



King County

**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 12, 2009**

**Ordinance 16678**

**Proposed No.** 2009-0474.2

**Sponsors** Hague

1 AN ORDINANCE authorizing the vacation of a portion of  
2 51st Avenue South in the Plat of Jovita Heights, File V-  
3 2612; Petitioner: Mark Prince.  
4

5 **STATEMENT OF FACTS:**

- 6 1. A petition has been filed requesting vacation of a portion of the  
7 51st Avenue South right-of-way in the Plat of Jovita Heights, hereinafter  
8 described.
- 9 2. The department of transportation notified the various utility companies  
10 serving the area and has been advised that easements are not required  
11 within the vacation area.
- 12 3. The department of transportation's records indicate that King County  
13 has not been maintaining that portion of the 51st Avenue South right-of-  
14 way. The records indicate that no public funds have been expended in its  
15 acquisition.

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

19 The petitioner, Mark Prince, has deeded a 25-foot radius curve to King  
20 County for additional right-of-way over the southeast corner of the 51st  
21 Avenue South and South 354th Street intersection. The deed is recorded  
22 under recording number 20090915000394, records of 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 to King County, \$981.67, is  
26 based on fifty percent of the assessed value of the subject right-of-way,  
27 which was determined from records of the department of assessments.  
28 King County is in receipt of \$981.67 from the petitioner. Pursuant to  
29 K.C.C. 14.40.020.C, the petitioner should be partially refunded from the  
30 compensation currently held to offset the land costs of the newly deeded  
31 right-of-way. This was determined on a per square-foot basis, assuming  
32 the vacated and newly deeded right-of-way area would have the same  
33 value. The refund amount was determined to be \$68.09 for the 51 square  
34 feet of newly deeded right-of-way.

35 7. Due notice was given in the manner provided by law and a hearing was  
36 held by the hearing examiner on the 9th day of September, 2009.

37 8. In consideration of the benefits to be derived from the subject vacation,  
38 the council has determined that it is in the best interest of the citizens of  
39 King County to grant said petition.

40 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

41 SECTION 1. The council, on the effective date of this ordinance, hereby vacates  
42 and abandons that portion of the 51st Avenue South right-of-way, also known as Illinois  
43 Avenue, as conveyed to King County by the recording of the Plat of Jovita Heights,  
44 recorded in Volume 20 of Plats, Page 12, records of King County, Washington, as  
45 described below:

46 That portion of the east 4 feet of 51st Avenue South (dedicated as Illinois  
47 Avenue), as conveyed to King County by the Plat of Jovita Heights  
48 Addition, recorded in Volume 20 of Plats, Page 12, records of King  
49 County, Washington, abutting and adjacent to the west line of Lots 1  
50 through 5, of Block 61, of the said Plat, being further described as:

51 Beginning at the southwest corner of Lot 5, of the said  
52 Block 61; thence westerly along the westerly extension of  
53 the southerly line of the said Lot 5, a distance of 4 feet to a  
54 line parallel to and lying 4 feet westerly of the west line of  
55 Block 61; thence northerly along the said parallel line, a  
56 distance of 175 feet; thence northeasterly along the arc of a  
57 tangential curve to the right, with a 25 foot radius, to its  
58 intersection with the west line of the said Block 61; thence  
59 southerly along the said west line to the Point of Beginning.

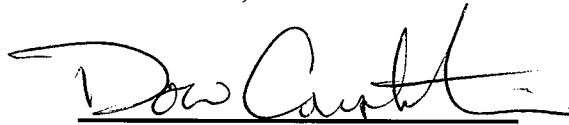
60            SECTION 2. The petitioner shall be refunded \$68.09 of the compensation paid,  
61            which amount is hereby waived in accordance with K.C.C. 14.40.020.C as credit for  
62            newly deeded adjacent right-of-way.

63

Ordinance 16678 was introduced on 8/17/2009 and passed by the Metropolitan King County Council on 10/12/2009, by the following vote:

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

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



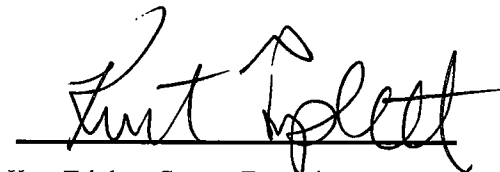
Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 22<sup>nd</sup> day of October, 2009.



Kurt Triplett, County Executive

**Attachments**      A. Hearing Examiner Report dated September 22, 2009

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KING COUNTY COUNCIL

September 22, 2009

**OFFICE OF THE HEARING EXAMINER  
 KING COUNTY, WASHINGTON**  
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 Seattle, Washington 98104  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** Department of Transportation file no. **V-2612**  
 Proposed Ordinance no. **2009-0474**  
 Adjacent parcel no. **375160-2583**

**MARK PRINCE**  
 Road Vacation Petition

**Location:** Portion of 51st Avenue S

**Petitioner:** **Mark Prince**  
 35418—51st Avenue S  
 Auburn, Washington 98001  
 Telephone: (253) 350-1453  
 Email: [mark.a.prince@boeing.com](mailto:mark.a.prince@boeing.com)

**King County:** Department of Transportation Road Services Division (DOT)  
*represented by Nicole Keller*  
 201 S Jackson Street  
 Seattle, Washington 98104-3856  
 Telephone: (206) 296-3731  
 Facsimile: (206) 296-0567  
 Email: [nicole.keller@kingcounty.gov](mailto:nicole.keller@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation and grant partial waiver of compensation
Examiner's:	Approve road vacation and grant partial waiver of compensation

**DEPARTMENT'S REPORT:**

The Department of Transportation's written report to the Hearing Examiner for road vacation petition V-2612 was received by the Examiner on August 18, 2009.

**PUBLIC HEARING:**

After reviewing the Department's report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the petition and report as follows:

The hearing was opened by the Examiner on September 9, 2009, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104, and then left open administratively for receipt of the affidavit of publication (Exhibit 34) and the recording and transmittal of a Quit Claim Deed (Exhibit 20). The affidavit of publication was received on September 9, 2009 and the recorded Quit Claim Deed on September 17, 2009, at which time the hearing record 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 51st Avenue S
Right of way classification:	C Class
Area:	735 square feet
Compensation:	\$981.67 (pursuant to KCC 14.40.020C, \$68.09 recommended to be waived and refunded as an offset for intersection radius right-of-way granted by Petitioner)

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 herein by this reference the facts set forth in the Department's report and the statements of fact contained in Proposed Ordinance No. 2009-0474. 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 are in the hearing record as exhibit nos. 8 and 17.
5. The subject right-of-way segment, which is a four-foot wide edge strip along the Petitioner's frontage, is not currently opened, constructed or maintained for public use.
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. No easements are necessary to be retained for construction, repair and maintenance of public utilities and services.
8. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.

9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County. Pursuant to KCC 14.40.020C, \$68.09 of the compensation is recommended by the Department to be waived and refunded to Petitioner as consideration for the above-noted provision of intersection radius right-of-way.

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.
2. The petition merits the partial waiver and refund recommended by the Department. The provision of an intersection radius right-of-way qualifies the petition for such waiver under KCC 14.40.020C. The partial waiver and refund are accordingly recommended by the Examiner.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2009-0474 to vacate the subject road right-of-way and waive and refund \$68.09 of the calculated compensation amount pursuant to KCC 14.40.020C.

RECOMMENDED September 22, 2009.

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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 October 6, 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 October 13, 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 SEPTEMBER 9, 2009, PUBLIC HEARING ON THE PETITION FOR ROAD VACATION OF MARK PRINCE, DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2612.

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

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the September 9, 2009 hearing, with 15 attachments
- Exhibit No. 2 Letter from Clerk of the Council to KC Department of Transportation (KCDOT) transmitting petition, dated October 23, 2007
- Exhibit No. 3 Cover letter for road vacation petition from Mark Anthony Prince, dated September 27, 2007
- Exhibit No. 4 Cover letter for road vacation petition from Dale Fite, dated September 26, 2007
- Exhibit No. 5 Petition for Vacation of a County Road (signed by both Mark Anthony Prince and Dale Fite) including legal descriptions of Petitioners' properties, submitted October 23, 2007
- Exhibit No. 6 Copy of filing fee: check no. 3390, in the amount of \$100
- Exhibit No. 7 Receipt no. 00858 for filing fee
- Exhibit No. 8 Vicinity map
- Exhibit No. 9 King County Plat map of Jovita Heights
- Exhibit No. 10 Map depicting vacation area
- Exhibit No. 11 Final Agency Notice sent April 29, 2008
- Exhibit No. 12 Letter explaining road vacation process from KCDOT to Petitioner, dated December 24, 2007
- Exhibit No. 13 Revised Petition for Vacation of a County Road (signed only by Mark Anthony Prince) including legal descriptions of Petitioner's properties, submitted February 25, 2008
- Exhibit No. 14 Letter from KCDOT to Petitioner informing him of possible need for an utility easement as well as providing a preliminary compensation estimate, dated February 28, 2008
- Exhibit No. 15 Revised Petition for Vacation of a County Road including legal descriptions of Petitioner's properties, submitted June 3, 2008
- Exhibit No. 16 Letter from KCDOT to Petitioner requesting a revised petition and providing a revised compensation estimate, dated August 6, 2008
- Exhibit No. 17 Revised map depicting vacation area
- Exhibit No. 18 Letter from KCDOT to Petitioner re-requesting a revised petition and providing a revised compensation estimate, dated December 11, 2008
- Exhibit No. 19 Revised Petition for Vacation of a County Road including legal descriptions of Petitioner's properties
- Exhibit No. 20 Quit Claim Deed between Petitioner and King County, recording no. 20090915000394
- Exhibit No. 21 Memorandum from King County Real Estate Services (KCRES) to KCDOT requesting review of the Quit Claim Deed, dated February 25, 2009
- Exhibit No. 22 KCDOT's approval of the Quit Claim Deed as relayed to KCRES
- Exhibit No. 23 Letter from KCDOT to Petitioner recommending approval and requesting compensation, dated March 17, 2009
- Exhibit No. 24 Compensation Worksheet
- Exhibit No. 25 Letter from KCDOT to Petitioner re-requesting compensation, dated May 15, 2009



- Exhibit No. 26 Copy of compensation payment, check no. 2520228780 in the amount of \$981.67
- Exhibit No. 27 Receipt no. 540822 for compensation payment
- Exhibit No. 28 Letter from KCDOT to KC Council recommending approval of petition, dated March 23, 2009
- Exhibit No. 29 Letter from KCDOT to KC Council transmitting proposed ordinance, dated August 6, 2009
- Exhibit No. 30 Proposed ordinance 2009-0474
- Exhibit No. 31 Fiscal Note
- Exhibit No. 32 Compensation worksheet
- Exhibit No. 33 Affidavit of Posting, noting posting date of August 17, 2009
- Exhibit No. 34 Affidavit of Publication, noting August 26 and September 2, 2009 publication dates

PTD:vsm

V-2612 RPT