KING COUNTY



Signature Report

Ordinance 19995

Proposed No. 2025-0225.2 **Sponsors** Zahilay 1 AN ORDINANCE authorizing the vacation of a portion of 2 NE 122nd Street and NE 123rd Street, file no. V-2747; 3 Petitioners: Ricky and Laura Callaway and Ian and Patricia Dewar. 4 5 STATEMENT OF FACTS: 6 1. A petition has been filed requesting vacation of a portion of NE 7 122nd Street and NE 123rd Street in the Snoqualmie Valley NE King 8 County Community Service Area of unincorporated King County, 9 hereinafter described. 10 2. The department of local services notified utility companies serving the area 11 and King County departments of the proposed vacation and no utility 12 requested an easement over the vacation area. King County maintains a 13 drainage facility within the vacation area and an easement benefiting the 14 county is retained for permanent access, maintenance, repair and replacement 15 of the facility. The vacation shall not extinguish the rights of any utility 16 company to any existing easements for facilities or equipment within the 17 vacation area. 18 3. The department of local services's records indicate that this segment of 19 right of way is unopened and unmaintained.

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4. The department of local services considers the subject portion of right of way useless as part of the county road system and believes the public would benefit by the return of this segment of right of way to the public tax rolls and recommends approval of the vacation. 5. Pursuant to K.C.C. 14.40.020 and RCW 36.87.120, the value of the vacation area is offset by the costs to King County to manage and maintain this segment of unopened right of way and the present value of future property tax resulting in a determination that no additional compensation is required for the vacation of an approximately 33,522 square foot portion of NE 122nd Street and NE 123rd Street to the property of petitioners Ricky Callaway and Laura Callaway. If required, compensation must be received by King County within ninety days of approval of the ordinance vacating the right of way. 6. Due notice was given in the manner provided by law. The office of the hearing examiner held the public hearing on September 18, 2025. 7. As detailed in the recommendation, the hearing examiner found that the road segment subject to this petition is not useful as part of the King County road system, concluded that the vacation of this segment of road will benefit the public through the transfer of responsibility for management and return of the property to the public tax roll, and recommended approval of the vacation petition without the requirement of additional compensation by petitioners. 8. For the reasons stated in the examiner's October 2, 2025, report and recommendation, the council determines that it is in the best interest of the citizens of King County to grant said petition and vacate the right of way.

43	BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
44	SECTION 1. The council, on the effective date of this ordinance, hereby
45	vacates and abandons a portion of NE 122nd Street and NE 123rd Street right of way
46	as described below:
47	All of NE 123rd Street abutting Lot 2, King County Short Plat No.
48	S89S0262, recorded under Recording Number 9202199003 lying
49	Southeasterly and Easterly of the following described line:
50	Beginning at the intersection of the Southwesterly projection of the
51	Northwesterly boundary of said Lot 2 with the Southwesterly right-of-
52	way margin of said NE 123rd Street;
53	Thence Northeasterly approximately 54.5 feet to the intersection with
54	the Northeasterly right-of-way margin of said NE 123rd Street at a
55	point offset 24.00 feet Southeasterly of the Northwesterly line of said
56	Lot 2, being also the Southeasterly line of an ingress, egress and utility
57	easement as sown on the face of said Short Plat.
58	Situate within the Northwest Quarter of the Southeast Quarter of
59	Section 27, Township 26 North, Range 7 East, Willamette Meridian,
60	County of King, State of Washington.
61	Containing 33,522 square feet or 0.77 acres, more or less.
62	SECTION 2. King County retains an easement for permanent access,
63	maintenance, repair and replacement of a drainage facility within the vacation area.
64	Recording of the approved vacation is contingent on delivery of a signed easement in
65	favor of King County to the clerk within ninety days of the date of enactment of this

Ordinance 19995

- ordinance. If King County does not receive the signed easement by that date, there is
- 67 no vacation and the associated right of way remains King County's. If the signed
- 68 easement is timely received, the clerk shall record an ordinance against parcel

- 69 272607-9060. Recording an ordinance signifies that all contingencies are satisfied
- and that the right of way associated with parcel 272607-9060 is vacated.

Ordinance 19995 was introduced on 8/19/2025 and passed by the Metropolitan King County Council on 11/4/2025, by the following vote:

Yes: 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Quinn, von Reichbauer and Zahilay

KING COUNTY COUNCIL

 Ordinance 19995

October 2, 2025

OFFICE OF THE HEARING EXAMINER KING COUNTY, WASHINGTON

Telephone (206) 477-0860

<u>hearingexaminer@kingcounty.gov</u> <u>www.kingcounty.gov/independent/hearing-examiner</u>

REPORT AND RECOMMENDATION

SUBJECT: Department of Transportation file no. V-2747

Proposed ordinance no. 2025-0225

Adjacent parcel nos. 2726079060 and 2726079003

RICKY & LAURA CALLAWAY AND IAN & PATRICIA DEWAR

Road Vacation Petition

Location: between 12310 334th Ave NE and 33333 NE 123rd St, Carnation

Petitioners: Ricky & Laura Callaway; and Ian & Patricia Dewar

represented by Bill Moffet
Bill Moffet Consulting
6023 189th Avenue CT E
Lake Tapps, WA 98391
Telephone: (253) 232-0562
Email: b.moffet@yahoo.com

King County: Department of Local Services

represented by Leslie Drake Department of Local Services

201 S Jackson Street Seattle, WA 98104

Telephone: (206) 477-7764

Email: leslie.drake@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. Laura and Ricky Callaway, along with Patricia and Ian Dewar, petition the County to vacate an approximately 33,522 square-foot stretch of public right-of-way between properties at 12310 334th Avenue NE and 33333 NE 123rd Street, in the Snoqualmie Valley Northeast Community Service Area, near Carnation. The Department of Local Services, Road Services Division (Roads), recommends vacation and a waiver of compensation. On September 18, 2025, we conducted a remote public hearing on behalf of the King County Council. After hearing witness testimony, studying the exhibits entered into evidence, and considering the parties' arguments and the relevant law, we recommend that the Council vacate the right-of-way and not require compensation.

Background

- 2. Except as provided below, we incorporate the facts set forth in Roads' report and in proposed ordinance no. 2025-0225. That report, and a map showing the area to be vacated and the vicinity of the proposed vacation, are in the hearing record and will be attached to the copies of our recommendation submitted to Council.¹
- 3. Chapter 36.87 RCW governs the vacation of county roads, and King County Code (K.C.C.) chapter 14.40 establishes the procedures for a road vacation in King County. To vacate a county road, state law requires (1) a finding that the road is useless to the county road system, and (2) a finding that the public will be benefited by the vacation. If those two conditions are met, then the Council has the discretion to vacate the road.² State law allows the Council to require those benefiting from the vacation to compensate the county, up to the appraised value of the vacated road. The Council may reduce the compensation amount to account for the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit.³

Is Vacation Warranted?

- 4. A county right-of-way may be considered useless if it is not necessary to serve an essential role in the public road network or if it would better serve the public interest in private ownership.⁴
- 5. The subject right-of-way segment is not currently opened, constructed, or maintained for public use, and it is not known to be used informally for access to any property. Vacation would have no adverse effect on the provision of access and fire and emergency services

¹ See Exhibit 1 at 001-005 and Exhibit 9.

² See RCW 36.87.060.

³ See RCW 36.87.120.

⁴ See K.C.C. 14.40.0102.B.

- to the abutting properties and surrounding area. The County Road Engineer's report states that the right-of-way is not necessary for the present or future public road system.
- 6. There are drainage facilities within the right-of-way, but Roads has negotiated a proposed easement that will satisfy the county's need to operate, maintain, and access these facilities. The Callaways have agreed to this easement, which should be executed and recorded once the right-of-way is vacated.⁵ Puget Sound Energy also negotiated an easement with the Callaways, which the Callaways have signed. No other utility or agency identified facilities within the right-of-way or a need to retain an easement.
- 7. At the hearing, Roads confirmed that vacation would not impact NE 122nd Street, which is an open and improved right-of-way that runs parallel to part of the vacation area. The vacation area only includes the right-of-way that runs along the northern edge of NE 122nd Street, and the county would retain the right-of-way for the open and improved street.
- 8. We find that the subject right-of-way is useless to the county road system. We also find that the public will benefit from its vacation, since its inclusion in the public tax rolls will reduce property taxes for all others in the same taxing districts. In addition, vacation will likely reduce expected costs to the county associated with management and maintenance, discussed below. We conclude that vacation here is warranted.

What Compensation is Due?

- 9. The county may require compensation up to the appraised value of the vacated road. The King County Assessor determines the increase in value due to the vacation for each abutting parcel. This right-of-way was dedicated to the county in the same plat that created the parcel owned by the Callaways; the property owned by the Dewars was created in a separate plat. This means that, somewhat unusually, the entire vacation area will attach to the Callaways' property; nothing will attach to the Dewars' property. As such, the Dewars will not see any increase in value to their property and do not owe any compensation. The Assessor determined in 2024 that the vacation would increase the value of the Callaways' property by \$9,000.
- 10. State law allows the Council to reduce the compensation amount to reflect the expected value to the public from avoided liability risk, increased property taxes, and eliminated management or maintenance costs. The Office of Performance, Strategy, and Budget (PSB) created a model for calculating these adjustments, updated annually. Roads then applies those figures to a given parcel. The model estimates that the county will receive an additional \$151 in property taxes and reduce management and maintenance costs by \$9,036. Since this combined total is more than the \$9,000 value determined by the Assessor, the model recommends that the Callaways owe no compensation to the county.⁶

⁵ See Exhibit 16.

⁶ See Exhibit 12.

Model Methodology Concerns

- 11. The PSB model uses a flat amount per abutting parcel to estimate reduced management and maintenance costs each year. This means the estimated savings for the county does not vary based on the size or nature of the vacated road, but instead on how many parcels abut the vacation area and which year those abutting landowners happened to file their petition.
- 12. For example, the estimated amount of management and maintenance costs per parcel in 2024 was \$9,036, but it was only \$6,526 in 2023 and only \$6,880 in 2025. This means that if the Callaways had submitted their petition a year later or a year earlier, they would now owe around \$2,000 more in compensation for the same vacation under the PSB model.
- 13. Conversely, if the vacation area had attached to both abutting properties (as is usually the case), then the PSB model would have doubled the estimate of maintenance costs, even though the vacation area itself had not changed. The PSB model would have estimated that the same road vacation would save the county \$18,072 (since both parcels would have each received credit for saving \$9,036 in costs).
- 14. Additionally, the flat amount ignores the size of the vacation; the area attached to the Callaways' property is over six times larger than the average area attaching to other parcels in road vacation petitions that had hearings on the same day. There were four road vacation hearings on September 18, including the Callaways' petition. Across these four petitions there were 14 parcels where PSB had calculated a flat amount of reduced maintenance costs. The area attaching to the Callaways' property was over 40 times larger than the smallest parcel's vacation area (800 square feet compared to 33,522 square feet), yet PSB's model would have estimated the same amount of reduced management and maintenance costs for both.
- 15. Furthermore, PSB intended the flat amount to equal to two percent of total expenditures over five years for clean-up, research, enforcement, and administrative actions associated with unopened rights-of-way. In other words, the PSB model estimates that each abutting parcel of a vacated, unopened right-of-way saves the county 10% of these annual costs. This means that the PSB model would estimate that a single vacated roadway could save an entire year's worth of these costs if it had 10 abutting parcels.
- 16. Taken together, all these methodological choices make it difficult to reliably and consistently estimate what compensation is due for any given road vacation. There are a variety of different ways to address each concern above, and each way would come with its own assumptions and judgment calls. Until PSB refines its methodology, it seems equity would demand that we use the same PSB model that has been applied to past road

⁷ This is only true for unopened and undeveloped land. For opened roads or frequently traversed public areas, PSB's estimate of costs scales based on the length of the vacation area.

vacation petitions. Therefore, the Callaways owe no compensation to the county for attaching over 0.75 of an acre to their property.

RECOMMENDATION:

We recommend that Council APPROVE proposed ordinance no. 2025-0225 to vacate the subject road right-of-way abutting parcel 272607-9060, with no compensation requirement, but CONTINGENT on Petitioners delivering a signed easement in favor of King County within 90 days of the date Council takes final action on this ordinance. If King County does not receive the signed easement by that date, there is no vacation and the associated right-of-way remains King County's. If the signed easement is timely received, the Clerk shall record an ordinance against parcel 272607-9060. Recording an ordinance signifies that all contingencies are satisfied and that the right-of-way associated with parcel 272607-9060 is vacated.

DATED October 2, 2025.

Peter Heineccius

Hearing Examiner pro tem

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on *October 27, 2025,* an electronic appeal statement must be sent to <u>Clerk.Council@kingcounty.gov</u>, to <u>hearingexaminer@kingcounty.gov</u>, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

⁸ See, for example, V-2754-Baraja, Kim, Anderson (October 25, 2024), where a prior hearing examiner expressed misgivings about the Assessor's methodology for determining the values of road vacations to abutting properties. The hearing examiner explained why the Assessor is likely undervaluing the benefit to petitioners but ultimately concluded the petitioners could take advantage of the same terms offered to past petitioners.

V-2747–Ricky & Laura Callaway and Ian & Patricia Dewar

MINUTES OF THE SEPTEMBER 18, 2025, HEARING ON THE ROAD VACATION PETITION OF RICKY & LAURA CALLAWAY AND IAN & PATRICIA DEWAR, DEPARTMENT OF TRANSPORTATION FILE NO. V-2747

Peter Heineccius was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake, Bill Moffet, and Joshua Neil.

The following exhibits were offered and entered into the hearing record:

Exhibit no. 1	Roads Services report to the Hearing Examiner, sent August 30, 2025,				
	with 12 attachments and 20 exhibits				
Exhibit no. 2	Petition transmittal letter dated May 27, 2021, to the County Road				
	Engineer				
Exhibit no. 3	Petition for Vacation of a County Road received May 27, 2021				
Exhibit no. 4	Letter to Petitioners dated June 7, 2021, acknowledging receipt of Petition				
Exhibit no. 5	King County Assessor's information for Petitioners Ricky and Laura				
	Callaway's property, APN 2726079060				
Exhibit no. 6	King County Assessor's information for Petitioners Ian and Patricia				
	Dewar's property, APN 2726079003				
Exhibit no. 7	Assessor's Quarter Section map for SE272607				
Exhibit no. 8	King County Short Plat S89S0262 rec 199202199003				
Exhibit no. 9	Exhibit map depicting vacation area				
Exhibit no. 10	Copy of final notice sent of review to agencies on 07/26/2021				
Exhibit no. 11	Email exchange with Assessor's Office regarding valuation of vacation				
	area				
Exhibit no. 12	Compensation calculation model spreadsheet for Petitioners' property,				
	APN 2726079060				
Exhibit no. 13	Cover letter to Petitioners dated April 16, 2024, with a copy of the				
	County Road Engineer's Report				
Exhibit no. 14	County Road Engineer's Report				
Exhibit no. 15	PSE Easement				
Exhibit no. 16	Permanent Easement in favor of King County				
Exhibit no. 17	Ordinance transmittal letter dated July 21, 2025, from King County				
	Executive to Councilmember Girmay Zahilay, Chair, King County				
	Council				
Exhibit no. 18	Proposed Ordinance				
Exhibit no. 19	Declaration of Posting				
Exhibit no. 20	Request for publication by Clerk of the Council				

October 2, 2025

OFFICE OF THE HEARING EXAMINER KING COUNTY, WASHINGTON

Telephone (206) 477-0860

<u>hearingexaminer@kingcounty.gov</u>

<u>www.kingcounty.gov/independent/hearing-examiner</u>

CERTIFICATE OF SERVICE

SUBJECT: Department of Transportation file no. V-2747

Proposed ordinance no. 2025-0225

Adjacent parcel no(s). 2726079060 and 2726079003

RICKY & LAURA CALLAWAY AND IAN & PATRICIA DEWAR

Road Vacation Petition

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION** to those listed on the attached page as follows:

\boxtimes	EMAILED	to all	County	staff listed	as parties	/interested	persons	and p	arties	with	e-mail
	addresses o	n recoi	rd.								

Date placed with the United States Postal Service, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED October 2, 2025.

Jessica Oscoy Administrator Brown, Keith

Department of Local Services

Callaway, Ricky/Laura

Hardcopy

Carr, Trevor

Department of Natural Resources and Parks

Carrasquero, Jose

Department of Local Services

Claussen, Kimberly

Department of Natural Resources and Parks

Dewar, Ian/Patricia

Hardcopy

Drake, Leslie

Department of Local Services

Eastside Fire and Rescue

Hay, Melani

Metropolitan King County Council

Ishimaru, Jim

Department of Local Services

Jackson, Robert

Department of Natural Resources and Parks

Kosai-Eng, JoAnn

Department of Local Services

Kulish, Michael

Facilities Management Division

Martin, James

Comcast Cable

McDonald, Andrew

Department of Natural Resources and Parks

Miles, Dawn

Metro Transit Division

Minichillo, Tom

Department of Local Services

Moffet, Bill

Bill Moffet Consulting Hardcopy

Neil, Joshua

Ozanich, Barbara

King County Water District No. 119

Pursley, Steve

Wave Broadband

Robinson, Jeff

Department of Local Services

Shular, Ryan

Department of Local Services

Sung, Huey-yi

Department of Local Services

Todd, Scott

Department of Natural Resources and Parks

Torkelson, Cindy

Department of Local Services

Yang, Amber

Puget Sound Energy

Hardcopy



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Document Pages: 5 Supplemental Document Pages: 8

Certificate Pages: 5

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Signatures: 3 Initials: 0

Status: Completed

Envelope Originator:

Cherie Camp

401 5TH AVE

SEATTLE, WA 98104

Cherie.Camp@kingcounty.gov

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Cherie.Camp@kingcounty.gov

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Signer Events

Girmay Zahilay girmay.zahilay@kingcounty.gov

Council Chair

Security Level: Email, Account Authentication

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Signature

Girmay Edulay 1AEA3C5077E8485

Melani Hay

8DE1BB375AD3422.

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Melani Hay

melani.hay@kingcounty.gov

Clerk of the Council

King County Council

Security Level: Email, Account Authentication

(None)

Electronic Record and Signature Disclosure:

Accepted: 9/30/2022 11:27:12 AM

ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

Shannon Braddock

Shannon.Braddock@kingcounty.gov

King County Executive

Security Level: Email, Account Authentication

Electronic Record and Signature Disclosure: Accepted: 11/25/2025 9:47:10 AM

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(None)

Nauwan Braddade

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Envelope Summary Events	Status	Timestamps		
Envelope Sent	Hashed/Encrypted	11/5/2025 12:37:20 PM		
Certified Delivered	Security Checked	11/25/2025 9:47:10 AM		
Signing Complete	Security Checked	11/25/2025 9:47:19 AM		
Completed	Security Checked	11/25/2025 9:47:19 AM		
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cipriano.dacanay@kingcounty.gov

To advise King County-Department of 02 of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cipriano.dacanay@kingcounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process.

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