

RECEIVED

Return Address: 2010 MAR -9 AM 9:07
Clerk of the Council
Metropolitan King County Council
Mail stop KCC-CC1039



20091124000630

KING COUNTY ORD 0.00
PAGE-001 OF 008
11/24/2009 11:21
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

<p>Document Title(s) (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in)</p> <p>1. Ordinance 16688 AN ORDINANCE authorizing the vacation of a portion 78th Avenue Northeast, File V-2625; Petitioner: Mary Lou Baxter.</p>
<p>Reference Number(s) of Documents assigned or released:</p> <p>Additional reference #'s on page _____ of document</p>
<p>Grantor(s) (Last name, first name, initials)</p> <p>1. King County, Washington</p> <p>Additional names on page _____ of document.</p>
<p>Grantee(s) (Last name first, then first name and initials)</p> <p>1. King County, Washington</p> <p>2. _____</p> <p>Additional names on page _____ of document.</p>
<p>Legal description (abbreviated: i.e. lot, block, plat or section, township, range)</p> <p>That portion of easterly 15 feet of the 78th Avenue Northeast right-of-way, also known as Dibble Avenue, ...</p> <p>Additional legal is on page _____ of document.</p>
<p>Assessor's Property Tax Parcel/Account Number <input type="checkbox"/> Assessor Tax # not yet assigned</p> <p>384070-0285</p>
<p>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.</p>

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 3, 2009

Ordinance 16688

Proposed No. 2009-0475.2

Sponsors Hague

1 AN ORDINANCE authorizing the vacation of a portion of
2 78th Avenue Northeast, File V-2625; Petitioner: Mary Lou
3 Baxter.

4
5 **STATEMENT OF FACTS:**

- 6 1. A petition has been filed requesting vacation of a portion of the 78th
7 Avenue Northeast right-of-way, also known as Dibble Avenue, hereinafter
8 described.
- 9 2. The department of transportation notified the various utility companies
10 serving the area and was advised that the Northshore Utility District
11 requires an easement for an existing sewer main. The easement has been
12 recorded under King County recording number 20090929000643. No
13 other easements were requested within the vacation area at this time.
- 14 3. The department of transportation's records indicate that King County
15 has not been maintaining the 78th Avenue Northeast right-of-way. The
16 records indicate that no public funds have been expended for its

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

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

23 5. The right-of-way is classified as "C Class" and, in accordance with
24 K.C.C. 14.40.020, the compensation due to King County is based on fifty
25 percent of the assessed value of the subject right-of-way, which was
26 determined from records of the department of assessments. King County
27 is in receipt of \$8,239.89 from the petitioner.

28 6. Due notice was given in the manner provided by law and a hearing was
29 held by the hearing examiner on the 23rd day of September, 2009.

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

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
35 and abandons that portion of the 78th Avenue Northeast right-of-way as conveyed to
36 King County by the recording of the Plat of Kerr's Lake Washington One Acre Tracts,
37 recorded in Volume 17 of Plats, on Page 4, records of King County, Washington, as
38 described below:

Ordinance 16688

39 That portion of easterly 15 feet of the 78th Avenue Northeast right-of-
40 way, also known as Dibble Avenue, abutting and adjacent to the west line
41 of the southerly 63.25 feet of Lot 5, Block 6, of the Plat of Kerr's Lake
42 Washington One Acre Tracts, as recorded in Volume 17 of Plats, Page 4,
43 records of King County, Washington.
44

Ordinance 16688 was introduced on 8/17/2009 and passed by the Metropolitan King
County Council on 11/2/2009, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 10th day of November, 2009.


Kurt Triplett, County Executive

Attachments A. Hearing Examiner Report dated October 13, 2009

RECEIVED
2009 NOV 12 AM 11:36
CLERK
KING COUNTY COUNCIL

October 13, 2009

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 hearingexaminer@kingcounty.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation file no. **V-2625**
 Proposed Ordinance no. **2009-0475**
 Adjacent parcel no. **384070-0285**

MARY LOU BAXTER
 Road Vacation Petition

Location: portion of 78th Avenue NE (aka Dibble Avenue)

Petitioner: **Mary Lou Baxter**
 12921 Juanita Drive NE
 Kirkland, Washington 98034
 Telephone: (206) 310-0401

King County: Department of Transportation Road Services Division (DOT)
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 road vacation petition V-2625 was received by the Examiner on September 8, 2009.

PUBLIC HEARING:

After reviewing the Department's report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the petition and report as follows:

The hearing was opened by the Examiner on September 23, 2009, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104. The hearing was then continued administratively for receipt of the recorded sewer easement (exhibit no. 28), which was received October 7, 2009, at which time the hearing closed. 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 78th Avenue NE
Right of way classification:	C Class
Area:	949 square feet
Compensation:	\$8,239.89
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 and the statements of fact contained in Proposed Ordinance No. 2009-0475. 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 16.
5. The subject right-of-way segment is not currently opened, constructed or maintained for public road use, and is not known to be used informally for access to any property. It is partly developed with a public sanitary sewer main.
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. A Northshore Utilities District sewer easement is necessary to be retained for construction, repair and maintenance of public utilities and services, and has been recorded.
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. 2009-0475 to vacate the subject road right-of-way.

RECOMMENDED October 13, 2009.

Peter T. Donahue
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* **October 27, 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* **November 3, 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 SEPTEMBER 23, 2009, PUBLIC HEARING ON MARY LOU BAXTER'S PETITION FOR ROAD VACATION, DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2625.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the September 23, 2009 hearing, with 16 attachments
- Exhibit No. 2 Letter from Clerk of the Council to KC Department of Transportation (KCDOT), transmitting petition, dated August 8, 2008
- Exhibit No. 3 Cover letter to vacation petition, received August 8, 2008
- Exhibit No. 4 Petition for Vacation of a County Road including legal descriptions of Petitioner's property, received August 8, 2008
- Exhibit No. 5 Copy of filing fee: check no. 5109, in the amount of \$100
- Exhibit No. 6 Receipt no. 00889 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 Kerr's Lake Washington Plat map
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Final Agency Notice sent December 1, 2008
- Exhibit No. 11 Letter explaining road vacation process from KCDOT to Petitioner, dated August 25, 2008
- Exhibit No. 12 Sewer Easement between Petitioner and Northshore Utility District
- Exhibit No. 13 Letter from KCDOT to Petitioner recommending approval and requiring compensation, dated March 17, 2009
- Exhibit No. 14 Compensation Worksheet
- Exhibit No. 15 Letter from Petitioner to KCDOT regarding reduction of vacation area, dated June 4, 2009
- Exhibit No. 16 Revised map depicting vacation area
- Exhibit No. 17 Letter from KCDOT to Petitioner regarding potential for annexation of subject area, revised vacation area and compensation, dated June 9, 2009
- Exhibit No. 18 Revised Compensation Worksheet
- Exhibit No. 19 Copy of compensation payment, check no. 5850930690 in the amount of \$8,239.89
- Exhibit No. 20 Revised Petition for Vacation of a County Road
- Exhibit No. 21 Receipt no. 540823 for compensation payment
- Exhibit No. 22 Letter from KCDOT to KC Council recommending approval of petition, dated March 19, 2009
- Exhibit No. 23 Letter from KCDOT to KC Council transmitting proposed ordinance, dated August 6, 2009
- Exhibit No. 24 Proposed Ordinance 2009-0475
- Exhibit No. 25 Fiscal Note
- Exhibit No. 26 Affidavit of Posting, noting posting date of August 27, 2009
- Exhibit No. 27 Affidavit of Publication, noting September 9, 2009 and September 16, 2009 publication dates
- Exhibit No. 28 Sewer Easement between Petitioner and Northshore Utility District recorded on September 29, 2009