



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 14, 2006**

**Ordinance 15645**

**Proposed No.** 2006-0372.2

**Sponsors** Phillips

1 AN ORDINANCE authorizing the vacation of a portion of  
2 South 108th Street, File V-2506, Petitioner: Daisy Cancio.  
3  
4

5 **STATEMENT OF FACTS:**

- 6 1. A petition has been filed requesting vacation of a portion of South 108th  
7 Street hereinafter described.
- 8 2. The department of transportation notified the various utility companies serving  
9 the area and has been advised that easements have either been obtained or are not  
10 required within the vacation area.
- 11 3. The department of transportation records indicates that King County has not  
12 been maintaining South 108th Street. The records indicate that no public funds  
13 have been expended for its acquisition.
- 14 4. The department of transportation considers the subject portion of the right of  
15 way useless as part of the King County road system and believes the public would  
16 benefit by the return of this unused area to the public tax rolls.

17           5. The right of way is classified as "C-Class" and, in accordance with K.C.C.  
18           14.40.020, the compensation due King County is based on fifty percent of the  
19           assessed value of the subject right of way, which was determined from records of  
20           the department of assessments. King County is in receipt of \$12,375.77 from the  
21           petitioner.

22           Due notice was given in the manner provided by law and a hearing was  
23           held by the office of the hearing examiner on the 11th day of October  
24           2006.

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

28           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

29           SECTION 1. The council, on the effective date of this ordinance, hereby vacates  
30           and abandons that portion of South 108th Street as conveyed to King County by the  
31           recording of the Plat of Glendale Country Club No. 3 recorded in Volume 62 of Plats,  
32           Page 94, records of King County, Washington as described below:

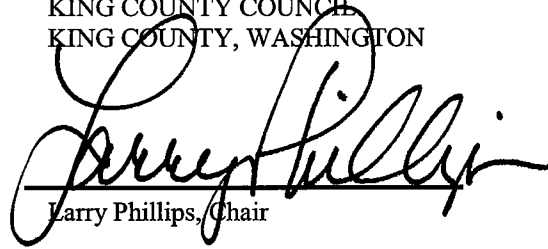
33           That portion of the southerly half of South 108th Street right of way  
34           abutting and adjacent to Lot 1, Block A, of Glendale Country Club No. 3

35 recorded in Volume 62 of Plats, Page 94, records of King County,  
36 Washington.  
37

Ordinance 15645 was introduced on 8/28/2006 and passed by the Metropolitan King County Council on 11/13/2006, by the following vote:

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

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20 day of NOVEMBER 2006.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated October 20, 2006

RECEIVED  
2006 NOV 20 PM 1:08  
KING COUNTY CLERK  
KING COUNTY COUNCIL

October 20, 2006

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

400 Yesler Way, Room 404  
Seattle, Washington 98104  
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Facsimile (206) 296-1654  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. **V-2506**  
Proposed Ordinance No. **2006-0372**  
Parcel No. **278850-0010**

**DAISY CANCIO**  
Road Vacation Petition

**Location:** Portion of South 108th Street

**Petitioner:** **Daisy Cancio**  
14219 – 4th Avenue South  
Burien, Washington 98168  
Telephone: (206) 898-3314

**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

**DEPARTMENT'S REPORT:**

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2506 was received by the Examiner on August 29, 2006.

PUBLIC HEARING:

After reviewing the Department of Transportation'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-2506 was opened by the Examiner at 1:30 p.m., October 11, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:32 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on October 16, 2006. 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 King County 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 South 108th Street
Right of way classification:	C
Area:	3,593 square feet
Compensation:	\$12,375.77

2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the October 11, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0372. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King 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 10.
5. The subject right-of-way is not currently opened for public use, has never been constructed or maintained by the public, and is not 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 property and surrounding area.
7. The right-of-way is not necessary for the present or future 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 the vacation of this road has been deposited with King County.

CONCLUSION:

1. The road 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. 2006-0372 to vacate the subject road.

RECOMMENDED this 20th day of October, 2006.

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Peter T. Donahue  
King County Hearing Examiner

TRANSMITTED this 20th day of October, 2006, to the following parties and interested persons:

Daisy Cancio  
14219 - 4th Ave. S.  
Burien WA 98168

City of Renton  
Attn: Karen McFarland  
1055 S. Grady Way  
Renton WA 98055

Comcast  
Attn: Jim Nies  
4020 Auburn Way N.  
Auburn WA 98002

Puget Sound Energy  
Attn: Sharon Scott  
P.O. Box 90868  
Bellevue WA 98009

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

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 November 3, 2006*. If a notice of appeal is filed, the original and 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 November 13, 2006*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> 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 OCTOBER 11, 2006, PUBLIC HEARING ON DEPARTMENT OF  
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2506.

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:

- Exhibit No. 1 Report to the Hearing Examiner for the October 11, 2006 hearing, with 14 attachments
- Exhibit No. 2 Petition transmittal letter, dated May 25, 2004 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Petition for vacation of a County road including legal descriptions of petitioners' properties
- Exhibit No. 4 Petition for vacation of a county road including legal descriptions of Petitioner's properties, received May 24, 2004
- Exhibit No. 5 Copy of filing fee, check #1037 from petitioner
- Exhibit No. 6 Receipt #665 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 KC plat map of Glendale Country Club No. 3, a replat of Blocks 1 & 2, Glendale Country Club
- Exhibit No. 9 KC plat map of Glendale Country Club No. 1
- Exhibit No. 10 Map depicting vacation area
- Exhibit No. 11 Final notice dated October 27, 2005 to vacate
- Exhibit No. 12 Letter to Daisy Cancio dated July 8, 2004 from Dennis Gorley explaining road vacation process
- Exhibit No. 13 Revised petition for vacation of a county road received July 15, 2004
- Exhibit No. 14 2<sup>nd</sup> revised petition for vacation of a county road
- Exhibit No. 15 Letter to Daisy Cancio dated December 20, 2005 from Paulette Norman identifying DOT recommendation and requesting compensation
- Exhibit No. 16 Compensation worksheet
- Exhibit No. 17 Copy of compensation check in the amount of \$12,375.77
- Exhibit No. 18 KC Cash Transmittal and Receipt dated March 29, 2006
- Exhibit No. 19 Transmittal letter dated January 6, 2006
- Exhibit No. 20 Ordinance transmittal letter dated August 9, 2006
- Exhibit No. 21 Proposed ordinance 2006-0372
- Exhibit No. 22 Fiscal Note
- Exhibit No. 23 Notice of Hearing
- Exhibit No. 24 Affidavit of Posting
- Exhibit No. 25 Affidavit of Publication for date of hearing

PTD:gao  
V-2506 RPT