



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 7, 2003

Ordinance 14707

Proposed No. 2003-0184.2

Sponsors Sullivan

1 AN ORDINANCE authorizing the vacation of a portion of
2 Park Road and Maple Road (aka 94th Avenue SW), File V-
3 2459. Petitioner: Dockton Water Association.
4
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of Park Road
8 and Maple Road (aka 94th Avenue SW) 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 Park Road and Maple Road (aka 94th Avenue
14 SW). The records indicate that no public funds have been expended for its
15 acquisition.
16 4. The department of transportation considers the subject portion of the
17 right-of-way useless as part of the county road system and believes the

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

20 5. The right-of-way is classified as "C-Class" and, in accordance with
21 K.C.C. 14.40.020, the compensation due King County is based on fifty
22 percent of the assessed value of the subject right-of-way which was
23 determined from records of the department of assessments. King County
24 is in receipt of \$3,568.04 from Dockton Water Association.

25 Due notice was given in the manner provided by law and a hearing was
26 held by the office of the hearing examiner on the 4th day of June, 2003.

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

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

31 SECTION 1. The council, on the 7th day of July, 2003, hereby vacates and
32 abandons that portion of Park Road and Maple Road (aka 94th Avenue SW) as conveyed
33 to King County in the plat of Dockton Addition in Volume 12 of Deeds, Page 17, records
34 of King County, Washington described as follows:

35 Those portions of Park Road and Maple Road (94th
36 Avenue SW) within the Plat of Dockton Addition,
37 according to Volume 12 of Plats, Page 17, records of King
38 county, Washington described as follows:

39 The west half of Park Road lying north of the easterly
40 extension of the north line of the south 320.5 feet of Lot 44

41 said plat and the easterly extension of the north line said
42 Lot 44;
43 TOGETHER WITH the east half of Park Road lying south
44 of the westerly extension of the north line of the south 100
45 feet of Lot 38 said plat and lying northwesterly of the
46 centerline of Maple Road.
47 TOGETHER WITH the west half of Maple Road (94th
48 Avenue SW) lying southerly of the easterly extension of
49 the north line of the south 100 feet of said Lot 38 and lying

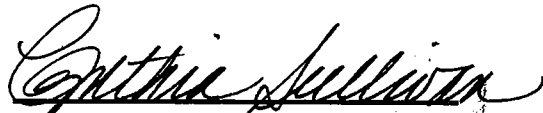
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51
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northerly of the southeasterly extension of the west line of
Lot 58 said plat.

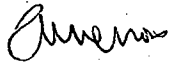
Ordinance 14707 was introduced on 4/28/2003 and passed by the Metropolitan King
County Council on 7/7/2003, by the following vote:

Yes: 10 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Mr. Phillips, Mr.
Pelz, Mr. Constantine, Mr. Hammond, Mr. Gossett, Mr. Irons and Ms.
Patterson
No: 0
Excused: 3 - Ms. Lambert, Mr. McKenna and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair


ATTEST:



Anne Noris, Clerk of the Council

RECEIVED
2003 JUL 17 PM 3:49
CLERK
KING COUNTY COUNCIL

APPROVED this 17 day of July, 2003.


Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated June 11, 2003

14707
June 11, 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-2459**
Proposed Ordinance No. **2003-0184**

DOCKTON WATER ASSOCIATION
Road Vacation Petition

Location: Portion of Park Road & Maple Road (aka 94th Avenue SW) near the town of Dockton

Petitioner: **Dockton Water Association**
c/o Ray Bucy
9710 Southwest Windmill Street
Vashon, WA 98070
Telephone: (206) 463-6345

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:
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-2459 was received by the Examiner on May 5, 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-2459 was opened by the Examiner at 2:32 p.m. on June 4, 2003, in the Union Bank of California fifth-floor conference room, 900 4th Avenue, Seattle, WA, and closed at 2:35 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 Park Road and Maple Road (aka 94th Avenue Southwest) near the town of Dockton
Right of way classification:	“C”
Area:	17,641.8 square feet
Compensation:	\$3,568.04

- 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 June 4, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0184. 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. 2003-0184 to vacate the subject road.

RECOMMENDED this 11th day of June, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 11th day of June, 2003, to the following parties and interested persons:

Terry Davis
Dockton Water Association
Judy Emerick
Kitty Ogg
Jodi Simmons
Greg Borba
Curt Crawford
Neil DeGoojer
Pam Elardo

Nancy Gordon
Dennis Gorley
David Gualtieri
Roderick E. Matsuno
Paulette Norman
Lydia Reynolds-Jones
Gary Samek
Charlie Sundberg
Caroline Thompson

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 25, 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 July 2, 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 JUNE 4, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. V-2459

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Jodi Simmons, representing the Department.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DOT report to the Hearing Examiner dated June 4, 2003, with 16 attachments
- Exhibit No. 2 Petition transmittal letter dated 8/14/02 from Clerk of the Council to Dept. of Transportation
- Exhibit No. 3 Letter of explanation (dated 8/04/02) and Petition for Vacation of a County Road including legal descriptions of Petitioner's properties
- Exhibit No. 4 09/09/02 letter to petitioner explaining process and identifying errors in the legal description
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- Exhibit No. 7 Vicinity Map
- Exhibit No. 8 Map depicting vacation area
- Exhibit No. 9 01/31/03 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 10 Letter dated 01/30/03 to Dockton Water Association identifying amount of compensation with attached Road Vacation Compensation Worksheet V-2459
- Exhibit No. 11 Copy of Compensation – Check #4864 from Dockton Water Association
- Exhibit No. 12 Ordinance transmittal letter 04/14/03 from King County Executive to Councilmember Cynthia Sullivan
- Exhibit No. 13 Proposed Ordinance 2003-0184
- Exhibit No. 14 Notice of hearing from Council Clerk dated 5/02/03
- Exhibit No. 15 Affidavit of May 2, 2003 posting for hearing
- Exhibit No. 16 Affidavit of Publication for hearing (*to be submitted post-hearing upon receipt*)

SLS:ms
V-2459 RPT

Attachments

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



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KING COUNTY CORD 0.00
PAGE 001 OF 009
07/23/2003 08:58
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 14707 AN ORDINANCE authorizing the vacation of a portion of Park Road and Maple Road (aka 94th Avenue SW),- File V-2459. Petitioners: Dockton Water Association.	
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) Those portions of the Park Road and Maple Road (94th Avenue SW) within the Plat of Dockton Addition, 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
2003 SEP 10 PM 12:51
KING COUNTY CLERK 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 7, 2003

Ordinance 14707

Proposed No. 2003-0184.2

Sponsors Sullivan

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18 public would benefit by the return of this unused area to the public tax
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21 K.C.C. 14.40.020, the compensation due King County is based on fifty
22 percent of the assessed value of the subject right-of-way which was
23 determined from records of the department of assessments. King County
24 is in receipt of \$3,568.04 from Dockton Water Association.

25 Due notice was given in the manner provided by law and a hearing was
26 held by the office of the hearing examiner on the 4th day of June, 2003.

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

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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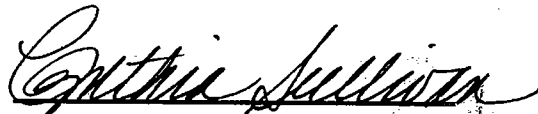
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52

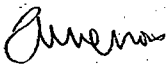
Ordinance 14707 was introduced on 4/28/2003 and passed by the Metropolitan King County Council on 7/7/2003, by the following vote:

Yes: 10 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Mr. Phillips, Mr. Pelz, Mr. Constantine, Mr. Hammond, Mr. Gossett, Mr. Irons and Ms. Patterson
No: 0
Excused: 3 - Ms. Lambert, Mr. McKenna and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

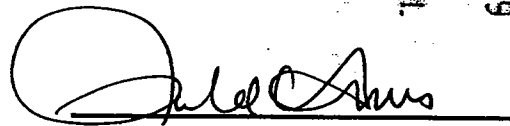

Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 17 day of July, 2003.


Ron Sims, County Executive

RECEIVED
2003 JUL 17 PM 3:49
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated June 11, 2003

14707
June 11, 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-2459
Proposed Ordinance No. 2003-0184

**DOCKTON WATER ASSOCIATION
Road Vacation Petition**

Location: Portion of Park Road & Maple Road (aka 94th Avenue SW) near the town of Dockton

Petitioner: **Dockton Water Association**
c/o Ray Bucy
9710 Southwest Windmill Street
Vashon, WA 98070
Telephone: (206) 463-6345

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:
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-2459 was received by the Examiner on May 5, 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-2459 was opened by the Examiner at 2:32 p.m. on June 4, 2003, in the Union Bank of California fifth-floor conference room, 900 4th Avenue, Seattle, WA, and closed at 2:35 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 Park Road and Maple Road (aka 94th Avenue Southwest) near the town of Dockton
Right of way classification:	"C"
Area:	17,641.8 square feet
Compensation:	\$3,568.04

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 June 4, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0184. 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. 2003-0184 to vacate the subject road.

RECOMMENDED this 11th day of June, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 11th day of June, 2003, to the following parties and interested persons:

Terry Davis
Dockton Water Association
Judy Emerick
Kitty Ogg
Jodi Simmons
Greg Borba
Curt Crawford
Neil DeGoojer
Pam Elardo

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Dennis Gorley
David Gualtieri
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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 JUNE 4, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. V-2459

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The following exhibits were offered and entered into the record:

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|----------------|---|
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| Exhibit No. 15 | Affidavit of May 2, 2003 posting for hearing |
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SLS:ms
V-2459 RPT

Attachments