



Signature Report

March 31, 2008

Ordinance 16049

Proposed No. 2008-0007.2

Sponsors Patterson

1 AN ORDINANCE authorizing the vacation of a portion of
2 50th Avenue South, File V-2570; Petitioners: Dennis and
3 Mara Heiman.

4

5 STATEMENT OF FACTS:

6 1. A petition has been filed requesting vacation of a portion of the 50th
7 Avenue South right-of-way, dedicated as Colorado Avenue, hereinafter
8 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. A Utility Easement, for the Lakehaven Utility District, has been
13 recorded under King County recording number 20080102000240, records
14 of King County, Washington.

15 4. The department of transportation records indicates that King County
16 has not been maintaining the 50th Avenue South right-of-way. The
17 records indicate that no public funds have been expended for its

18 acquisition. A critical areas review will be required prior to any future
19 development, clearing, or other site alteration with the vacation area.

20 5. The department of transportation considers the subject portion of the
21 right-of-way useless as part of the county road system and believes the
22 public would benefit by the return of this unused area to the public tax
23 rolls.

24 6. The right-of-way is classified as "C-Class" and, in accordance with
25 K.C.C. 14.40.020, the compensation due King County is based on fifty
26 percent of the assessed value of the subject right-of-way, which was
27 determined from records of the department of assessments. King County
28 is in receipt of \$5,902.00 from the petitioners.

29 Due notice was given in the manner provided by law and a hearing was
30 held by the office of the hearing examiner on the 20th day of February.

31 In consideration of the benefits to be derived from the subject vacation the
32 council has determined that it is in the best interest of the citizens of King
33 County to grant said petition.

34 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

35 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
36 and abandons that portion of the 50th Avenue South right-of-way as conveyed to King
37 County by the recording of the Plat of Jovita Addition recorded in Volume 19 of Plats,
38 Page 14, records of King County, Washington as described below:

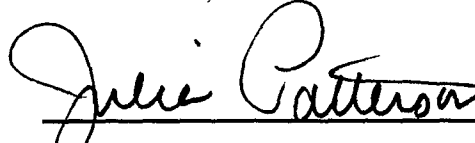
39 That portion of the westerly twenty (20) feet of 50th
40 Avenue South (also known as Colorado Avenue) abutting

41 and adjacent to the east line of Lots 1, and 2, Block 37, in
 42 the Plat of Jovita Addition, recorded in Volume 19 of Plats,
 43 Page 14, records of King County, Washington.
 44 Together with, that portion of the easterly twenty (20) feet
 45 of 50th Avenue South (also known as Colorado Avenue)
 46 abutting and adjacent to the west line of Lots 1, and 2,
 47 Block 36, in said plat.
 48

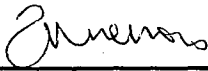
Ordinance 16049 was introduced on 1/14/2008 and passed by the Metropolitan King County Council on 3/31/2008, by the following vote:

Yes: 8 - Ms. Patterson, Mr. Dunn, Ms. Lambert, Mr. von Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague
 No: 0
 Excused: 1 - Mr. Constantine

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



 Julie Patterson, Chair

ATTEST:


 Anne Noris, Clerk of the Council

RECEIVED
 2008 APR 10 AM 9:52
 CLERK
 KING COUNTY COUNCIL

APPROVED this 8 day of APRIL, 2008.


 Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated March 10, 2008

16049
March 10, 2008

**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: Department of Transportation file no. V-2570
Proposed Ordinance no. 2008-0007
Parcel no. 375060-1593 & 375060-1590

DENNIS & MARA HEIMAN
Road Vacation Petition

Location: Portion of 50th Avenue South

Petitioners: **Dennis & Mara Heiman**
6430 South 287th Street
Kent, Washington 98032
Telephone: (253) 951-2036

King County: Department of Transportation (DOT), Road Services Division
represented by Nicole Keller
201 S. Jackson Street
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-2570 was received by the Examiner on January 24, 2008.

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-2570 was opened by the Examiner on February 20, 2008, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 9810. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. The hearing was continued administratively for receipt of an affidavit of the required Notice of Hearing and recording of the Utility Easement, copies of which were received March 4, 2008 and March 10, 2008 respectively. 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:	50th Avenue South (also known as Colorado Avenue), in the City of Pacific's Potential Annexation area
Right of way classification:	C
Area:	15,600
Compensation:	\$5902

2. 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 February 20, 2008, public hearing and the statement of facts contained in Proposed Ordinance No. 2008-0007. 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. 6, 7 and 8.
5. The subject right-of-way segment 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. 2008-0007 to vacate the subject road right-of-way.

RECOMMENDED March 10, 2008.

Stafford L. Smith
King County Hearing Examiner *pro tem*

**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* **March 24, 2008**. 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 31, 2008**.

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 FEBRUARY 20, 2008, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2570.

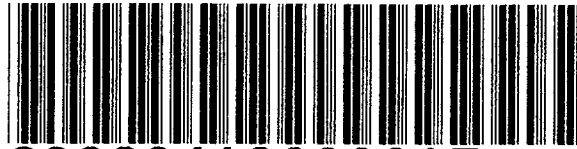
Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller, representing the Department and Mara Heiman, the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the February 20, 2008 hearing, with 16 attachments.
- Exhibit No. 2 Petition transmittal letter, dated July 25, 2006 to KC Department of Transportation (KCDOT), from Clerk of the Council.
- Exhibit No. 3 Petition for vacation of a County road including legal descriptions of petitioners' properties.
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SLS:vsm
V-2570 RPT

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



20080418000015

KING COUNTY CO ORD 0.00
PAGE 01 OF 008
04/18/2008 08:48
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 16049 AN ORDINANCE authorizing the vacation of a portion of 50th Avenue South, File V-2570. Petitioners: Dennis and Mara Heiman
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 westerly twenty (20) feet of 50 th Avenue south (also known as Colorado Avenue) ... Additional legal is on page _____ of document.
Assessor's Property Tax Parcel/Account Number <input type="checkbox"/> Assessor Tax # not yet assigned 375060-1593 & 375060-1590
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
2008 MAY 13 AM 9:21
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

March 31, 2008

Ordinance 16049

Proposed No. 2008-0007.2

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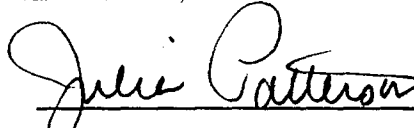
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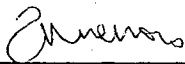
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No: 0
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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Julie Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 8 day of APRIL, 2008.



Ron Sims, County Executive

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2008 APR 10 AM 9:52
KING COUNTY COUNCIL CLERK

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16049
March 10, 2008

**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

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Proposed Ordinance no. 2008-0007
Parcel no. 375060-1593 & 375060-1590

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Road Vacation Petition

Location: Portion of 50th Avenue South

Petitioners: **Dennis & Mara Heiman**
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Kent, Washington 98032
Telephone: (253) 951-2036

King County: Department of Transportation (DOT), Road Services Division
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Telephone: (206) 296-3731
Facsimile: (206) 296-0567

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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. 2008-0007 to vacate the subject road right-of-way.

RECOMMENDED March 10, 2008.

Stafford L. Smith
King County Hearing Examiner *pro tem*

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

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MINUTES OF THE FEBRUARY 20, 2008, PUBLIC HEARING ON DEPARTMENT OF
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Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller, representing the Department and Mara Heiman, the Petitioner.

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SLS:vsm
V-2570 RPT