



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**December 13, 2011**

**Ordinance 17248**

**Proposed No. 2011-0346.2**

**Sponsors Gossett**

1           AN ORDINANCE authorizing the vacation of a portion of  
2           51st Avenue South, File V-2653; Petitioners: Richard L.  
3           Engler and Mary A. Rogan.

4           STATEMENT OF FACTS:

5           1. A petition has been filed requesting vacation of a portion of the 51st  
6           Avenue South right-of-way ("ROW") described in this ordinance.

7           2. The department of transportation notified the various utility companies  
8           serving the area and has been advised that an easement was provided to  
9           the Lakehaven utility district under recording number 20111108000557,  
10          records of King County, Washington. No other easements were required  
11          within the vacation area at this time.

12          3. The department of transportation records indicate that King County has  
13          not been maintaining the 51st Avenue South ROW. 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          ROW useless as part of the county road system and believes the public  
17          would benefit by the return of this unused area to the public tax rolls.

18          5. The ROW is classified as "C-Class" and, in accordance with K.C.C.  
19          14.40.020, the compensation due to King County is based on fifty percent

20 of the assessed value of the subject ROW, which was determined from  
21 records of the department of assessments. King County is in receipt of  
22 \$24,036.00 from the petitioners.

23 Due notice was given in the manner provided by law and a hearing was  
24 held by the office of the hearing examiner on the 28th day of September,  
25 2011.

26 In consideration of the benefits to be derived from the subject vacation,  
27 the council has determined that it is in the best interest of the citizens of  
28 King County to grant the 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 51st Avenue South right-of-way ("ROW"), also known  
32 as Illinois Street, as conveyed to King County by the recording of the Plat of Jovita  
33 Heights, recorded in Volume 20 of Plats, Page 12, records of King County, Washington,  
34 as described below:

35 That portion of the westerly 30 feet of the 51st Avenue South ROW, also  
36 known as Illinois Street, abutting and adjacent to the east line of Lots 16  
37 through 25, Block 114, in the Plat of Jovita Heights, recorded in Volume  
38 20 of Plats, Page 12, records of King County, Washington.

39 Together with that portion of the easterly 30 feet of the 51st Avenue South

40 ROW, also known as Illinois Street, abutting and adjacent to the west line  
41 of Lots 7 through 15, Block 113, of said Plat of Jovita Heights.  
42

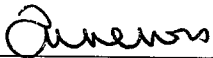
Ordinance 17248 was introduced on 8/15/2011 and passed by the Metropolitan King County Council on 12/12/2011, by the following vote:

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

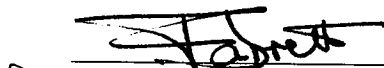
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

APPROVED this 19 day of December, 2011.

  
\_\_\_\_\_  
Dow Constantine, County Executive

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2011 DEC 21 PM 3:58  
CLERK  
KING COUNTY COUNCIL

Attachments: A. Hearing Examiner Report dated November 18, 2011

November 18, 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](mailto:hearingexaminer@kingcounty.gov)

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

**SUBJECT:** Transportation File No. V-2653  
Proposed Ordinance No. 2011-0346  
Adjacent Parcel No(s). 375160-4974, 375160-4896

**RICHARD ENGLER AND MARY ROGAN**  
Road Vacation Petition

**Location:** Portion of 51st Avenue S (aka Illinois Street), unincorporated Federal Way area

**Petitioners:** **Richard Engler and Mary Rogan**  
5022 S 364th Street  
Auburn, WA 98001  
Telephone: (206) 921-0113

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

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve road vacation
Department's Final Recommendation:	Approve road vacation
Examiner's Recommendation:	Approve road vacation

**DEPARTMENTS REPORT:**

The Transportation Report on V-2653 was received by the Examiner on September 14, 2011.

**PUBLIC HEARING:**

After reviewing the Department report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the matter on September 28, 2011, in the Ginger Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle. The hearing was then continued administratively for the affidavit of hearing notice publication (exhibit no. 21) received October 8, 2011, and documentation of a recorded Lakehaven Utility District easement (reserved exhibit no. 12), which was recorded November 8, 2011 and received November 15, 2011, at which time the hearing record 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 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 51st Avenue S (aka Illinois Street), unincorporated Federal Way area
Right of way classification:	C-Class
Area: square feet	22,800 square feet
Compensation:	\$24,036.00
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. 2011-0346. 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 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. A utility easement to Lakehaven Utility District has been recorded for existing utility facilities.
9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

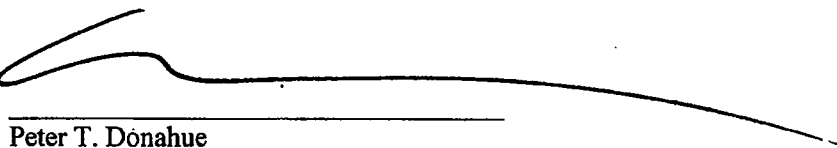
**CONCLUSION:**

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. 2011-0346 to vacate the subject road right-of-way.

DATED November 18, 2011.



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Peter T. Donahue  
King County Hearing Examiner

**NOTICE OF RIGHT TO 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 **December 2, 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 **December 9, 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 Superior Court and serving all necessary parties within 21 days of the date on which the Council passes an ordinance acting on this matter. (LUPA defines the date on which a land use decision is issued by the Council as the day the Council passes the decision ordinance.)

/vsm