



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 27, 2009

Ordinance 16591

Proposed No. 2009-0215.2

Sponsors Constantine

1 AN ORDINANCE authorizing the vacation of a portion of
2 the 68th Avenue NE right-of-way, File V-2607; Petitioner:
3 John Postma.

4
5 **STATEMENT OF FACTS:**

6 1. A petition has been filed requesting vacation of a portion of the 68th
7 Avenue NE right-of-way hereinafter described.

8 2. The department of transportation notified the various utility companies
9 serving the area and has been advised that easements have either been
10 obtained or are not required within the vacation area.

11 3. A sewer easement has been recorded for the Northshore Utility District,
12 under King County recording number 20080130001424.

13 4. The department of transportation records indicate that King County has
14 not been maintaining the subject portion of the 68th Avenue NE right-of-
15 way. The records indicate that no public funds have been expended for its
16 acquisition.

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

21 6. The right-of-way is classified as "C-Class" and, in accordance with
22 K.C.C. 14.40.020, the compensation due King County is based on fifty
23 percent of the assessed value of the subject right-of-way, which was
24 determined from records of the department of assessments. King County
25 is in receipt of \$14,766.83 from the petitioner.

26 Due notice was given in the manner provided by law and hearings were
27 held by the office of the hearing examiner on the 27th day of May 2009
28 and the 24th day of June 2009.

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

32 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

33 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
34 and abandons that portion of the 68th Avenue NE right-of-way as conveyed to King
35 County by the recording of the Plat of Lake Park to the City of Seattle recorded in
36 Volume 11 of Plats, on Page 67, records of King County, Washington as described
37 below:

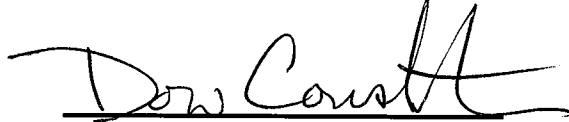
38 That portion of the northeasterly half of the 68th Avenue NE right-of-way,
39 dedicated as Maple Street in the Plat of Lake Park to the City of Seattle,

40 recorded in Volume 11 of Plats, Page 67, records of King County,
41 Washington, abutting and adjacent to the southwesterly line of the south
42 240.60 feet of Lot 11, of Block 11, of said plat.
43 Located in the Northwest Quarter of Section 25, of Township 26 North,
44 Range 4 East, Willamette Meridian, King County, Washington.
45

Ordinance 16591 was introduced on 3/30/2009 and passed by the Metropolitan King County Council on 7/27/2009, by the following vote:

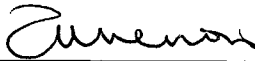
Yes: 6 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Mr. von Reichbauer, Mr. Gossett and Mr. Phillips
No: 0
Excused: 3 - Ms. Lambert, Ms. Patterson and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 7th day of August, 2009.



Kurt Triplett, County Executive

Attachments A. Hearing Examiner Report dated July 1, 2009

RECEIVED
2009 AUG - 7 PM 3:51
CLERK
KING COUNTY COUNCIL

July 1, 2009

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

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation file no. **V-2607**
Proposed Ordinance no. **2009-0215**
Adjacent parcel no. **405570-0730**

JOHN POSTMA
Road Vacation Petition

Location: Portion of 68th Avenue NE (dedicated as Maple Street)

Petitioner: **John Postma**
6816 NE 129th Street
Kirkland, Washington 98034
Telephone: (425) 823-5306
Telephone: (206) 914-0593

King County: Department of Transportation (DOT), Road Services Division
represented by **Nicole Keller**
201 South 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 Hearing Examiner for Item No. V-2607 was received by the Examiner on April 23, 2009.

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 right-of-way as follows:

The hearing on Item No. V-2607 was opened by the Examiner on May 27, 2009, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104 and was then continued to May 27, 2009 for a re-publication of notice and reposting of the property. 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 68th Avenue Northeast, North of Northeast 129th Street |
| Right of way classification: | C Class |
| Area: | 6,015 square feet |
| Compensation: | \$14,766.83 |

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 herein, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report to the Examiner for the May 27, 2009, public hearing and the statement of facts contained in Proposed Ordinance No. 2009-0215. 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 are in the hearing record as exhibit nos. 7 and 29.
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 properties 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. An easement has been granted to the Northshore Utility District for a future sewer main. No other 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 not useful as part of the King County road system, and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2009-0215 to vacate the subject road right-of-way.

RECOMMENDED July 1, 2009.

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

**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 July 15, 2009*. If a notice of appeal is filed, the original and six 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 22, 2009*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 Third 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 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 MAY 27, 2009, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2607.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller representing the Department and John Postma the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the May 27, 2009 hearing, with 18 attachments.
- Exhibit No. 2 Petition transmittal letter, dated September 11, 2007, to King County Department of Transportation (KCDOT), from Clerk of the Council
- Exhibit No. 3 Cover letter for vacation petition
- Exhibit No. 4 Petition for Vacation of a County Road, submitted September 11, 2007
- Exhibit No. 5 Copy of filing fee: check no. 3319, in the amount of \$100
- Exhibit No. 6 Receipt no. 00854 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 Survey map of Lake Park
- Exhibit No. 9 Plat map of Denny Park Heights
- Exhibit No. 10 Letter from KCDOT to Petitioner, dated November 27, 2009, acknowledging receipt of petition and explaining vacation process
- Exhibit No. 11 Revised Petition for Vacation of a County Road, submitted December 12, 2007
- Exhibit No. 12 Revised map depicting vacation area
- Exhibit No. 13 Revised map depicting vacation area
- Exhibit No. 14 Revised Petition for Vacation of a County Road
- Exhibit No. 15 Letter from KCDOT to Petitioner, dated May 27, 2008, requesting additional information and providing preliminary compensation calculations
- Exhibit No. 16 Recommendation and request for compensation letter from KCDOT to Petitioner, dated November 13, 2008
- Exhibit No. 17 Compensation Worksheet
- Exhibit No. 18 Revised Petition for Vacation of a County Road, signed December 29, 2008
- Exhibit No. 19 Revised map depicting vacation area
- Exhibit No. 20 Revised letter from KCDOT to Petitioner, dated December 10, 2008, requesting additional information and providing preliminary compensation calculations
- Exhibit No. 21 Compensation Worksheet
- Exhibit No. 22 Easement to Northshore Utility District, recorded January 30, 2008
- Exhibit No. 23 Copy of compensation payment, check no. 41698052 in the amount of \$14,766.83
- Exhibit No. 24 Receipt no. 540806 for compensation payment
- Exhibit No. 25 Recommendation letter from KCDOT to KC Council, dated December 12, 2008
- Exhibit No. 26 Proposed Ordinance transmittal letter from KCDOT to KC Council, dated March 11, 2009
- Exhibit No. 27 Proposed Ordinance 2009-0215
- Exhibit No. 28 Fiscal Note
- Exhibit No. 29 Affidavit of Posting, noting posting date
- Exhibit No. 30 Affidavit of Publication, noting May 13, 2009 publication date
- Exhibit No. 31 Affidavit of Publication, noting May 27, 2009 publication date
- Exhibit No. 32 Affidavit of Publication, noting June 24, 2009 publication date
- Exhibit No. 33 Affidavit of Posting, noting posting date