



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 15, 2010**

**Ordinance 16957**

**Proposed No. 2010-0459.2**

**Sponsors Ferguson**

1           AN ORDINANCE authorizing the vacation of a portion of  
2           364th Avenue Southeast, also known as Kerriston Road -  
3           County Road No. 896, File V-2646; Petitioner: Ross  
4           Rockstad.

5           STATEMENT OF FACTS:

6           1. A petition has been filed requesting vacation of a portion of 364th  
7           Avenue Southeast, also known as Kerriston Road - County Road No. 896,  
8           hereinafter 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 records indicates that King County  
13          has not been maintaining 364th Avenue Southeast. The records indicate  
14          that no public funds have been expended for its acquisition.

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

19 5. The ROW is classified as "C-Class" and, in accordance with K.C.C.  
20 14.40.020, the compensation due King County is based on fifty percent of  
21 the assessed value of the subject ROW, which was determined from  
22 records of the department of assessments. King County is in receipt of  
23 \$5,788.50 from the petitioner.

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

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 364th Avenue Southeast, also known as Kerriston Road -  
32 County Road No. 896, as conveyed to King County by the Board of the State of Land  
33 Commissioners Application No. 387, on January 8, 1913, records of King County,  
34 Washington as described below:

35 That portion of the Northeast quarter of Section 36, Township 23 North,  
36 Range 7 East, Willamette Meridian, King County, Washington, being  
37 further described as:

38 That portion of the 364th Avenue Southeast right-of-way, also known as  
39 Kerriston Road - Northwest Lumber Company Road - County Road No.  
40 896, as deeded to King County by the Board of the State Land

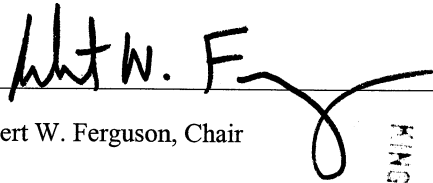
41 Commissioners Application No. 387, on January 8, 1913, records of King  
42 County Washington, bounded by the following described line:  
43 Commencing at the Northwest corner of the Northeast  
44 quarter of Section 36, Township 23 North, Range 7 East,  
45 W.M., King County, Washington; Thence south along the  
46 west line of said quarter section, a distance of 302.01 feet  
47 to the Northwest corner of Lot B, of King County  
48 Boundary Line Adjustment No. L02L0072, recording  
49 number 20040504900007, records of King County  
50 Washington; Thence east, along the north line of said Lot  
51 B, to its intersection with the westerly right-of-way margin  
52 of 364th Avenue Southeast, also known as County Road  
53 No. 896, and the true POINT OF BEGINNING; Thence  
54 continuing along the easterly extension of said north line to  
55 the east margin of said right-of-way; Thence southerly  
56 along the various courses of said east margin, a distance of  
57 385.55 feet, more or less, to the point of intersection with  
58 the southeasterly line of said Lot B; Thence  
59 southwesterly, perpendicular to the 364th Avenue  
60 Southeast centerline, a distance of 60 feet to the west  
61 margin of said right-of-way; Thence northerly along the  
62 various courses of said west margin a distance of 397.57

63 feet, more or less, to the north line of said Lot B, and the  
64 true POINT OF BEGINNING.  
65

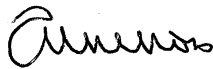
Ordinance 16957 was introduced on 8/23/2010 and passed by the Metropolitan King County Council on 11/15/2010, by the following vote:

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](mailto:hearingexaminer@kingcounty.gov)

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. **V-2646**  
Proposed Ordinance No. **2010-0459**  
Parcel No. **362307-9002**

**ROSS ROCKSTAD**  
Road Vacation Petition

**Location:** Portion of 364th Avenue SE aka Kerriston Road aka  
County Road no. 896

**Petitioner:** **Ross Rockstad**  
17641 364th Avenue SE  
Maple Valley, Washington 98038  
Telephone: (206) 459-5511

**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-2646 was received by the Examiner on September 8, 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 on 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 364th Avenue SE
Right of way classification:	C-class
Area:	22,740 square feet
Compensation:	\$5,798.70

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. 2010-0459. 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, 8 and 9.
5. The subject right-of-way segment 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. 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 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.

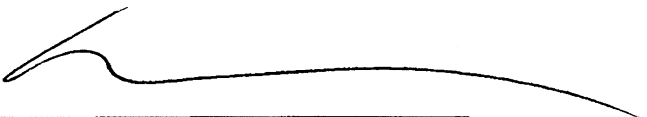
CONCLUSION:

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. 2010-0459 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 PETITIONER FOR ROAD VACATION OF ROSS ROCKSTAD, DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2646.

Peter T. Donahue 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 October 6, 2010 hearing, with 19 attachments.
- Exhibit No. 2 Letter from Clerk of the Council to King County Department of Transportation (KCDOT), transmitting petition, dated January 20, 2010
- Exhibit No. 3 Petition for Vacation of a County Road including legal descriptions of Petitioner's property
- Exhibit No. 4 Copy of filing fee: check no. 1065, in the amount of \$100
- Exhibit No. 5 Receipt no. 00931 for filing fee
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Board of State Land Commissioners Order regarding Application no. 387 granting right-of-way easement to King County, dated January 8, 1913
- Exhibit No. 8 King County Boundary Line Adjustment no. L02L0072
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Final agency notice sent March 31, 2010
- Exhibit No. 11 Letter of explanation, dated February 1, 2010
- Exhibit No. 12 Resubmitted Petition for Road Vacation, corrected to include Petitioner's signature
- Exhibit No. 13 Letter from KCDOT to Petitioners recommending approval and requesting compensation, dated May 24, 2010
- Exhibit No. 14 Compensation Worksheet
- Exhibit No. 15 Copy of compensation payment, check no. 42139414 in the amount of \$5,788.50
- Exhibit No. 16 Receipt no. 540862 for compensation payment
- Exhibit No. 17 Letter from KCDOT to KC Council recommending approval of petition, dated May 26, 2010
- Exhibit No. 18 Letter from KCDOT to KC Council transmitting proposed ordinance, dated August 5, 2010
- Exhibit No. 19 Proposed Ordinance 2010-0459
- Exhibit No. 20 Fiscal Note
- Exhibit No. 21 Affidavit of Posting, noting posting date of September 2, 2010
- Exhibit No. 22 Affidavit of Publication, noting September 22, 2010 and September 29, 2010 publication dates