

### **KING COUNTY**

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

### **Signature Report**

November 7, 2006

### Ordinance 15635

**Proposed No.** 2006-0301.2

Sponsors Phillips

1	AN ORDINANCE authorizing the vacation of a portion of
2	91st Avenue Southwest, File V-2526, Petitioners: Merle
3	and Sarah Stephey.
4	
5	
. 6	STATEMENT OF FACTS:
7	1. A petition has been filed requesting vacation of a portion of 91st
8	Avenue Southwest hereinafter described.
9	2. The department of transportation notified the various utility companies
10	serving the area and has been advised that easements have either been
11	obtained or are not required within the vacation area.
12	3. The department of transportation records indicates that King County
13	has not been maintaining 91st Avenue Southwest. 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	right of way useless as part of the King County road system and believes

17	the 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 \$3,788.19 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 6th day of September
-26	2006.
27	In consideration of the benefits to be derived from the subject vacation the
28	council has determined that it is in the best interest of the citizens of King
29	County to grant 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 that portion of 91st Avenue Southwest as conveyed to King County by the
33	recording of the plat of Dockton Addition recorded in Volume 12 of Plats, Page 17,
34	records of King County, Washington as described below:
35	That portion of the 91st Avenue Southwest fifteen foot right of way as
36	dedicated in the plat of Dockton Addition recorded in Volume 12 of Plats,
37	Page 17, records of King County Washington, abutting and adjacent to the
38	north and east lines of the following described parcel:

39	That portion of Tracts 45 and 45A of said Plat, lying north of a line
40	bearing N 74°28'00" W from a point on the east margin of said Tract 45
41	which bears S 2°26'00" W 179.5 feet, from the northeast corner of said
42	Tract 45. Also, that portion of vacated Dock Street lying between said
43	portion of Tracts 45 and 45A.

44

Ordinance 15635 was introduced on 8/21/2006 and passed by the Metropolitan King County Council on 11/6/2006, by the following vote:

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

No: 0 Excused: 0

> KING COUNTY COUNCH, KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 115th day of NOVEmber, 2006.

Ron Sims, County Executive

**Attachments** 

A. Hearing Examiner Report dated October 16, 2006

October 16, 2006

# OFFICE OF THE HEARING EXAMINER KING COUNTY, WASHINGTON

400 Yesler Way, Room 404 Seattle, Washington 98104 Telephone (206) 296-4660 Facsimile (206) 296-1654 Email: hearex@metrokc.gov

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

SUBJECT:

King County Department of Transportation File No. V-2526

Proposed Ordinance No. 2006-0301

Parcel No. 205120-0294

#### **MERLE & SARAH STEPHEY**

Road Vacation Petition

Location:

Portion of 91st Avenue Southwest, Vashon Island

Petitioner:

Merle & Sarah Stephey

represented by Jemima J. McCullum 1201 Pacific Avenue, Suite 2100 Tacoma, Washington 98401 Telephone: (253) 620-6520 Facsimile: (253) 620-6565

King County:

Department of Transportation,

Road Services Division, represented by

Nicole Keller 201 S. Jackson St.

Seattle, Washington 98104-3856 Telephone: (206) 296-3731 Facsimile: (206) 296-0567

#### **SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:

Department's Final:

Examiner's:

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-2526 was received by the Examiner on August 11, 2006.

#### **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-2526 was opened by the Examiner at 1:31 p.m., September 6, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:33 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on September 29, 2006. 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.

<u>FINDINGS, CONCLUSIONS & RECOMMENDATION</u>: 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 91st Avenue Southwest

Right of way classification:

C

Area:

3,466.45 square feet

Compensation:

\$3,788.19

- 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. 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 6, 2006 public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0301. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
- 4. Maps showing the vicinity of the proposed vacation and the specific area to be vacated appear in the hearing record as exhibit nos. 9 and 11.
- 5. The subject right-of-way is not opened, constructed or maintained, and is not used informally for access to any property.
- 6. Vacation of the subject right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting property and surrounding area.
- 7. A Puget Sound Energy easement necessary to be retained for the construction, repair and maintenance of public utilities and services has been recorded.

V-2526—Stephey

8. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County.

### **CONCLUSION:**

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.

### **RECOMMENDATION:**

APPROVE proposed Ordinance No. 2006-0301 to vacate the subject road.

RECOMMENDED this 16th day of October, 2006.

Peter T. Donahue Interim King County Hearing Examiner

TRANSMITTED this 16th day of October, 2006, to the following parties and interested persons:

Century Tel	Comcast Cable	Dockton Water Association
Attn. Judy Emerick	Attn: Tod Brennan	Attn: Ray Bucy, President
8102 Skansie Ave. NW	410 Valley Ave. NW, Ste. 12	9710 SW Windmill Street
Gig Harbor WA 98335	Puyallup WA 98371	Vashon WA 98070
Jemima McCullum Gordon, Thomas, et al., LLP 600 University, Ste. 2100 Seattle WA 98101	Puget Sound Energy Attn: John Bresnahan 6522 Kitsap Way Bremerton WA 98312	Merle & Sarah Stephey 904 W. Kiernan Spokane WA 99205
Kim Claussen DDES/LUSD MS OAK-DE-0100	Clerk of the Council MS KCC-CC-1025	Neil DeGoojer DNRP/WLRD MS KSC-NR-0600
Sarah Gagnon DNRP - Wastewater Trtmt. MS KSC-NR-0503	Nancy Gordon KCDOT/D&C MS KSC-TR-0431	David Gualtieri KCDOT/CIP & Planning MS KSC-TR-0317
Denise Hauck	Bill Hintz	Nicole Keller
KC Dept. of Exec. Srvcs.	KC DOT, Rd. Maint.	KC DOT, Rd. Srvcs. Div.
MS ADM-ES-0500	MS RSD-TR-0100	MS KSC-TR-0231
Kristen Langley	Tom Lew	Paulette Norman
KC-DOT/RSD	KC DNRP/WLRD	KCDOT/RD SERV.
MS KSC-TR-0222	MS KSC-NR-0600	MS KSC-TR-0231

Robert Nunnenkamp KC DNRP/Prog Dev. MS KSC-NR-0700 Lydia Reynolds-Jones KC DOT/RD SERV. MS KSC-TR-0231

Charlie Sundberg
Bus. Rel. & Economic Dev.
MS BOA-EX-2000

Kelly Whiting KC DOT, Rd. Srvcs. Div. MS KSC-TR-0231

# 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 October 30, 2006. 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 6, 2006.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> 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 SEPTEMBER 6, 2006, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2526.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller and Kelly Whiting, representing the Department, and Jemima J. McCullum.

The following Exhibits were offered and entered into the record:

Exhibit No. 1 DOT report to the Hearing Examiner dated August 9, 2006 with 15 attachments Exhibit No. 2 Petition transmittal letter to DOT from the Clerk of the Council dated April 18, 2005

Exhibit No. 3	Letter from petitioner's representative Jemima J. McCullum to DOT dated March 7, 2005
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Exhibit No. 14	Compensation worksheet
Exhibit No. 15	Copy of compensation check
Exhibit No. 16	King County deposit receipt dated April 17, 2006
Exhibit No. 17	Transmittal letter to the Clerk of the Council from Paulette Norman dated February 24,
Exhibit No. 17	2006
Exhibit No. 18	Ordinance transmittal letter to Councilmember Larry Phillips from King County
	Executive dated June 28, 2006
Exhibit No. 19	Proposed ordinance 2006-0301
Exhibit No. 20	Fiscal Note
Exhibit No. 21	Notice of hearing posted near the site
Exhibit No. 22	Affidavit of posting for hearing
Exhibit No. 23	Affidavit of publication

PTD:gao V-2526 Return Address: Clerk of the Council Metropolitan King County Council Mail stop KCC-CC 1039



Please print or type information WASHINGTON S 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in)
1. Ordinance 15635 AN ORDINANCE authorizing the vacation of a portion of 91 <sup>st</sup> Avenue Southwest File V-2526 Petitioners: Merle and Sarah Stephey.
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)
Grantee(s) (Last name first, then first name and initials)  1. King County, Washington  2
Additional names on page of document.
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) That portion of the 91 <sup>st</sup> Avenue Southwest fifteen foot right of way as dedicated in the plat of Dockton Additional legal is on page of document.
Assessor's Property Tax Parcel/Account Number  205120-0294  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**

November 7, 2006

### Ordinance 15635

Proposed No. 2006-0301.2

Sponsors Phillips

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> Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Hague, Mr. Constantine and Ms. Patterson No: 0 Excused: 0

> > KING COUNTY COUNCH

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this light day of NOVember, 2006.

Ron Sims, County Executive

Attachments

A. Hearing Examiner Report dated October 16, 2006

October 16, 2006

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

SUBJECT:

King County Department of Transportation File No. V-2526

Proposed Ordinance No. 2006-0301

Parcel No. 205120-0294

### **MERLE & SARAH STEPHEY**

Road Vacation Petition

Location:

Portion of 91st Avenue Southwest, Vashon Island

Petitioner:

Merle & Sarah Stephey

represented by Jemima J. McCullum 1201 Pacific Avenue, Suite 2100 Tacoma, Washington 98401 Telephone: (253) 620-6520 Facsimile: (253) 620-6565

King County:

Department of Transportation,

Road Services Division, represented by

Nicole Keller 201 S. Jackson St.

Seattle, Washington 98104-3856 Telephone: (206) 296-3731 Facsimile: (206) 296-0567

### **SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary: Department's Final: Examiner's:

Approve road vacation Approve road vacation Approve road vacation

### **DEPARTMENT'S REPORT:**

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#### FINDINGS:

1. General Information:

Road name and location:

Portion of 91st Avenue Southwest

Right of way classification:

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Area:

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Compensation:

\$3,788.19

- 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.
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- The subject right-of-way is not opened, constructed or maintained, and is not used informally for access to any property.
- 6. Vacation of the subject right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting property and surrounding area.
- 7. A Puget Sound Energy easement necessary to be retained for the construction, repair and maintenance of public utilities and services has been recorded.

8. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County.

### **CONCLUSION:**

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.

### **RECOMMENDATION:**

APPROVE proposed Ordinance No. 2006-0301 to vacate the subject road.

RECOMMENDED this 16th day of October, 2006.

Peter T. Donahue
Interim King County Hearing Examiner

TRANSMITTED this 16th day of October, 2006, to the following parties and interested persons:

Century Tel Attn. Judy Emerick 8102 Skansie Ave. NW Gig Harbor WA 98335	Comcast Cable Attn: Tod Brennan 410 Valley Ave. NW, Ste. 12 Puyallup WA 98371	Dockton Water Association Attn: Ray Bucy, President 9710 SW Windmill Street Vashon WA 98070
Jemima McCullum Gordon, Thomas, et al., LLP	Puget Sound Energy	Merle & Sarah Stephey
	Attn: John Bresnahan	904 W. Kiernan
600 University, Ste. 2100 Seattle WA 98101	6522 Kitsap Way Bremerton WA 98312	Spokane WA 99205
Kim Claussen	Clerk of the Council	Neil DeGoojer
DDES/LUSD	MS KCC-CC-1025	DNRP/WLRD
MS OAK-DE-0100		MS KSC-NR-0600
Sarah Gagnon	Nancy Gordon	David Gualtieri
DNRP - Wastewater Trtmt.	KCDOT/D&C	KCDOT/CIP & Planning
MS KSC-NR-0503	MS KSC-TR-0431	MS KSC-TR-0317
Denise Hauck	Bill Hintz	Nicole Keller
KC Dept. of Exec. Srvcs.	KC DOT, Rd. Maint.	KC DOT, Rd. Srvcs. Div.
MS ADM-ES-0500	MS RSD-TR-0100	MS KSC-TR-0231
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MINUTES OF THE SEPTEMBER 6, 2006, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2526.

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PTD:gao V-2526