



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 13, 2003

Ordinance 14651

Proposed No. 2003-0102.2

Sponsors Sullivan

1 AN ORDINANCE authorizing the vacation of a portion of
2 204th Avenue NE, File V-2447. Petitioners: David
3 Thacher and Nancy Thacher.
4
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of that portion of 204th
8 Avenue NE hereinafter described.
- 9 2. The department of transportation notified the various utility companies
10 serving the area and has been advised that easements were not required
11 within the vacation area.
- 12 3. The department of transportation records indicates that King County
13 has not been maintaining 204th Avenue NE. The records indicate that no
14 public funds have been expended for its acquisition.
- 15 4. The department of transportation considers the subject portion of the
16 right-of-way useless as part of the county road system and believes the

17 public would benefit by the return of this unused area to the public tax
18 rolls.

19 5. The right-of-way is classified as "C-Class" and, in accordance with
20 K.C.C. 14.40.020, the compensation due King County is based on fifty
21 percent of the assessed value of the subject right-of-way which was
22 determined from records of the department of assessments. King County
23 is in receipt of \$5,398.61 from the petitioners.

24 Due notice was given in the manner provided by law and a hearing was
25 held by the office of the hearing examiner on the 16th day of April, 2003.

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 said petition.

29 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

30 SECTION 1. The council, on the 12th day of May, 2003, hereby vacates and
31 abandons that portion of 204th Avenue NE as conveyed to King County in the plat of
32 Burke & Farrar's Kirkland Addition Division 24 as recorded in Volume 21 of Plats, Page
33 51, records of King County, Washington described as follows:

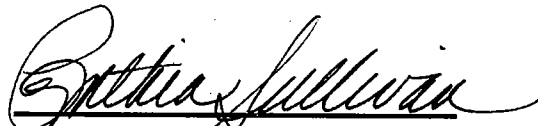
34 Portion of 30 foot wide right-of-way lying adjacent to the
35 following described property: Lot 32, Block 76, Plat of
36 Burke & Farrar's Kirkland Addition Division Number 24 as
37 recorded in Volume 21, Page 51, records of King County,
38 Washington LESS portion north of a line from a point

39 100.89 feet south of the northeast corner to a point 100.60
40 feet south of the northwest corner of said Lot 32.
41

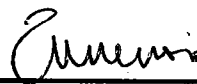
Ordinance 14651 was introduced on 3/17/2003 and passed by the Metropolitan King County Council on 5/12/2003, by the following vote:

Yes: 11 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague and Mr. Irons
No: 0
Excused: 1 - Ms. Patterson


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 22 day of May, 2003.


Ron Sims, County Executive

RECEIVED
2003 MAY 22 PM 4:18
CLERK
KING COUNTY

Attachments A. Hearing Examiner Report dated April 17, 2003

14651
April 17, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. V-2447
Proposed Ordinance No. 2003-0102

DAVID AND NANCY THACHER
Road Vacation Application

Location: Portion of 204th Avenue Northeast East of the City of Redmond

Applicants: **David and Nancy Thacher**
11055 – 204th Avenue Northeast
Redmond, WA 98053

King County: Department of Transportation,
Road Services Division, *represented by*
Jodi Simmons
201 S. Jackson St.
Seattle, WA 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:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for item no. V-2431 was received by the Examiner on April 7, 2003.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2447 was opened by the Examiner at 1:32 p.m. on April 16, 2003, in the fifth floor conference room of the Union Bank of California building, 900 Fourth Avenue, Seattle, WA 98164, and closed at 1:38 p.m. 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 King County 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:	204th Avenue Northeast, Redmond
Right of way classification:	"C"
Area:	7,057 square feet
Compensation:	\$5,398.61

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the April 16, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0102. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.

3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0102 to vacate the subject road.

RECOMMENDED this 17th day of April, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 17th day of April, 2003, to the following parties and interested persons:

Roy Bingham
Union Hill Water Association
P.O. Box 745
Redmond WA 98073

Terry Davis
Comcast, Inc.
410 Valley Ave. NW
Puyallup WA 98371

Scott Haeger
Verizon Communications
2312 W. Casino Rd. #C
Everett WA 98204

Mary Lamping
Puget Sound Energy
P.O. Box 97034
Bellevue WA 98009-9734

Jodi Simmons
Engineer II
DOT/Road Services
KSC-TR-0231

David & Nancy Thacher
11055 204th Avenue NE
Redmond WA 98053

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Clerk of the Council
MS KCC-CC-1025

Curt Crawford
KC Dept. Natural Resources
Water & Land Resources Div.
MS-KSC-NR-0600

Neil DeGoojer
KC Office of Open Space
MS KSC-NR-600

Dennis Gorley
Dept of Transportation
Road Services Division
MS KSC-TR-0231

David Gualtieri
KCDOT
Long Range Planning
MS-KSC-TR-0813

Roderick E. Matsuno
KC Dept. of Transportation
Road Maintenance Section
MS RSD-TR-0100

Paulette Norman
KCDOT
Roads Division
MS-KSC-TR-0231

Lydia Reynolds-Jones
KC Dept of Transportation
Mgr./Project Support Services
MS KSC-TR-0231

Judy Riley
King County DOT
Transit/D&C
MS KSC-TR-0431

Gary Samek
Dept. of Transportation
Road Services Division
MS KSC-TR-0222

Charlie Sundberg
Office of Cultural Resources
Landmarks & Heritage Program
MS STR-CR-0200

Carol Thompson
KC Dept. of Exec. Services
MS ADM-ES-0500

Joe Wilson
KC Parks & Cultural Res.
Project Manager
MS LBP-PR-0100

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 May 1, 2003*. If a notice of appeal is filed, the original and 6 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 May 8, 2003*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd 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 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 twenty-one (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 APRIL 16, 2003, PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. V-2447, PETITION FOR ROAD VACATION.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Jodi Simmons representing the Department of Transportation and petitioner Nancy Thacher.

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

- Exhibit no. 1 DOT Report to the Hearing Examiner dated March 25, 2003 with 15 attachments
- Exhibit no. 2 Petition transmittal letter dated 01/24/2002 to Transportation from Clerk of Council
- Exhibit no. 3 Memo dated 1/22/02 explaining request for road vacation with attached Petition for Vacation of a County Road and diagram
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- Exhibit no. 7 Vicinity Map
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- Exhibit no. 9 09/12/2002 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer
- Exhibit no. 10 Letter dated 09/09/2002 to David & Nancy Thacher identifying amount of compensation with attached Road Vacation Compensation Worksheet V-2447
- Exhibit no. 11 Ordinance transmittal letter dated 03/04/03 from King County Executive to Councilmember Cynthia Sullivan
- Exhibit no. 12 Proposed Ordinance 2003-0102
- Exhibit no. 13 Notice of hearing dated 3/18/03
- Exhibit no. 14 Affidavit of posting for hearing
- Exhibit no. 15 Affidavit of Publication for date of hearing

SLS:ms
V-2447 RPT

Attachments

Return Address:
Clerk of the Council
Metropolitan King County Council
Mail stop KCC-CC 1025



Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in) 1. Ordinance 14651 AN ORDINANCE authorizing the vacation of a portion of 204th Avenue NE, File V-2447. Petitioners: David Thacher and Nancy Thacher.
Reference Number(s) of Documents assigned or released: Additional reference #'s on page _____ of document
Grantor(s) (Last name, first name, initials) 1. King County, Washington Additional names on page _____ of document.
Grantee(s) (Last name first, then first name and initials) 1. _____ 2. _____ Additional names on page _____ of document.
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) Portion of 30 foot wide right-of-way lying adjacent to the following described property: Lot 32, Block 76, Additional legal is on page _____ of document.
Assessor's Property Tax Parcel/Account Number <input type="checkbox"/> Assessor Tax # not yet assigned _____
The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party _____

RECEIVED
2003 AUG -5 AM 9:13
CLERK
KING COUNTY COUNCIL



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 13, 2003

Ordinance 14651

Proposed No. 2003-0102.2

Sponsors Sullivan

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13 has not been maintaining 204th Avenue NE. The records indicate that no
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22 determined from records of the department of assessments. King County
23 is in receipt of \$5,398.61 from the petitioners.

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25 held by the office of the hearing examiner on the 16th day of April, 2003.

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28 King County to grant said petition.

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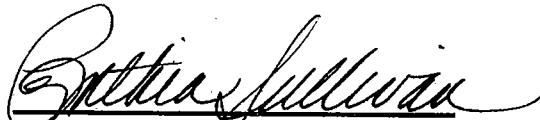
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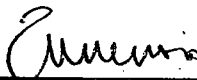
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Yes: 11 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague and Mr. Irons
No: 0
Excused: 1 - Ms. Patterson


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 22 day of May, 2003.


Ron Sims, County Executive

RECEIVED
2003 MAY 22 PM 4:18
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated April 17, 2003

14651
April 17, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654**

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. **V-2447**
Proposed Ordinance No. **2003-0102**

DAVID AND NANCY THACHER
Road Vacation Application

Location: Portion of 204th Avenue Northeast East of the City of Redmond

Applicants: **David and Nancy Thacher**
11055 – 204th Avenue Northeast
Redmond, WA 98053

King County: Department of Transportation,
Road Services Division, *represented by*
Jodi Simmons
201 S. Jackson St.
Seattle, WA 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:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for item no. V-2431 was received by the Examiner on April 7, 2003.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

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FINDINGS:

1. General Information:

Road name and location:	204th Avenue Northeast, Redmond
Right of way classification:	"C"
Area:	7,057 square feet
Compensation:	\$5,398.61

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the April 16, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0102. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system and the public will be benefited by its vacation.
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- 3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0102 to vacate the subject road.

RECOMMENDED this 17th day of April, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 17th day of April, 2003, to the following parties and interested persons:

Roy Bingham
Union Hill Water Association
P.O. Box 745
Redmond WA 98073

Terry Davis
Comcast, Inc.
410 Valley Ave. NW
Puyallup WA 98371

Scott Haeger
Verizon Communications
2312 W. Casino Rd. #C
Everett WA 98204

Mary Lamping
Puget Sound Energy
P.O. Box 97034
Bellevue WA 98009-9734

Jodi Simmons
Engineer II
DOT/Road Services
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David & Nancy Thacher
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Greg Borba
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Curt Crawford
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MS KSC-NR-600

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KCDOT
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MS-KSC-TR-0813

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Road Maintenance Section
MS RSD-TR-0100

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KCDOT
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MS-KSC-TR-0231

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KC Dept of Transportation
Mgr./Project Support Services
MS KSC-TR-0231

Judy Riley
King County DOT
Transit/D&C
MS KSC-TR-0431

Gary Samek
Dept. of Transportation
Road Services Division
MS KSC-TR-0222

Charlie Sundberg
Office of Cultural Resources
Landmarks & Heritage Program
MS STR-CR-0200

Carol Thompson
KC Dept. of Exec. Services
MS ADM-ES-0500

Joe Wilson
KC Parks & Cultural Res.
Project Manager
MS LBP-PR-0100

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Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (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.

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SLS:ms
V-2447 RPT

Attachments