



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

March 31, 2008

Ordinance 16048

Proposed No. 2008-0006.2

Sponsors Patterson

1 AN ORDINANCE authorizing the vacation of a portion of
2 South 370th Street, File V-2589; Petitioners: Dennis and
3 Mara Heiman.
4

5 **STATEMENT OF FACTS:**

- 6 1. A petition has been filed requesting vacation of a portion of the South
7 370th Street right-of-way, dedicated as 9th Street, 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. A utility easement, for the Lakehaven Utility District, has been
12 recorded under King County recording number 20080102000240, records
13 of King County, Washington.
14 4. The department of transportation records indicate that King County has
15 not been maintaining the South 370th Street right-of-way. The records
16 indicate that no public funds have been expended for its acquisition. A

17 critical areas review will be required prior to any future development,
18 clearing, or other site alteration within the vacation area.

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

23 6. The right-of-way is classified as "C-Class" and, in accordance with
24 K.C.C. 14.40.020, the compensation due King County is based on fifty
25 percent of the assessed value of the subject right-of-way, which was
26 determined from records of the department of assessments. King County
27 is in receipt of \$2,067.00 from the petitioners.

28 Due notice was given in the manner provided by law and a hearing was
29 held by the office of the hearing examiner on the 20th day of February.

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

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
35 and abandons that portion of the South 370th Street right-of-way as conveyed to King
36 County by the recording of the Plat of Jovita Addition recorded in Volume 19 of Plats,
37 Page 14, records of King County, Washington as described below:

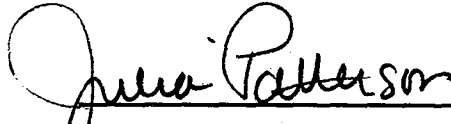
38 That portion of the southerly thirty (30) feet of South 370th
39 Street (dedicated as 9th Street) abutting and adjacent to the

40 north line of Lot 1, Block 37, in the Plat of Jovita Addition,
 41 recorded in Volume 19 of Plats, Page 14, records of King
 42 County, Washington, and said north line's easterly
 43 extension to the centerline of 50th Avenue South (dedicated
 44 as Colorado Avenue.)
 45

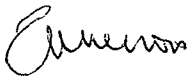
Ordinance 16048 was introduced on 1/14/2008 and passed by the Metropolitan King County Council on 3/31/2008, by the following vote:

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

KING COUNTY COUNCIL
CLERK

2008 APR 10 AM 9:52

RECEIVED

APPROVED this 8 day of April, 2008.



Ron Sims, County Executive

Attachments A. Hearing Examiners Report dated March 10, 2008

16048
March 10, 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: Department of Transportation file no. **V-2589**
Proposed Ordinance no. **2008-0006**
Parcel no. **375060-1596**

DENNIS & MARA HEIMAN
Road Vacation Petition

Location: Portion of South 370th Street

Petitioners: Dennis & Mara Heiman
6430 South 287th Street
Kent, Washington 98032
Telephone: (253) 951-2036

King County: Department of Transportation (DOT), Road Services Division
represented by Nicole Keller
201 S. Jackson Street
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-2589 was received by the Examiner on January 24, 2008.

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-2589 was opened by the Examiner on February 20, 2008, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104. The hearing was continued administratively for receipt of an affidavit of the required Notice of Hearing and recording of the Utility Easement, copies of which were received March 4, 2008 and March 10, 2008 respectively. 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 South 370th Street, City of Pacific's Potential Annexation Area
Right of way classification:	C
Area:	7,800 square feet
Compensation:	\$2067

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 February 20, 2007, public hearing and the statement of facts contained in Proposed Ordinance No. 2008-0006. 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. 6, 7 and 8.
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. 2008-0006 to vacate the subject road right-of-way.

RECOMMENDED March 10, 2008.

Stafford L. Smith
King County Hearing Examiner *pro tem*

**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* **March 24, 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* **March 31, 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 FEBRUARY 20, 2008, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2589.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the February 20, 2008 hearing, with 16 attachments.
- Exhibit No. 2 Petition transmittal letter, dated January 25, 2007 to KC Department of Transportation (KCDOT), from Clerk of the Council.
- Exhibit No. 3 Petition for vacation of a County road including legal descriptions of petitioners' properties.
- Exhibit No. 4 Copy of filing fee, check no. 6501 in the amount of \$100.
- Exhibit No. 5 Receipt no. 00823 for filing fee.
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 KC Plat Map of Jovita Addition.
- Exhibit No. 8 Map depicting vacation area.
- Exhibit No. 9 Final Agency Notice sent May 8, 2007.
- Exhibit No. 10 Letter of explanation
- Exhibit No. 11 Revised Petition for vacation of a County road, including corrected legal description.
- Exhibit No. 12 Copy of the unrecorded Utility Easement between Lakehaven Utility District and petitioners.
- Exhibit No. 13 Recommendation and request for compensation letter from KCDOT to Petitioners.
- Exhibit No. 14 Compensation Worksheet
- Exhibit No. 15 Copy of compensation payment, check no. 480997921 in the amount of \$2067.
- Exhibit No. 16 Receipt no. 146680 for compensation payment.
- Exhibit No. 17 Recommendation letter from KCDOT to KC Council.
- Exhibit No. 18 Proposed Ordinance transmittal letter from KCDOT to KC Council.
- Exhibit No. 19 Proposed Ordinance 2008-0006.
- Exhibit No. 20 Fiscal Note
- Exhibit No. 21 Affidavit of Posting, dated January 23, 2008.
- Exhibit No. 22 Affidavit of Publication, dated March 4, 2008.

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



20080418000014

KING COUNTY CO ORD 0.00
PAGE 001 OF 008
04/18/2008 08:48
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 filed in)

1. **ORDINANCE 16048 AN ORDINANCE authorizing the vacation of a portion of South 370th Street, File V-2589. Petitioners: Dennis and Mara Heiman**

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 southerly thirty (30) feet of South 370th Street (dedicated as 9th Street) abutting and ...

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

375060-1596 _____

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

March 31, 2008

Ordinance 16048

Proposed No. 2008-0006.2

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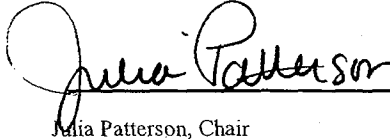
Ordinance 16048

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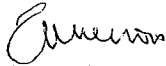
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No: 0
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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 8 day of April, 2008.



Ron Sims, County Executive

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2008 APR 10 AM 9:52
CLERK
KING COUNTY COUNCIL

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KING COUNTY, WASHINGTON**

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Telephone: (206) 296-3731
Facsimile: (206) 296-0567

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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.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2008-0006 to vacate the subject road right-of-way.

RECOMMENDED March 10, 2008.

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King County Hearing Examiner *pro tem*

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