the Examiner on December 19, 2007, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104 and was then continued administratively for receipt of the Affidavit of Publication which was received January 22, 2008, and a report from the Department of Development and Environmental Services updating its recommendation, which was received January 24, 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 Northeast 205th Street
Right of way classification:	C
Area:	41,797 square feet
Compensation:	\$835.34

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 December 19, 2007 public hearing and the statement of facts contained in Proposed Ordinance No. 2007-0611. 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. An easement necessary to be retained for access and for the construction, repair and maintenance of public utilities and services has been recorded in a form satisfactory to the Department.
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. 2007-0611 to vacate the subject road right-of-way.

RECOMMENDED February 7, 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* **February 21, 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 28, 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.

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

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the December 19, 2007 hearing, with 16 attachments
- Exhibit No. 2 Petition transmittal letter, dated June 19, 2006 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Petitioner's cover letter stating reason for the request dated June 2, 2006
- Exhibit No. 4 Petition for vacation of a County road including legal descriptions of petitioners' properties
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- Exhibit No. 17 Copy of compensation check in the amount of \$835.34
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- Exhibit No. 20 Ordinance transmittal letter dated November 5, 2007 from the King County Executive to Councilmember Larry Gossett
- Exhibit No. 21 Proposed Ordinance 2007-0611
- Exhibit No. 22 Fiscal Note
- Exhibit No. 23 Notice of hearing
- Exhibit No. 24 Affidavit of Posting
- Exhibit No. 25 Affidavit of Publication for the hearing
- Exhibit No. 26 Signed utility easement
- Exhibit No. 27 Aerial photograph of vacated area
- Exhibit No. 28 Right-Of-Way Vacation Map

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



20080320000145
KING COUNTY CO ORD 0.00
PAGE 001 OF 008
03/20/2008 09:24
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 16029 AN ORDINANCE authorizing the vacation of a portion of NE 205th Street, File V-2568; Petitioner: Warren Moon of The Awareness Society.**

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 NE 205th Street thirty (30) foot right-of-way dedicated as Boundary Road, abutting and ...

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

155000-0640

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

RECEIVED
2008 APR 11 AM 9:13
CLERK
KING COUNTY COUNCIL



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 4, 2008

Ordinance 16029

Proposed No. 2007-0611.2

Sponsors Gossett and Patterson

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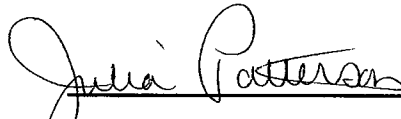
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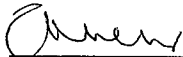
No: 0

Excused: 1 - Mr. Constantine

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council
APPROVED this 10 day of MARCH, 2008.


Ron Sims, County Executive

RECEIVED
2008 MAR 13 AM 10:05
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner dated February 7, 2008

16029

February 7, 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-2568**
Proposed Ordinance No. **2007-0611**
Parcel No. **155000-0640**

THE AWARENESS SOCIETY

Road Vacation Petition

Location: Portion of Northeast 205th Street on the King County/Snohomish
County border east of the City of Duvall

Petitioner: The Awareness Society
represented by **Mark Smythe**
112 West Meeker
Puyallup, Washington 98371

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:

Deny road vacation
Approve road vacation
Approve road vacation

DEPARTMENT'S REPORT:

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Right of way classification:	C
Area:	41,797 square feet
Compensation:	\$835.34

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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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. An easement necessary to be retained for access and for the construction, repair and maintenance of public utilities and services has been recorded in a form satisfactory to the Department.
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. 2007-0611 to vacate the subject road right-of-way.

RECOMMENDED February 7, 2008.

Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

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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 DECEMBER 19, 2007, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2568.

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

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