



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 5, 2007

Ordinance 15698

Proposed No. 2006-0428.2

Sponsors Phillips and Gossett

1 AN ORDINANCE authorizing the vacation of a portion of
2 the eight foot alley in the Colvos Plat, File V-2542,
3 Petitioners: John and Maureen Hawkins.
4
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of the eight
8 foot alley in the Colvos Plat hereinafter described.
9 2. The department of transportation notified the various utility companies
10 serving the area and has been advised that easements are not required
11 within the vacation area.
12 3. The department of transportation records indicates that King County
13 has not been maintaining the eight foot alley. 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 King 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 \$467.48 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 24th day of January
26 2007.

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 the eight foot alley as conveyed to King County by the
33 recording of the Plat of Colvos recorded in Volume 21 of Plats, Page 16, records of King
34 County, Washington as described below:

35 That portion of the eight foot alley dedicated in the Plat of Colvos as
36 recorded in Volume 21 of Plats, Page 16, records of King County

37
38
39
40

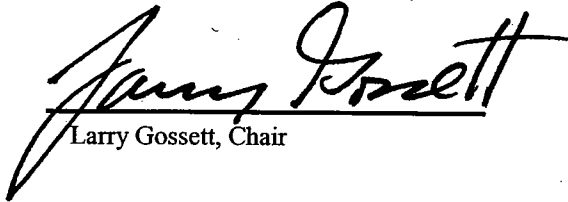
Washington, described as follows:

That portion of 8-foot right-of-way abutting and adjacent to
the west line of Lot 1 of said plat.

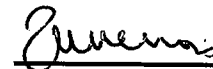
Ordinance 15698 was introduced on 1/16/2007 and passed by the Metropolitan King County Council on 3/5/2007, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 14th day of march, 2007.


Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated February 8, 2007

RECEIVED
2007 MAR 14 PM 12:56
KING COUNTY COUNCIL
CLERK

15698

February 8, 2007

**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-2542**
Proposed Ordinance No. **2006-0428**
Parcel No. **171780-0035**

JOHN & MAUREEN HAWKINS
Road Vacation Petition

Location: Portion of 8 foot alley abutting Olympic Drive Southwest in *Colvos Addition*, Vashon Island

Petitioner: **John & Maureen Hawkins**
1803 Northeast 52nd Street
Seattle, Washington 98105
Telephone: (206) 522-4844

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:	Approve road vacation
Department's Final:	Approve road vacation
Examiner's:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2542 was received by the Examiner on January 2, 2007.

PUBLIC HEARING:

After reviewing the Department'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-2542 was opened by the Examiner at 1:30 p.m., January 24, 2007, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:37 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on January 26, 2007. 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 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 8 foot alley in Colvos Addition
Right of way classification:	Class C
Area:	997.28 square feet
Compensation:	\$467.48

2. The Notice of Hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
3. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report to the Examiner for the January 24, 2007, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0428. The Department's report will be attached to those copies of this report and recommendation that are submitted to the 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. 7 and 9.
5. The subject right-of-way is not currently opened, constructed or maintained for public use, and is not known to be used informally for access to any property.
6. Vacation of the right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting subject property and surrounding area.
7. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
8. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.

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

CONCLUSION:

1. The right-of-way segment 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. 2006-0428 to vacate the subject road right-of-way.

RECOMMENDED February 8, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED February 8, 2007, 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

John & Maureen Hawkins
1803 NE 52nd St.
Seattle WA 98105

Millennium Digital Media
Attn: Larry Maley
4316 S. 104th Pl.
Seattle WA 98178

Puget Sound Energy
Attn: John Bresnahan
6522 Kitsap Way
Bremerton WA 98312

Qwest
Attn: Don Dauphiny
1550 Newport Way NW
Issaquah WA 98027

Westside Water Association
P.O. Box 267
Vashon WA 98070

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

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

Bill Hintz
KC DOT, Rd. Maint.
MS RSD-TR-0100

Nicole Keller
KC DOT, Rd. Svcs. Div.
MS KSC-TR-0231

Kristen Langley
KC-DOT/RSD
MS KSC-TR-0222

Tom Lew
KC DNRP/WLRD
MS KSC-NR-0600

Paulette Norman
KCDOT/RD SERV.
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. Svcs. 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 February 22, 2007*. If a notice of appeal is filed, the original and six (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 March 1, 2007*.

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 JANUARY 24, 2007, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2542.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department. There were no other participants.

The following exhibits were offered and entered into the record:

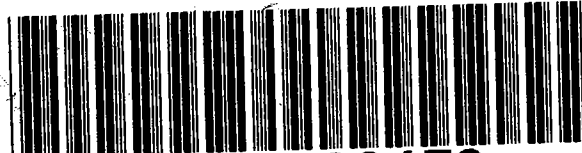
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- Exhibit No. 3 Letter of explanation from the Petitioner
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¹ The department report has a typographical error citing 21 attachments.

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- Exhibit No. 8 King County plat map of Colvos, recorded in Volume 21, page 16, records of King County
- Exhibit No. 9 Map depicting vacation area
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- Exhibit No. 17 Proposed Ordinance 2006-0428
- Exhibit No. 18 Fiscal note
- Exhibit No. 19 Notice of Hearing from Road Services
- Exhibit No. 20 Affidavit of Posting
- Exhibit No. 21 Affidavit of Publication

PTD:gao
V-2542 RPT

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



20070326000450

KING COUNTY CL ORD 0.00
PAGE 001 OF 009
03/26/2007 10:01
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 15698 AN ORDINANCE authorizing the vacation of a portion of the eight foot alley in the Colvos Plat File V-2542. Petitioners: John and Maureen Hawkins.
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. 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 eight foot alley dedicated in the Plat of Colvos as recorded in Volume 21 of Plats, Page 16... Additional legal is on page _____ of document.
Assessor's Property Tax Parcel/Account Number <input type="checkbox"/> Assessor Tax # not yet assigned 171780-0035 _____
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.

REC'D
2007 APR 23 AM 9:34
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

March 5, 2007

Ordinance 15698

Proposed No. 2006-0428.2

Sponsors Phillips and Gossett

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37 Washington, described as follows:

38 That portion of 8-foot right-of-way abutting and adjacent to

39 the west line of Lot 1 of said plat.

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Ordinance 15698 was introduced on 1/16/2007 and passed by the Metropolitan King County Council on 3/5/2007, by the following vote:

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Dunn, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine

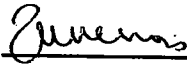
No: 0

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

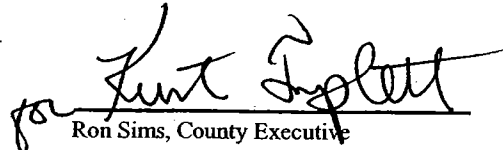

Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 14th day of March, 2007.


Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated February 8, 2007

RECEIVED
2007 MAR 14 PM 12:56
CLERK
KING COUNTY COUNCIL

February 8, 2007

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

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. V-2542
Proposed Ordinance No. 2006-0428
Parcel No. 171780-0035

JOHN & MAUREEN HAWKINS

Road Vacation Petition

Location: Portion of 8 foot alley abutting Olympic Drive Southwest in *Colvos Addition*, Vashon Island

Petitioner: **John & Maureen Hawkins**
1803 Northeast 52nd Street
Seattle, Washington 98105
Telephone: (206) 522-4844

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

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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 8 foot alley in Colvos Addition
Right of way classification:	Class C
Area:	997.28 square feet
Compensation:	\$467.48

2. The Notice of Hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
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9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

CONCLUSION:

1. The right-of-way segment 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. 2006-0428 to vacate the subject road right-of-way.

RECOMMENDED February 8, 2007.

Peter T. Donahue
King County Hearing Examiner

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Attn: Larry Maley
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Qwest
Attn: Don Dauphiny
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Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department. There were no other participants.

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