



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 1, 2003

Ordinance 14703

Proposed No. 2003-0209.2

Sponsors Sullivan

1 AN ORDINANCE authorizing the vacation of a portion of
2 SE 184th Street File V-2456 Petitioners: Duane &
3 Michelle Schilling
4
5

6 1. A petition has been filed requesting vacation of that portion of SE
7 184th Street hereinafter described.

8 2. The department of transportation notified the various utility companies
9 serving the area and has been advised that all necessary easements have been
10 acquired within the vacation area.

11 3. The department of transportation records indicates that King County has
12 not been maintaining SE 184th Street. The records indicate that no public
13 funds have been expended for its acquisition.

14 4. The department of transportation considers the subject portion of the
15 right-of-way useless as part of the County road system and believes the
16 public would benefit by the return of this unused area to the public tax rolls.

17 5. The right-of-way is classified as "C-Class" and, in accordance with King
18 County Code 14.40.020, the compensation due King County is based on fifty
19 percent of the assessed value of the subject right-of-way which was
20 determined from records of the department of assessments. King County is
21 in receipt of \$10,782.12 from the petitioner.

22 Due notice was given in the manner provided by law and a hearing was
23 held by the office of the hearing examiner on the 30th day of May, 2003.

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

27 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

28 SECTION 1: The council, on the 30th day of June, 2003, hereby vacates and
29 abandons that portion of SE 184th Street as conveyed to King County in the plat of Lake
30 Desire Summer Home Tracts as recorded in Volume 39 of Plats, Pages 4 to 47, records of
31 King County, Washington described as follows:

32 Beginning at the western most corner of Lot 13, Block 2, Lake Desire
33 Summer Home Tracts, according to the plat thereof recorded in Volume 39 of
34 Plats, pages 44 to 47, records of King County, Washington;
35 Thence S 89-56-47 E along the northerly margin of SE 184th Street SE a
36 distance of 125.00 feet;
37 Thence S 00-03-13 W a distance of 6.00 feet along West line of 20 foot by 6
38 foot area vacated by King County Ordinance Number 4896 to the TRUE
39 POINT OF BEGINNING;

40 Thence S 89-56-47 E along South Line of vacated area a distance of 20.00
41 feet;
42 Thence N 00-03-13 E along East Line of said vacated area a distance of 6.00
43 feet;
44 Thence S 89-56-47 E a distance of 55.86 feet to beginning of curve to left;
45 Thence northeasterly and northerly along said curve, the center of which bears
46 N 00-03-13 E a radial distance of 21.69 feet, an arc distance of 54.65 feet to
47 the point of tangency;
48 Thence S 54-18-42 E, parallel and 30 feet southwesterly measured at right
49 angles to the centerline of West Lake Desire Drive SE, a distance of 67.49
50 feet;
51 Thence S 35-41-18 W a distance of 36.91 feet to intersect the south margin of
52 said SE 184th Street;
53 Thence N 89-56-47 W along said South Margin a distance of 121.84 feet;
54 Thence N 00-03-13 E a distance of 24.00 feet to the True Point of Beginning.

55 The whole area being about 4,729 sf + or -.

56


Ordinance 14703 was introduced on 5/5/2003 and passed by the Metropolitan King County Council on 6/30/2003, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Hammond, Mr. Gossett, Mr. Irons and Ms. Patterson

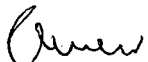
No: 0

Excused: 1 - Ms. Hague

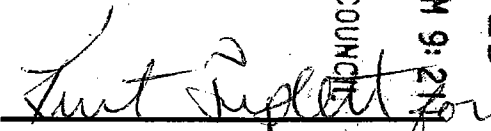
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 8 day of July, 2003


Ron Sims, County Executive

RECEIVED
2003 JUL 11 AM 9:21
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated June 2, 2003

June 2, 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: King County Department of Transportation File No. V-2456
Proposed Ordinance No. 2003-0209

DUANE AND MICHELLE SCHILLING
Road Vacation Application

Location: Portion of SE 184th Street west of Lake Desire Drive South

Petitioner: **Duane and Michelle Schilling**
18341 West Lake Desire Drive Southeast
Renton, WA 98058

King County: Department of Transportation, *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:
Department's Final:
Examiner:

Approve road vacation
Approve road vacation
Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2456 received by the Examiner on May 19, 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-2456 was opened by the Examiner at 1:30 p.m. on May 30, 2003, in the Union Bank of California 8th floor conference room, 900 4th Avenue, Seattle WA 98164, and closed at 1:35 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:	Portion of SE 184th Street west of Lake Desire Drive South, Thomas Bros., pg. 687, C1
Right of way classification:	C Class
Area:	4,729 square feet
Compensation:	\$10,782.12

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 May 30, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0209. 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. 2003-0209 to vacate the subject road.

RECOMMENDED this 2nd day of June, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 2nd day of June, 2003, to the following parties and interested persons:

Don Dauphiny
Qwest Communications
1200 12th Ave. NW
Issaquah WA 98027

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

Mary Lamping
Puget Sound Energy
411 - 108th Ave. NE
Bellevue WA 98009-9734

Duane & Michelle Schilling
18341 W. Lake Desire Dr. SE
Renton WA 98058

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

Soos Creek Water & Sewer District
Attn: Alan Aedes
14616 SE 192nd St.
Renton WA 98058

Neil Watts
City of Renton
1055 S. Grady Way
Renton WA 98055

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Angela Brink
King County Council
MS KCC-CC-1200

Curt Crawford
KC DNR
Water & Land Res. Div.
MS-KSC-NR-0600

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

Pam Elardo
KC DNR&P
Wastewater Treatment Div.
MS KSC-NR-0503

Nancy Gordon
King County DOT
Transit/D&C
MS KSC-TR-0431

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

David Gualtieri
KCDOT
CIP & Planning Sec.
MS-KSC-TR-0317

Roderick E. Matsuno
KC DOT
Road Maint. Section
MS RSD-TR-0100

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

Robert Nunnenkamp
KC Parks and Recreation
MS LBP-PR-0100

Lydia Reynolds-Jones
KC DOT
Project Support Serv.
MS KSC-TR-0231

Gary Samek
KC DOT
Road Services Div.
MS KSC-TR-0222

Charlie Sundberg
Office of Cultural Res.
Landmarks & Heritage Prog.
MS STR-CR-0200

Caroline Thompson
Property Services Division
MS ADM-ES-0500

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 June 16, 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 June 23, 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 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 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 MAY 30, 2003 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION
FILE NO. V-2456.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Jodi Simmons, representing the Department; and Michelle Schilling the Petitioner.

The following exhibits were offered and entered into the record:

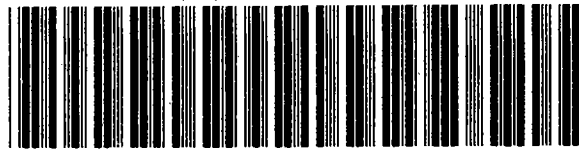
- Exhibit No. 1 DOT Report to the Hearing Examiner dated May 30, 2003 with 16 attachments
- Exhibit No. 2 Petition Transmittal Letter dated June 28, 2002 to the Department of Transportation from the Clerk of the Council
- Exhibit No. 3 June 25, 2002 letter of explanation and Petition for Vacation of a County Road including legal descriptions of Petitioner's property
- Exhibit No. 4 Copy of Filing Fee – Check 7168 from Michelle & Duane Schilling
- Exhibit No. 5 July 10, 2002 letter to petitioner from Dennis Gorley explaining the road vacation process
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Map depicting vacation area
- Exhibit No. 8 December 5, 2002 letter to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet
- Exhibit No. 9 December 13, 2002 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 10 January 8, 2003 letter and attachments from petitioners to Councilmember Phillips re: their experience of the road vacation process and discontent with the compensation amount
- Exhibit No. 11 January 24, 2003 letter from Councilmember Phillips to the petitioners deferring a response to Councilmember Pullen's office
- Exhibit No. 12 February 14, 2003 email from Doug Hodson, Legislative Analyst for the Council's Transportation Committee to the Roads Services Division re: questions about the Schilling road vacation
- Exhibit No. 13 February 18, 2003 email from Dennis Gorley, Supervisor, Roads Services Unit to Doug Hodson responding to the February 14, 2003 request on the Schilling vacation
- Exhibit No. 14 February 26, 2003 email from Angela Brink, Legislative Aide for Councilmember Pullen to Jodi Simmons, Vacations Engineer requesting a response to the Petitioners on several specific issues
- Exhibit No. 15 March 4, 2003 letter to the petitioners responding to a request from Councilmember Pullen's office
- Exhibit No. 16 March 5, 2003 fax from the petitioners requesting a reduction to the original vacation area
- Exhibit No. 17 March 13, 2003 letter to petitioners identifying DOT recommendation and requesting compensation for reduced vacation area. Compensation calculations Detailed in compensation worksheet
- Exhibit No. 18 March 14, 2003 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer on reduced vacation area
- Exhibit No. 19 Copy of compensation check #7410 from Michelle and Duane Schilling
- Exhibit No. 20 Ordinance transmittal letter dated May 1, 2003 from the King County Executive to Councilmember Cynthia Sullivan

Exhibit No. 21	Proposed Ordinance 2003-0209
Exhibit No. 22	Notice of hearing from the Clerk of the Council
Exhibit No. 23	Affidavit of posting for hearing, indicating a posting date of May 7, 2003
Exhibit No. 24	Affidavit of Publication for date of hearing (<i>to be submitted post-hearing, upon receipt</i>)

SLS:ms
V-2456

Attachments

Return Address:
Clerk of the Council
Metropolitan King County Council
Mail stop KCC-CC 1039



20050106001346

KING COUNTY CL ORD 0.00
PAGE 01 OF 011
01/06/2005 13:38
KING COUNTY, WA

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 14703 AN ORDINANCE authorizing the vacation of a portion of SE 184th Street, File V-2456. Petitioners: Duane & Michelle Schilling.
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) Beginning at the western most corner of Lot 13, Block 2, Lake Desire Summer Home Tracts, according... 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.

RECEIVED
2005 FEB -7 AM 9:30
CLERK
KING COUNTY COUNCIL

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



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 1, 2003

Ordinance 14703

Proposed No. 2003-0209.2

Sponsors Sullivan

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26 County to grant said petition.

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Ordinance 14703

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Ordinance 14703

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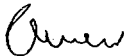
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Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Hammond, Mr. Gossett, Mr. Irons and Ms. Patterson
No: 0
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

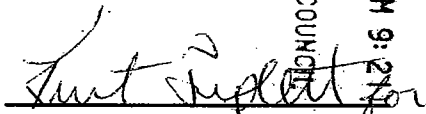

Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 8 day of July, 2003


Ron Sims, County Executive

RECEIVED
2003 JUL 11 AM 9:27
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated June 2, 2003

14703

June 2, 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: King County Department of Transportation File No. V-2456
Proposed Ordinance No. 2003-0209

**DUANE AND MICHELLE SCHILLING
Road Vacation Application**

Location: Portion of SE 184th Street west of Lake Desire Drive South

Petitioner: **Duane and Michelle Schilling**
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Renton, WA 98058

King County: Department of Transportation, *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:
Department's Final:
Examiner:

Approve road vacation
Approve road vacation
Approve road vacation

DEPARTMENT'S REPORT:

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FINDINGS:

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Right of way classification:	C Class
Area:	4,729 square feet
Compensation:	\$10,782.12

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CONCLUSIONS:

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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. 2003-0209 to vacate the subject road.

RECOMMENDED this 2nd day of June, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 2nd day of June, 2003, to the following parties and interested persons:

Don Dauphiny
Qwest Communications
1200 12th Ave. NW
Issaquah WA 98027

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

Mary Lamping
Puget Sound Energy
411 - 108th Ave. NE
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**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

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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.

MINUTES OF THE MAY 30, 2003 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION
FILE NO. V-2456.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Jodi Simmons, representing the Department; and Michelle Schilling the Petitioner.

The following exhibits were offered and entered into the record:

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| Exhibit No. 1 | DOT Report to the Hearing Examiner dated May 30, 2003 with 16 attachments |
| Exhibit No. 2 | Petition Transmittal Letter dated June 28, 2002 to the Department of Transportation from the Clerk of the Council |
| Exhibit No. 3 | June 25, 2002 letter of explanation and Petition for Vacation of a County Road including legal descriptions of Petitioner's property |
| Exhibit No. 4 | Copy of Filing Fee – Check 7168 from Michelle & Duane Schilling |
| Exhibit No. 5 | July 10, 2002 letter to petitioner from Dennis Gorley explaining the road vacation process |
| Exhibit No. 6 | Vicinity map |
| Exhibit No. 7 | Map depicting vacation area |
| Exhibit No. 8 | December 5, 2002 letter to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet |
| Exhibit No. 9 | December 13, 2002 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer |
| Exhibit No. 10 | January 8, 2003 letter and attachments from petitioners to Councilmember Phillips re: their experience of the road vacation process and discontent with the compensation amount |
| Exhibit No. 11 | January 24, 2003 letter from Councilmember Phillips to the petitioners deferring a response to Councilmember Pullen's office |
| Exhibit No. 12 | February 14, 2003 email from Doug Hodson, Legislative Analyst for the Council's Transportation Committee to the Roads Services Division re: questions about the Schilling road vacation |
| Exhibit No. 13 | February 18, 2003 email from Dennis Gorley, Supervisor, Roads Services Unit to Doug Hodson responding to the February 14, 2003 request on the Schilling vacation |
| Exhibit No. 14 | February 26, 2003 email from Angela Brink, Legislative Aide for Councilmember Pullen to Jodi Simmons, Vacations Engineer requesting a response to the Petitioners on several specific issues |
| Exhibit No. 15 | March 4, 2003 letter to the petitioners responding to a request from Councilmember Pullen's office |
| Exhibit No. 16 | March 5, 2003 fax from the petitioners requesting a reduction to the original vacation area |
| Exhibit No. 17 | March 13, 2003 letter to petitioners identifying DOT recommendation and requesting compensation for reduced vacation area. Compensation calculations Detailed in compensation worksheet |
| Exhibit No. 18 | March 14, 2003 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer on reduced vacation area |
| Exhibit No. 19 | Copy of compensation check #7410 from Michelle and Duane Schilling |
| Exhibit No. 20 | Ordinance transmittal letter dated May 1, 2003 from the King County Executive to Councilmember Cynthia Sullivan |

Exhibit No. 21	Proposed Ordinance 2003-0209
Exhibit No. 22	Notice of hearing from the Clerk of the Council
Exhibit No. 23	Affidavit of posting for hearing, indicating a posting date of May 7, 2003
Exhibit No. 24	Affidavit of Publication for date of hearing (<i>to be submitted post-hearing, upon receipt</i>)

SLS:ms
V-2456

Attachments