



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 13, 2009

Ordinance 16582

Proposed No. 2009-0216.2

Sponsors Constantine

1 AN ORDINANCE authorizing the vacation of a portion of
2 the 16-foot alley, File V-2569; Petitioner: Robert C. Cook.

3

4 STATEMENT OF FACTS:

5 1. A petition has been filed requesting vacation of a portion of the 16-foot
6 alley in the Plat of Malamud and Wylde's Boulevard Tracts hereinafter
7 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 the subject portion of the 16-foot alley. The
13 records indicate that no public funds have been expended for its
14 acquisition.

15 4. The department of transportation considers the subject portion of the
16 right-of-way useless as part of the county road system and believes the

17 public would benefit by the return of this unused area to the public tax
18 rolls.

19 5. The right-of-way is classified as "C-Class" and, in accordance with
20 K.C.C. 14.40.020, the compensation due King County is based on fifty
21 percent of the assessed value of the subject right-of-way, which was
22 determined from records of the department of assessments. King County
23 is in receipt of \$1,146.00 from the petitioner.

24 Due notice was given in the manner provided by law and a hearing was
25 held by the office of the hearing examiner on the 27th day of May 2009.

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

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
31 and abandons that portion of the 16-foot alley as conveyed to King County by the
32 recording of the Plat of Malamud and Wylde's Boulevard Tracts recorded in Volume 20
33 of Plats, on Page 95, records of King County, Washington as described below:

34 That portion of the south eight (8) feet of said sixteen (16) foot alley
35 abutting and adjacent to the north line of Lot 16, in the Plat of Malamud

36

37 and Wylde's Boulevard Tracts, recorded in Volume 20 of Plats, Page 95,
38 records of King County, Washington.

39

Ordinance 16582 was introduced on 3/30/2009 and passed by the Metropolitan King County Council on 7/13/2009, by the following vote:

Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Lambert, Mr. von Reichbauer,
Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0


Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

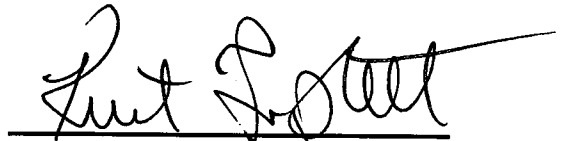
ATTEST:



Anne Noris, Clerk of the Council

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CLERK
KING COUNTY COUNCIL

APPROVED this 24th day of July, 2009.



Kurt Triplett, County Executive

Attachments A. Hearing Examiner Report dated June 11, 2009

June 11, 2009

**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 hearingexaminer@kingcounty.gov**

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2569**
 Proposed Ordinance No. **2009-0216**
 Parcel No. **505580-0065**

ROBERT COOK
 Road Vacation Petition

Location: Portion of 16-foot alley in the plat of Malamud and Wylde’s Boulevard tracts

Petitioner: **Robert Cook**
 11622—12th Avenue SW
 Seattle, Washington 98146
 Telephone: (206) 369-2558

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 Hearing Examiner for Item No. V-2569 was received by the Examiner on April 23, 2009.

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 right-of-way as follows:

The hearing on Item No. V-2569 was opened by the Examiner on May 27, 2009, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104 and was then continued administratively for receipt of the affidavit of publication (exhibit 42). Exhibit 42 was received June 9, 2009 and the hearing was then closed. 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 alley between SW 116th Street and SW 117th Street, approximately 150 feet east of 12th Avenue SW |
| Right of way classification: | C-Class |
| Area: | 400 square feet |
| Compensation: | \$1,146 |

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 herein, the Examiner adopts and incorporates by this reference the facts set forth in the Department's report to the Examiner for the May 27, 2009, public hearing and the statement of facts contained in Proposed Ordinance No. 2009-0216. 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 are in the hearing record as exhibit nos. 7 and 36.
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 properties 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 not useful as part of the King County road system, and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2009-0216 to vacate the subject road right-of-way.

RECOMMENDED this 11th day of June, 2009.

James N. O'Connor
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 June 25, 2009*. If a notice of appeal is filed, the original and six 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 July 2, 2009*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 Third 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 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 MAY 27, 2009, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2569.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller representing the Department and Robert Cook the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the May 27, 2009 hearing, with 20 attachments.
- Exhibit No. 2 Petition transmittal letter, dated July 3, 2006, to KC Department of Transportation (KCDOT) from Clerk of the Council
- Exhibit No. 3 Cover letter for vacation petition
- Exhibit No. 4 Petition for Vacation of a County Road including legal descriptions of petitioners' properties submitted July 3, 2006
- Exhibit No. 5 Copy of filing fee, check no. 1641 in the amount of \$100
- Exhibit No. 6 Receipt no. 00795 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 King County plat map of Malamud and Wylde's Boulevard Tracts
- Exhibit No. 9 Map depicting originally proposed vacation area
- Exhibit No. 10 Letter from KCDOT, dated August 3, 2006, to Petitioner acknowledging receipt of petition and request for revisions
- Exhibit No. 11 Letter from Petitioner to KCDOT, dated September 10, 2006, regarding neighbor's interest in the vacation
- Exhibit No. 12 Revised Petition for Vacation of a County Road
- Exhibit No. 13 Map depicting revised vacation area
- Exhibit No. 14 Letter from KCDOT to Petitioner, dated June 26, 2007, requesting additional/revised information
- Exhibit No. 15 Cover letter to revised Petition for Vacation of a County Road, dated January 28, 2008
- Exhibit No. 16 Revised Petition for Vacation of a County Road, dated January 28, 2008
- Exhibit No. 17 Map depicting revised vacation area
- Exhibit No. 18 Letters from neighbors in support of vacation petition
- Exhibit No. 19 Revised Petition for Vacation of a County Road, submitted March 7, 2008
- Exhibit No. 20 Map depicting revised vacation area
- Exhibit No. 21 Recommendation letter from KCDOT to KC Council, dated April 16, 2008
- Exhibit No. 22 Recommendation and request for compensation letter from KCDOT to Petitioner, dated April 17, 2008
- Exhibit No. 23 Compensation Worksheet
- Exhibit No. 24 Cover letter for compensation payment, dated May 8, 2008
- Exhibit No. 25 Copy of compensation payment: check no. 41503539 in the amount of \$1,146
- Exhibit No. 26 Receipt no. 146696 for compensation payment
- Exhibit No. 27 Email dated June 8, 2008, from Petitioner to KCDOT regarding neighbors' requests for withdrawals/extensions
- Exhibit No. 28 Revised recommendation and request for compensation letter from KCDOT to Petitioner, dated July 2, 2008
- Exhibit No. 29 Revised Compensation Worksheet
- Exhibit No. 30 Map depicting revised vacation area
- Exhibit No. 31 Revised recommendation letter from KCDOT to KC Council, dated July 3, 2008
- Exhibit No. 32 Follow-up request for compensation from KDCOT to Petitioner, dated August 28, 2008
- Exhibit No. 33 Cover letter to revised Petition for Vacation of a County Road, dated September 24, 2008
- Exhibit No. 34 Revised Petition for Vacation of a County Road, dated September 24, 2008
- Exhibit No. 35 Revised Petition for Vacation of a County Road, submitted October 7, 2008
- Exhibit No. 36 Map depicting revised vacation area
- Exhibit No. 37 Revised recommendation letter from KCDOT to KC Council, dated December 15, 2008
- Exhibit No. 38 Proposed Ordinance transmittal letter from KCDOT to KC Council, dated March 11, 2009
- Exhibit No. 39 Proposed Ordinance 2009-0216

Exhibit No. 40 Fiscal Note

Exhibit No. 41 Affidavit of Posting, noting April 7, 2009 posting date

Exhibit No. 42 Affidavit of Publication, noting May 13 and 20, 2009 publication dates

JNOC:vsm

V-2569