



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 14, 2004

Ordinance 15108

Proposed No. 2004-0403.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 136th Avenue Southeast - file V-2471. Petitioners: Ioan
3 and Dorina Morar.
4
5

6 **STATEMENT OF FACTS**

7 1. A petition has been filed requesting vacation of that portion of 136th
8 Avenue Southeast hereinafter described.

9 2. The department of transportation notified the various utility companies serving
10 the area and has been advised that utility easements were not required within the
11 vacation area.

12 3. The department of transportation records indicate that King County has not
13 been maintaining the portion of 136th Avenue SE that is the subject of this
14 petition. The record indicates that no public funds have been expended for its
15 acquisition.

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

19 5. The right-of-way is classified as "C-Class" and, in accordance with K.C.C.
20 14.40.020, the compensation due King County is based on fifty percent of the
21 assessed value of the subject right-of-way which was determined from records of
22 the department of assessments. King County is in receipt of \$17,878.05 from the
23 petitioner.

24 Due notice was given in the manner provided by law and a hearing was opened by
25 the office of the hearing examiner on the 22nd day of September, 2004, and closed
26 on October 26, 2004.

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

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

31 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
32 and abandons the right-of-ways as described herein:

33 That portion of 136th Avenue Southeast abutting Lot 8, Honeydew Court,
34 according to Volume 72 of Plats, Pages 41 and 42, records of King

35 County, Washington.

36 Vacation area containing approximately 3,485 square feet more or less.

37

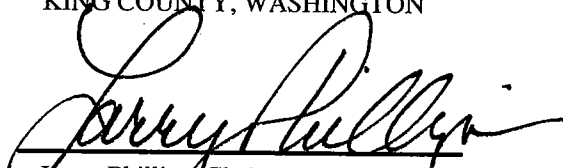
Ordinance 15108 was introduced on 8/30/2004 and passed by the Metropolitan King County Council on 12/13/2004, by the following vote:

Yes: 9 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Ferguson, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine

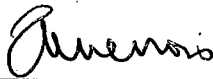
No: 0

Excused: 4 - Mr. Pelz, Mr. McKenna, Mr. Hammond and Mr. Gossett

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

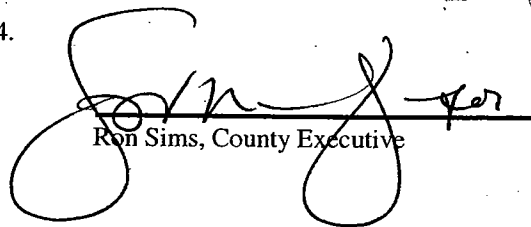

Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 22nd day of December, 2004.


Ron Sims, County Executive

RECEIVED
2004 DEC 22 PM 12:06
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated November 4, 2004 without maps

15108
November 4, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File no. **V-2471**
Proposed Ordinance no. **2004-0403**

IOAN and DORINA MORAR
Road Vacation Petition

Location: A portion of 136th Avenue Southeast

Petitioners: **Ioan & Dorina Morar**
13604 Southeast 107th Place
Renton, WA 98059
Telephone: (425) 254-8820

King County: Department of Transportation, Road Services Division, *represented by*
Dennis Gorley
201 S. Jackson Street
Seattle, WA 98104-3856
Telephone: (206) 296-6522
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-2472 was received by the Examiner on September 8, 2004. A supplemental report was received on October 26, 2004.

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-2472 was opened by the Examiner at 9:37 a.m., on September 22, 2004, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and was continued for administrative purposes. A supplemental report and additional exhibits were received on October 26, 2004, and the hearing was closed on that date.

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:	136 th Avenue SE, north of SE 107 th Place & South of SE 107 th St. (if extended)
Right of way classification:	"C"
Area:	3,485 sq. ft.
Compensation:	\$17,878.05

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 September 22, 2004, public hearing and the statement of facts contained in Proposed Substitute Ordinance No. 2004-0403. The Department's report and Proposed Substitute Ordinance No. 2004-0403 will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.

The King County Roads Maintenance Division and King County Water and Land Resources Department have reconsidered their earlier requests that a drainage easement be retained on the subject property, and have determined that no drainage easement is needed. Consequently, the Road Services Division has modified its prior recommendation that vacation of the right-of-way be subject to a drainage easement over the westerly 10 feet of the vacation area. The final recommendation of the Road Services Division is that the road vacation be granted.

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. 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.

RECOMMENDATION:

APPROVE proposed Substitute Ordinance No. 2004-0403, a copy of which is attachment 3 to this report and recommendation.

RECOMMENDED this 4th day of November, 2004.

James N. O'Connor
King County Hearing Examiner *pro tem*

TRANSMITTED this 4th day of November, 2004, to the following parties and interested persons:

Comcast
Attn: Sherill Ulery
410 Valley Ave. NW
Puyallup WA 98371

Ioan & Dorina Morar
13604 SE 107th Pl.
Renton WA 98059

Nancy Gordon
KCDOT/D&C
MS KSC-TR-0431

Denise Hauck
KC Dept. of Exec. Svcs.
MS ADM-ES-0500

Roderick E. Matsuno
KC DOT/MAINT. OP.
MS RSD-TR-0100

Lydia Reynolds-Jones
KC DOT/RD SERV.
MS KSC-TR-0231

Don Dauphiny
Qwest Communications
1550 Newport Way NW
Issaquah WA 98027

Renton Utilities
Renton City Hall, Flr. 6
1055 S. Grady Way
Renton WA 98055

Dennis Gorley
KCDOT/Rd. Serv.
MS KSC-TR-0231

Rich Hudson
DDES/LUSD
Current Planning
MS OAK-DE-0100

Paulette Norman
KCDOT/RD SERV.
MS KSC-TR-0231

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

Judy McCollum
Puget Sound Energy
411 - 108th Ave. NE
Bellevue WA 98009-9734

Neil DeGoojer
DNRP/WLRD
MS KSC-NR-0600

David Gualtieri
KCDOT/CIP & Planning
MS KSC-TR-0317

Fatin Kara
KC DOT/Rd. Svcs. Div.
MS KSC-TR-0222

Robert Nunnenkamp
KC Parks & Recreation
MS KSC-NR-0700

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 November 18, 2004*. 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 November 29, 2004*.

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 SEPTEMBER 22, 2004, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2471.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing was Dennis Gorley, representing the Department; and the petitioner Ioan Morar.

The following exhibits were offered and entered into the record at the public hearing on September 22, 2004:

- Exhibit No. 1 Department of Transportation staff report for 9/22/04 with 14 attachments
- Exhibit No. 2 Petition transmittal letter Anne Noris dated 4/04/03
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JNOC:gao

V-2471 RPT

Attachments

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



20050103000106

ROADS ORD 0.00
 PAGE 001 OF 009
 01/03/2005 09:16
 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 must be filled in). 1. ORDINANCE 15108 ORDINANCE authorizing the vacation of a portion of 136th Avenue Southeast File V-2471. Petitioners: Ioan and Dorina Morar.	
Reference Number(s) of Documents assigned or released: Additional reference #'s on page _____ of document	RECEIVED 2005 FEB - 7 AM 9:30 CLERK KING COUNTY COUNCIL
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) That portion of 136th Avenue Southeast abutting Lot 8, Honeydew Court, according to Volume 72 of ... 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



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 14, 2004

Ordinance 15108

Proposed No. 2004-0403.2

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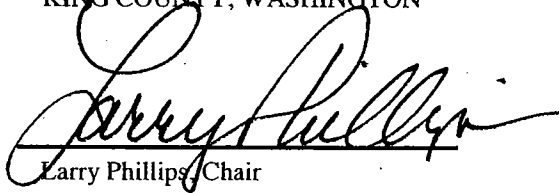
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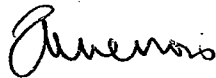
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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

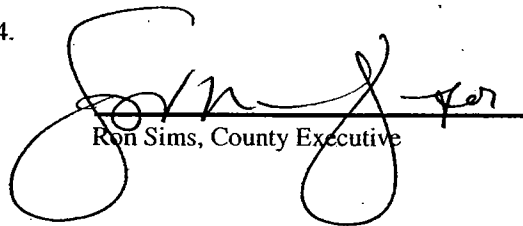
ATTEST:



Anne Noris, Clerk of the Council

RECEIVED
2004 DEC 22 PM 12:05
CLERK
KING COUNTY COUNCIL

APPROVED this 22nd day of December, 2004.


Ron Sims, County Executive

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15108

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KING COUNTY, WASHINGTON**

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Proposed Ordinance no. 2004-0403

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Location: A portion of 136th Avenue Southeast

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Telephone: (206) 296-6522
Facsimile: (206) 296-0567

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Examiner:	Approve road vacation

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Renton Utilities
Renton City Hall, Flr. 6
1055 S. Grady Way
Renton WA 98055

Dennis Gorley
KCDOT/Rd. Serv.
MS KSC-TR-0231

Rich Hudson
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Current Planning
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Charlie Sundberg
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Landmarks & Heritage Prog.
MS STR-CR-0200

Judy McCollum
Puget Sound Energy
411 - 108th Ave. NE
Bellevue WA 98009-9734

Neil DeGoojer
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David Gualtieri
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V-2471 RPT

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