



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 25, 2011

Ordinance 17215

Proposed No. 2011-0290.2

Sponsors Gossett

1 AN ORDINANCE authorizing the vacation of a portion of
2 John J. Hallworth Road, File V-2656; Petitioner: Jen
3 Simonson.

4 STATEMENT OF FACTS:

- 5 1. A petition has been filed requesting vacation of a portion of John J.
6 Hallworth Road right-of-way ("ROW"), also known as County Road No.
7 583, 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. The department of transportation records indicate that King County has
12 maintained the John J. Hallworth Road ROW. The records indicate that
13 no public funds have been expended for its acquisition.
- 14 4. The department of transportation considers the subject portion of the
15 ROW not useful as part of the county road system and believes the public
16 would benefit by the return of this unused area to the public tax rolls.
- 17 5. The ROW is classified as "B-Class" and, in accordance with K.C.C.
18 14.40.020, the compensation due to King County for the requested ROW
19 vacation is based on seventy-five percent of the assessed value of the

20 subject ROW, which was calculated from records of the department of
21 assessments as \$10,005.31. King County is in receipt of \$10,005.31 from
22 the petitioner.

23 6. The ROW vacation area forms an intersection with Cedar Grove Road
24 Southeast, classified as a rural minor arterial road. The King County Road
25 Design and Construction Standards call for a minimum ROW width of 84
26 feet for a rural minor arterial. Therefore, an additional 12 feet of ROW
27 width along the petitioner's pertinent property frontage on Cedar Grove
28 Road Southeast is necessary for the county to maintain the minimum
29 required width for Cedar Grove Road Southeast.

30 7. The petitioner, Jen Simonson, has provided a Quit Claim Deed for an
31 additional 12 feet of ROW width (4,625 square feet in area) along her
32 property frontage on Cedar Grove Road Southeast. The Quit Claim Deed
33 is recorded under recording number 20110825000100 records of King
34 County, Washington.

35 8. Pursuant to K.C.C. 14.40.020.C, the petitioner shall receive a partial
36 refund of the compensation currently held to offset the value of the new
37 ROW granted by the Quit Claim Deed. Using a per-square-foot basis
38 assuming the vacated and newly deeded ROW area have equal per-unit-
39 area value, the refund amount is calculated to be \$3,364.69 for the 4,625
40 square feet of new ROW area.

41 Due notice was given in the manner provided by law and a hearing on the
42 requested vacation was held by the hearing examiner on the 10th day of
43 August, 2011.

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

47 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

48 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
49 and abandons that portion of the John J. Hallworth Road right-of-way, also known as
50 County Road No. 583, as conveyed to King County by the recording of a Release of
51 Claims, recorded in Volume 272 of Deeds, Page 640, records of King County,
52 Washington, as described below:

53 That portion of the John J. Hallworth Road, also known as County Road
54 No. 583, situated in the Northwest quarter of the Southeast quarter of
55 Section 22, Township 23 North, Range 6 East, Willamette Meridian, King
56 County, Washington, located within the following described property:

57 The North half of that portion of the northwest quarter of
58 the southeast quarter of Section 22, Township 23 north,
59 Range 6 east, W.M., in King County, Washington, lying
60 westerly of Cedar Grove County Road as conveyed to King
61 County by Deed recorded under Recording Number
62 5326225 and lying north of the north line of the south half

63 of the south half of the northwest quarter of the southeast
64 quarter of said Section 22.

65 EXCEPT any portion thereof lying easterly of a line
66 parallel to and 42.00-foot westerly of the centerline of
67 Cedar Grove Road Southeast, as shown in King County
68 Survey No. 32-23-6-9.


69 SECTION 2. The amount of \$3,364.69 shall be refunded to petitioner Jen

70 Simonson in consideration of corresponding real property compensation of equal value
71 granted by quit claim deed.
72


Ordinance 17215 was introduced on 7/5/2011 and passed by the Metropolitan King County Council on 10/24/2011, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, 2011.

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

DATED: 11/4/11

Dow Constantine, County Executive

Attachments: A. Hearing Examiner Report dated October 4, 2011

October 4, 2011

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse, Room 1200
516 Third Avenue
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-0198
Email hearingexaminer@kingcounty.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. **V-2656**
Proposed Ordinance No. **2011-0290**
Adjacent Parcel No. **222306-9100**

JEN SIMONSON
Road Vacation Petition

Location: Portion of John J. Hallworth Road, County Road No. 583

Petitioner: **Jen Simonson**
15205 Cedar Grove Road SE
Issaquah, WA 98027

King County: Department of Transportation (KCDOT)
Road Services Division
represented by **Nicole Keller**
201 S Jackson Street
Seattle, WA 98104
Telephone: (206) 296-3731
Email: nicole.keller@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation: Approve road vacation and partial compensation refund
Department's Final Recommendation: Approve road vacation and partial compensation refund
Examiner's Recommendation: Approve road vacation and partial compensation refund

DEPARTMENTS REPORT:

The Department of Transportation Report on V-2656 was received by the Examiner on July 25, 2011.

PUBLIC HEARING:

After reviewing the Department report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the matter on August 10, 2011, in the Fred Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle. The hearing was then continued administratively

for receipt of a copy of the then to-be-recorded Quit Claim Deed for Petitioner's deeding of additional right-of-way in lieu of part of the compensation amount (see finding no. 8), which recorded deed copy was received on August 25, 2011.

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 Hearing Examiner's Office.

FINDINGS, CONCLUSIONS AND RECCOMENDATION: 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 John J. Hallworth Road, County Road No. 583
Right of way classification:	B-Class
Area: square feet	13,753 square feet
Compensation:	\$10,005.31 (\$3,364.69 to be waived and refunded; additional right-of-way deeded in lieu of full monetary compensation)

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. 2011-0290. 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 18.
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. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County. KCDOT has recommended that \$3,364.69 of the deposited compensation amount be refunded to Petitioner in trade for the equal value of additional right-of-way deeded to the County at the County's request (see map exhibit no. 18). Its value calculation is properly based. A recorded Quit Claim Deed has been recorded (exhibit no. 27) to effect the deeding of such additional 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. KCDOT's recommendation of partial compensation refund conforms to code provisions applicable to the acceptance of property in lieu of monetary compensation and is affirmed by the Examiner. [KCC 14.40.020.C]

RECOMMENDATION:

APPROVE proposed Ordinance No. 2011-0290 to vacate the subject road right-of-way, and direct refund of \$3,364.69 to the Petitioner in return for corresponding real property compensation of equal value.

DATED October 4, 2011.



Peter T. Donahue
King County Hearing Examiner

NOTICE OF APPEAL

In order to appeal the decision of the hearing examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250 (check payable to King County Office of Finance) on or before **October 18, 2011**. If a notice of appeal is filed, the original 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 **October 25, 2011**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Clerk of the Council's Office, Room 1200, 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. If the Office of the Clerk is not officially open on the specified closing date, 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 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 that 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, defer action, refer the matter to a Council committee, or remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act (LUPA) is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within 21 days of the date on which the Council passes an ordinance acting on this matter. (The LUPA defines the date on which a land use decision is issued by the Council as the day the Council passes the decision ordinance.)

MINUTES OF THE AUGUST 10, 2011, PUBLIC HEARING ON TRANSPORTATION FILE NO. V-2656.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller representing the department and Jen Simonson the Petitioner.

The following exhibits were offered and entered into the hearing record:

- Exhibit no. 1 Report to the Hearing Examiner for the August 10, 2011 hearing, with attachments.
- Exhibit no. 2 Letter from Clerk of the Council to KCDOT transmitting petition, dated June 21, 2010
- Exhibit no. 3 Cover letter to road vacation petition, received June 21, 2011
- Exhibit no. 4 Petition for Vacation of a County Road including legal descriptions of Petitioner's property, received June 21, 2011
- Exhibit no. 5 Copy of filing fee: check no. 7988, in the amount of \$100
- Exhibit no. 6 Receipt no. 00944 for filing fee
- Exhibit no. 7 Vicinity map
- Exhibit no. 8 Legal document transferring land to the county for the purpose of road construction and maintenance, as requested by John Hallworth
- Exhibit no. 9 Map depicting land transferred to King County for establishment of a road (addendum to exhibit no. 8)
- Exhibit no. 10 Release of claims for transferred land, recorded June 25, 1901
- Exhibit no. 11 Map depicting vacation area
- Exhibit no. 12 Letter of explanation, dated July 19, 2010
- Exhibit no. 13 Final Agency Notice sent November 2, 2010
- Exhibit no. 14 Letter from KCDOT to Petitioner describing necessary changes to the requested vacation area and requesting petitioner deed certain portion of right-of-way to King County, dated January 21, 2011
- Exhibit no. 15 Quit Claim Deed transferring portion of Cedar Grove County Road to King County, dated March 8, 2011 (unrecorded version)
- Exhibit no. 16 Revised Petition for Vacation of a County Road
- Exhibit no. 17 Letter recommending petition approval and requesting compensation
- Exhibit no. 18 Compensation worksheet
- Exhibit no. 19 Copy of compensation payment, check no. 3336505642 in the amount of \$10,005.31
- Exhibit no. 20 Compensation refund worksheet
- Exhibit no. 21 Letter from KCDOT to KC Council recommending approval of petition, dated April 1, 2011
- Exhibit no. 22 Letter from KCDOT to KC Council transmitting proposed ordinance, dated June 20, 2011
- Exhibit no. 23 Proposed Ordinance 2011-0290
- Exhibit no. 24 Fiscal Note
- Exhibit no. 25 Affidavit of Posting, noting posting date of July 20, 2011
- Exhibit no. 26 Affidavit of Publication, noting July 29, 2011, and August 5, 2011, publication dates
- Exhibit no. 27 Quit Claim Deed transferring portion of Cedar Grove County Road to King County, dated March 8, 2011 (recorded version)

PTD/vsm