



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 15, 2010

Ordinance 16956

Proposed No. 2010-0458.2

Sponsors Ferguson

1 AN ORDINANCE authorizing the vacation of a portion of
2 Geo Bayne Road right-of-way, also known as County Road
3 No. 1224, File V-2647; Petitioner: Donald L. Olson.

4 STATEMENT OF FACTS:

5 1. A petition has been filed requesting vacation of a portion of the Geo
6 Bayne Road right-of-way, also known as County Road No. 1224
7 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. An easement to Puget Sound Energy, for existing facilities within the
12 vacation area, has been recorded under King County recording number
13 20090625000292, records King County, Washington.

14 4. The department of transportation records indicates that King
15 County has maintained the subject portion of the Geo Bayne Road right-
16 of-way, also known as County Road No. 1224. The records indicate that
17 no public funds have been expended for its acquisition.

18 5. The department of transportation considers the subject portion of the
19 right-of-way ("ROW") useless as part of the county road system and

20 believes the public would benefit by the return of this unused area to the
21 public tax rolls.

22 6. The ROW is classified as "B-Class" and, in accordance with K.C.C.
23 14.40.020, the compensation due King County is based on seventy-five
24 percent of the assessed value of the subject ROW, which was determined
25 from records of the department of assessments. King County is in receipt
26 of \$5,247.65 from the petitioner.

27 Due notice was given in the manner provided by law and a hearing was
28 held by the office of the hearing examiner on the 6th day of October 2010.

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

32 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

33 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
34 and abandons that portion of the Geo Bayne Road right-of-way, also known as County
35 Road No. 1224, as conveyed to King County by the recording of the Quit-Claim Deed
36 recorded in Volume 1204 of Deeds, on Page 279, records of King County, Washington as
37 described below:

38 That portion of the NE quarter of the NW quarter of Section 10, Township
39 21 North, Range 7 East, Willamette Meridian, King County, Washington,
40 described as follows:

41 All that portion of the Geo Bayne Road right-of-way, also
42 known as County Road No. 1224, located in said

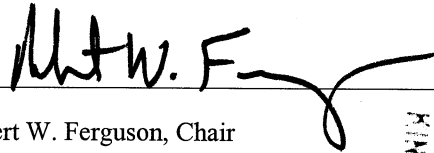
43 subdivision and deeded to King County by the Quit-Claim
44 Deed recorded in Volume 1204 of Deeds, on Page 279,
45 records of King County Washington, lying northerly of the
46 Cumberland Kanaskat Road SE right-of-way.
47 EXCEPT that portion of said right-of-way, located in the
48 Northern Pacific Railroad Palmer Cut-Off right-of-way, as

49 shown in the survey recorded in Volume 159 of Surveys,
50 on Page 47, records of King County, Washington.
51

Ordinance 16956 was introduced on 8/23/2010 and passed by the Metropolitan King County Council on 11/15/2010, by the following vote:

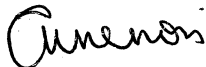
Yes: 9 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Mr. Gossett,
Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

RECEIVED
2010 NOV 29 PM 4: 03
KING COUNTY COUNCIL
CLERK

APPROVED this ____ day of _____, 2010.

**DEEMED ENACTED WITHOUT
COUNTY EXECUTIVE'S SIGNATURE.**

DATED: 11/28/10

Dow Constantine, County Executive

Attachments: A. Hearing Examiner Report dated October 25, 2010

October 25, 2010

**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-2647**
Proposed Ordinance No. **2010-0458**
Parcel No. **102107-9057**

DONALD OLSON
Road Vacation Petition

Location: Portion of Geo Bayne Road aka Geo. Bayne Road aka SE 307th Street
aka County Road no. 1224

Petitioner: **Donald Olson**
PO Box 123
Ravensdale, Washington 98051
Telephone: (360) 886-9613

King County: Department of Transportation, 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 Hearing Examiner for road vacation petition V-2647 was received by the Examiner on September 9, 2010.

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 October 6, 2010, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104. The hearing was then continued administratively for receipt of the Affidavit of Publication, which was received October 15, 2010. 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 Geo Bayne Road
Right of way classification:	B-Class
Area:	26,911 square feet
Compensation:	\$5,247.65

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. 2010-0458. 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. 6 and 10.
5. The subject right-of-way segment is not currently opened 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. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
8. A utility easement to Puget Sound Energy has been recorded for existing utility facilities. No other easements are necessary to be retained for 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.

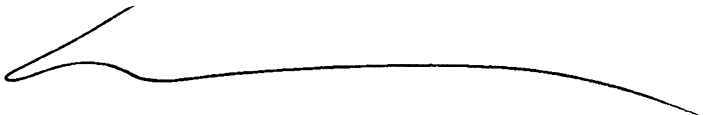
CONCLUSION:

- I. 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. 2010-0458 to vacate the subject road right-of-way.

RECOMMENDED October 25, 2010.



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 November 8, 2010*. If a notice of appeal is filed, the original and two 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 November 15, 2010*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1039, 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 OCTOBER 6, 2010 PUBLIC HEARING ON THE PETITION FOR ROAD VACATION OF DONALD OLSON, DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2647.

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

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the October 6, 2010 hearing, with 14 attachments
- Exhibit No. 2 Letter from Clerk of the Council to King County Department of Transportation (KCDOT), transmitting petition, dated January 14, 2010
- Exhibit No. 3 Petition for Vacation of a County Road including legal descriptions of Petitioner's properties
- Exhibit No. 4 Copy of filing fee: check no. 6708, in the amount of \$100
- Exhibit No. 5 Receipt no. 930 for filing fee
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Quit Claim Deed granting conveying ownership of subject property to King County, dated May 28, 1923
- Exhibit No. 8 Revised Petition for Vacation of a County Road
- Exhibit No. 9 Survey of Northern Pacific Railroad Palmer Cutt-Off right-of-way, dated April 2003
- Exhibit No. 10 Map depicting vacation area
- Exhibit No. 11 Final Agency Notice, sent Wednesday, March 31, 2010
- Exhibit No. 12 Utility easement for Puget Sound Energy dated June 15, 2009
- Exhibit No. 13 Letter from KCDOT to Petitioner recommending approval and requesting compensation, dated June 21, 2010
- Exhibit No. 14 Compensation Worksheet
- Exhibit No. 15 Copy of compensation payment, check no. 556973 in the amount of \$5,247.65
- Exhibit No. 16 Letter from KCDOT to KC Council recommending approval of petition, dated June 22, 2010
- Exhibit No. 17 Letter from KCDOT to KC Council transmitting proposed ordinance, dated August 5, 2010
- Exhibit No. 18 Proposed Ordinance 2010-0458
- Exhibit No. 19 Fiscal Note
- Exhibit No. 20 Affidavit of Posting, noting posting date of September 2, 2010
- Exhibit No. 21 Affidavit of Publication, noting September 22, 2010 and September 29, 2010 publication dates