



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**June 3, 2003**

**Ordinance 14673**

**Proposed No. 2003-0149.2**

**Sponsors Sullivan**

1 AN ORDINANCE authorizing the vacation of a portion of  
2 107th Place NE, File V-2437A, Petitioner: Bryan  
3 Loveless.

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1. A petition has been filed requesting vacation of that portion of 107th  
7 Place NE hereinafter described.

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2. The department of transportation notified the various utility companies  
9 serving the area and has been advised that all necessary easements within  
10 the vacation area have been obtained.

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3. The department of transportation records indicates that King County  
12 has been maintaining the 107th Place NE right-of-way. The records  
13 indicate that no public funds have been expended for its acquisition.

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4. A portion of an existing house encroaches onto the 107th Place NE  
15 right-of-way. A one-foot line around the perimeter of the encroaching

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structure is proposed as the vacation area. The department of  
17 transportation considers the subject portion of the right-of-way useless as

36 Quit-Claim Deed recorded in Volume 1237 of Deeds, Page 96, records of King County,  
37 Washington as described in Attachment A to this ordinance.  
38

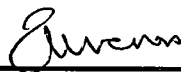
Ordinance 14673 was introduced on 3/31/2003 and passed by the Metropolitan King County Council on 6/2/2003, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague, Mr. Irons and Ms. Patterson  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Cynthia Sullivan, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 12 day of June, 2003.

  
Ron Sims, County Executive

**Attachments** A. Legal Description, B. Waiver of Liability and Hold Harmless Covenant, C. Hearing Examiner Report dated May 2, 2003

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CLERK  
COUNTY OF KING

18 part of the county road system and believes the public would benefit by  
19 the return of this unused area to the public tax rolls.

20 5. The right-of-way is classified as "B-Class" and, in accordance with  
21 K.C.C. 14.40.020, the compensation due King County is based on  
22 seventy-five percent of the assessed value of the subject right-of-way  
23 which was determined from records of the department of assessments.  
24 King County is in receipt of \$879.54 from the petitioner.

25 6. A waiver of liability and hold harmless covenant was required as a  
26 condition of the subject road vacation. The covenant is shown as  
27 Attachment B to this ordinance.

28 Due notice was given in the manner provided by law and a hearing was  
29 held by the office of the hearing examiner on the 1st day of May, 2003.

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

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34 SECTION 1. The council, on the 2nd day of June, 2003, hereby vacates and  
35 abandons that portion of 107th Place NE as conveyed to King County by

## ATTACHMENT "A"

That portion of the south half of the southeast quarter of the southwest quarter of Section 8, Township 26 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Commencing at a point on the north and south centerline of said section 8, distant 440 feet north from the south quarter corner of said section;

Thence west parallel to the south line of said section 8 534.78 feet to the easterly margin of 107th Place NE;

Thence north  $37^{\circ} 27' 34''$  west along said easterly margin 44.81 feet to the TRUE POINT OF BEGINNING;

Thence continuing north  $37-27-34$  west along said easterly margin 36.60 feet;

Thence south  $44^{\circ} 06' 19''$  west 7.70 feet;

Thence south  $45^{\circ} 53' 41''$  east 16.22 feet;

Thence south  $14^{\circ} 06' 19''$  west 3.50 feet;

Thence south  $45^{\circ} 53' 41''$  east 8.65 feet;

Thence north  $74^{\circ} 06' 19''$  east 3.50 feet;

Thence south  $45^{\circ} 53' 41''$  east 7.82 feet;

Thence north  $44^{\circ} 06' 19''$  east 2.33 feet to the TRUE POINT OF BEGINNING.

14673

**WAIVER OF LIABILITY AND HOLD HARMLESS COVENANT**

**GRANTOR:** Bryan R. Loveless, Gail D. Loveless, and James A. Knutson

**GRANTEE:** King County

**LEGAL DESCRIPTION:**

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 8, DISTANT 440 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION;  
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 8 534.78 FEET TO THE EASTERLY MARGIN OF 107TH PLACE NE;  
THENCE NORTH 37° 27' 34" WEST ALONG SAID EASTERLY MARGIN 44.81 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 37° 27' 34" WEST ALONG SAID EASTERLY MARGIN 36.60 FEET;  
THENCE SOUTH 44° 06' 19" WEST 7.70 FEET;  
THENCE SOUTH 45° 53' 41" EAST 16.22 FEET;  
THENCE SOUTH 14° 06' 19" WEST 3.50 FEET;  
THENCE SOUTH 45° 53' 41" EAST 8.65 FEET;  
THENCE NORTH 74° 06' 19" EAST 3.50 FEET;  
THENCE SOUTH 45° 53' 41" EAST 7.82 FEET;  
THENCE NORTH 44° 06' 19" EAST 2.33 FEET TO THE TRUE POINT OF BEGINNING.

**TAX PARCEL NUMBER(S):** 0826059213

Bryan R. Loveless, Gail D. Loveless, and James A. Knutson ("Grantor") hereby covenants and agrees as follows:

1. Grantor is the owner in fee simple of the following real property situated in King County, Washington ("**Grantor's Property**"):

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:  
COMMENCING AT A POINT ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 8, DISTANT 440 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION;  
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 8 A DISTANCE OF 448 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING WEST, PARALLEL TO THE SOUTH LINE OF SAID SECTION, 130 FEET TO THE CENTERLINE OF COUNTY ROAD (IRON PIPE PLANTED 22.5 FEET EAST FROM SAID ROAD CENTERLINE);  
THENCE NORTHWESTERLY ALONG SAID ROAD CENTERLINE TO ITS INTERSECTION WITH THE EAST AND WEST CENTERLINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID

SECTION 8;  
THENCE EAST ALONG SAID EAST AND WEST CENTERLINE A DISTANCE OF 340 FEET;  
THENCE IN A SOUTHERLY DIRECTION 222 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING;  
EXCEPT THAT PORTION LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF SAID DESCRIBED MAIN TRACT;  
THENCE SOUTHERLY ALONG THE EASTERLY LINE THEREOF 60 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIBED LINE;  
THENCE SOUTHWESTERLY PASSING THROUGH THE SOUTHWEST CORNER OF THE NORTH 90 FEET OF THE EAST 152 FEET OF THE ABOVE DESCRIBED MAIN TRACT AND CONTINUING BEYOND IN A STRAIGHT LINE TO THE CENTERLINE OF SAID COUNTY ROAD AND THE TERMINUS OF SAID DESCRIBED LINE;  
EXCEPT THE SOUTH 22 FEET THEREOF;  
EXCEPT COUNTY ROAD.

2. Grantor acknowledges that the building located on Grantor's Property encroaches upon the King County road right-of-way of 107<sup>th</sup> Place Northeast. Said right-of-way is improved and has a public road thereon. Grantor requested pursuant to Chapter 36.87 RCW and Chapter 14.40 King County Code that King County vacate a portion of said road right-of-way ("the Vacation Area") in order to cure the encroachment, King County Vacation File Number V-2437 ("the Vacation"). The Vacation Area is more particularly described as follows:

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 8, DISTANT 440 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION;  
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 8 534.78 FEET TO THE EASTERLY MARGIN OF 107TH PLACE NE;  
THENCE NORTH 37° 27' 34" WEST ALONG SAID EASTERLY MARGIN 44.81 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 37° 27' 34" WEST ALONG SAID EASTERLY MARGIN 36.60 FEET;  
THENCE SOUTH 44° 06' 19" WEST 7.70 FEET;  
THENCE SOUTH 45° 53' 41" EAST 16.22 FEET;  
THENCE SOUTH 14° 06' 19" WEST 3.50 FEET;  
THENCE SOUTH 45° 53' 41" EAST 8.65 FEET;  
THENCE NORTH 74° 06' 19" EAST 3.50 FEET;  
THENCE SOUTH 45° 53' 41" EAST 7.82 FEET;  
THENCE NORTH 44° 06' 19" EAST 2.33 FEET TO THE TRUE POINT OF BEGINNING.

3. The Vacation results in ownership of the Vacation Area being vested in Grantor, his successors and assigns, free and clear of King County's right-of-way interest in the Vacation Area.

4. In consideration for King County's approval of the Vacation, Grantor, for himself, his successors and assigns, including without limitation the purchasers and subsequent owners of Grantor's Property and the Vacation Area (collectively referred to hereafter as "the Owners"):

4.1 hereby waive any right to assert any claim against, and release and discharge, King County, its appointed and elected officials, agents and employees, its successors and assigns, including, without limitation, any municipality that succeeds to ownership of the right-of-way of 107<sup>th</sup> Place

Northeast by virtue of annexation or incorporation, and their officials, agents and employees (collectively referred to hereafter as "**the Jurisdiction Controlling the Right-of-Way**"), for all claims the Owners may have, now and in the future, for loss, damages to persons or property, or other liability, against the Jurisdiction Controlling the Right-of-Way, either directly or indirectly caused by, related to, or arising out of the Vacation or the Owners' ownership and/or occupation of the Vacation Area, except only to the extent that such claims may be caused by, related to, or arise out of the negligence of the Jurisdiction Controlling the Right-of-Way; and

4.2 to the maximum extent permitted by law, shall protect, defend, indemnify and hold harmless the Jurisdiction Controlling the Right-of-Way from and against liability for all claims, demands, liability, loss, suits, damages and judgments, including attorneys' fees and costs and expenses of defense thereof (collectively referred to hereafter as "**Liability Assertions**"), asserted by third parties against the Jurisdiction Controlling the Right-of-Way, now and in the future, either directly or indirectly caused by, related to, or arising out of the Vacation or the Owners' ownership and/or occupation of the Vacation Area, except only to the extent that such Liability Assertions may be caused by, related to, or arise out of the negligence of the Jurisdiction Controlling the Right-of-Way. If such Liability Assertions are caused by, related to, or arise out of the concurrent negligence of the Owners, or their employees and agents, and the Jurisdiction Controlling the Right-of-Way, this indemnification shall be valid and enforceable only to the extent of the negligence of the Owners and their employees and agents. The foregoing indemnity is specifically and expressly intended to constitute a waiver of the Owners' immunity under Washington's Industrial Insurance Act, RCW Title 51, as respects the Jurisdiction Controlling the Right-of-Way only, and only to the extent necessary to provide the Jurisdiction Controlling the Right-of-Way with a full and complete indemnity of claims made by the Owners' employees and agents. The Grantor acknowledges that these provisions were specifically negotiated and agreed by him. The Jurisdiction Controlling the Right-of-Way shall have the right, at its option, to participate in any third-party suit, and the Owners shall cooperate with the Jurisdiction Controlling the Right-of-Way as reasonably required.

5. The claims described in section 4.1 and the Liability Assertions described in section 4.2 include, but are not limited to, those which may be occasioned by the establishment, construction, maintenance, regulation or use of roads/streets and/or drainage systems within the right-of-way of 107<sup>th</sup> Place Northeast, above or below ground utility location within said right-of-way, requirements for setbacks from the right-of-way or the public road/street thereon, or any other municipal use, or municipally permitted use, of the right-of-way of 107<sup>th</sup> Place Northeast.

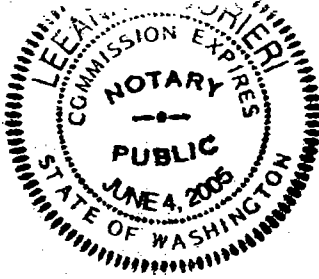
6. Nothing contained herein shall affect the jurisdiction of the Jurisdiction Controlling the Right-of-Way over its road/street rights-of-way or its powers, rights and privileges to manage, control, perform work upon or regulate the use of its roadway/street, right-of-way or appurtenant drainage facilities.

7. In the event it is necessary for the Jurisdiction Controlling the Right-of-Way to incur attorneys' fees, legal expenses, or other expenses or costs to enforce the provisions of this covenant, all such fees, expenses, and costs shall be recoverable from the Owners.

8. This covenant runs with the land and exists for the benefit of, and may be enforced by, the Jurisdiction Controlling the Right-of-Way.

9. This covenant shall be effective upon King County's approval of the Grantor's vacation petition, King County Vacation File Number V-2437. In the event King County does not approve said vacation petition, this covenant shall be null and void and shall have no legal effect.

DATED this 4<sup>th</sup> day of October, 2002.



Bryan R. Loveless  
Bryan R. Loveless

Gail D. Loveless  
Gail D. Loveless

James A. Knutson  
James A. Knutson

STATE OF WASHINGTON    )  
  ) ss  
COUNTY OF KING        )

On this day before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Bryan R. Loveless, Gail D. Loveless and James A. Knutson**, to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 4<sup>th</sup> day of October, 2002.

	<u>Leeann Tesorieri</u>	NOTARY
PUBLIC in and for the State of Washington Printed Name: <u>Leeann Tesorieri</u>		Residing
at: <u>Bothell</u>	My commission expires: <u>6/4/05</u>	

(Affix notary stamp within above area.)



14673  
May 2, 2003

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** Department of Transportation File No. V-2437A  
Proposed Ordinance No. 2003-0149

**BRYAN LOVELESS**  
Road Vacation Application

**Location:** Portion of 107<sup>th</sup> Place Northeast

**Petitioner:** **Bryan Loveless**  
19323 - 64th Place Northeast  
Kenmore, WA 98028  
Telephone: (206) 459-5250

**King County:** Department of Transportation, *represented by*  
**Jodi Simmons**  
201 S. Jackson St.  
Seattle, WA 98104-3856  
Telephone: (206) 296-3731  
Facsimile: (206) 296-0567

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:  
Department's Final:  
Examiner:

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-2437A was received by the Examiner on April 14, 2003.

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-2437A was opened by the Examiner at 1:30 p.m. on May 1, 2003, in the Union Bank of California fifth-floor conference room, 900 4th Avenue, Seattle, WA 98164, and closed at 1:40 p.m. 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 107th Place NE between NE 188th Street and NE 164th Lane
Right of way classification:	"B"
Area:	214 square feet
Compensation:	\$879.54

2. 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 May 1, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0149. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

CONCLUSIONS:

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.
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. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0149 to vacate the subject road.

ORDERED this 2nd day of May, 2003

\_\_\_\_\_  
Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 2nd day of May, 2003, to the following parties and interested persons:

Scott Haeger  
Verizon Communications  
2312 W. Casino Rd. #C  
Everett WA 98204

Mary Lamping  
Puget Sound Energy  
411 - 108th Ave. NE  
Bellevue WA 98009-9734

Bryan Loveless  
19323 - 64th Pl. NE  
Kenmore WA 98028

George Matote  
Northshore Utility District  
PO Box 82489  
Kenmore WA 98028

Jodi Simmons  
Engineer II  
DOT/Road Services  
MS KSC-TR-0231

Matthew Torpey  
City of Bothell, Devel. Services  
9654 NE 182nd Street  
Bothell WA 98011

Greg Borba  
DDES/LUSD  
MS OAK-DE-0100

Clerk of the Council  
MS KCC-CC-1025

Curt Crawford  
KC Dept. Natural Resources  
Water & Land Resources Div.  
MS-KSC-NR-0600

Neil DeGoojer  
KC Office of Open Space  
MS KSC-NR-600

Pam Elardo  
DNRP-Wastewater Treatment Div.  
MS KSC-NR-0503

Nancy Gordon  
King County DOT  
Transit/D&C  
MS KSC-TR-0431

Dennis Gorley  
Dept of Transportation  
Road Services Division  
MS KSC-TR-0231

David Gualtieri  
KCDOT  
Long Range Planning  
MS-KSC-TR-0813

Trish Gustafson  
KC Property Services Division  
MS ADM-ES-0500

Roderick E. Matsuno  
KC Dept. of Transportation  
Road Maintenance Section  
MS RSD-TR-0100

Paulette Norman  
KCDOT  
Roads Division  
MS-KSC-TR-0231

Robert Nunnenkamp  
KC Parks and Recreation  
MS LBP-PR-0100

Lydia Reynolds-Jones  
KC Dept of Transportation  
Mgr./Project Support Services  
MS KSC-TR-0231

Gary Samek  
Dept. of Transportation  
Road Services Division  
MS KSC-TR-0222

Charlie Sundberg  
Office of Cultural Resources  
Landmarks & Heritage Program  
MS STR-CR-0200

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 May 16, 2003*. 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 May 23, 2003*.

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 MAY 1, 2003 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION  
FILE NO. V-2437A

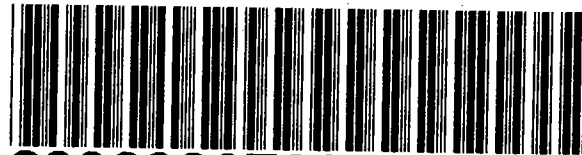
Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Jodi Simmons, representing the Department; and Bryan Loveless, the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DOT report to the Hearing Examiner Dated April 10, 2003 with 14 attachments
- Exhibit No. 2 Petition transmittal letter dated 07/17/01 to Transportation from Clerk of the Council
- Exhibit No. 3a-f Letter of explanation and petition for vacation of a County Road including legal descriptions of Petitioner's properties
- Exhibit No. 4 Copy of filing fee – check no. 8383 from Bryan R. Loveless
- Exhibit No. 5 07/30/01 letter to petitioner explaining vacation process
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Map depicting vacation area
- Exhibit No. 8 Quit Claim Deed conveying right-of-way
- Exhibit No. 9 3/21/02 letter to Rita Pruczinski requesting a revised vacation petition and informing her of the status of the road vacation
- Exhibit No. 10 3/28/02 email to Bryan Loveless from Jodi Simmons explaining the error in sending Ms. Pruczinski the letter in Exhibit no. 10
- Exhibit No. 11 6/20/02 notice of Denial to Bryan Loveless from the County Road Engineer, with

- instructions on the appeal process
- Exhibit No. 12 7/09/02 letter to the Clerk of the Council from the County Road Engineer and DOT Director informing of the vacation petition denial decision
- Exhibit No. 13 6/28/02 fax cover sheet to Bryan Loveless (Refer to Exhibit 1, attachments 5, 6, 12 and 13, which were attached to the original fax.)
- Exhibit No. 14 Photo image of site
- Exhibit No. 15 Photo map key
- Exhibit No. 16 Photos 1 through 7 showing the vacation site
- Exhibit No. 17 Memo dated 7/19/2002 from the Clerk of the Council to the Hearing Examiner and the County Road Engineer informing of the petitioner's decision to appeal the road vacation recommendation
- Exhibit No. 18 Notice of hearing for the appeal of V-2437 dated 8/16/02
- Exhibit No. 19 8/16/02 letter to petitioner from the County Road Engineer outlining a proposal to reduce the requested vacation area
- Exhibit No. 20 8/22/02 fax from petitioner to the Hearing Examiner requesting a continuance of the appeal hearing
- Exhibit No. 21 8/22/02 letter from the County Road Engineer to the Hearing Examiner requesting a continuance of the appeal hearing
- Exhibit No. 22 Notice of continuance of appeal hearing dated 8/22/02
- Exhibit No. 23 10/15/02 fax from petitioner to the Hearing Examiner requesting cancellation of the appeal hearing and withdrawal of the appeal
- Exhibit No. 24 10/16/02 letter from the County Road Engineer to the Hearing Examiner requesting cancellation of the appeal hearing and withdrawal of the appeal
- Exhibit No. 25 10/16/02 Order of Dismissal of appeal hearing date and withdrawal of the appeal
- Exhibit No. 26 Survey recorded as #20021014900004 records of King County, Washington
- Exhibit No. 27 10/15/02 letter to petitioner requesting compensation for road vacation with attached compensation worksheet and area calculations
- Exhibit No. 28 Copy of compensation check #8950 in the amount of \$879.54 from Bryan R. Loveless
- Exhibit No. 29 Executive transmittal letter dated 3/18/03
- Exhibit No. 30 Ordinance 2003-0149 with attachments A and B
- Exhibit No. 31 Notice of hearing
- Exhibit No. 32 Affidavit of posting dated 4/03/03
- Exhibit No. 33 Affidavit of publication

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



20060807000451

KING COUNTY CO ORD 0.00  
PAGE 01 OF 014  
08/07/2006 11:36  
KING COUNTY, WA

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

<b>Document Title(s)</b> (or transactions contained therein): (all areas applicable to your document <b>must</b> be filled in)  1. Ordinance 14673 AN ORDINANCE authorizing the vacation of a portion of 107 <sup>th</sup> Place NE, File V-2437A Petitioner: Bryan Loveless.	
<b>Reference Number(s) of Documents assigned or released:</b>  Additional reference #'s on page _____ of document	
<b>Grantor(s)</b> (Last name, first name, initials) 1. King County, Washington  Additional names on page _____ of document.	<b>RECEIVED</b> 2006 SEP 11 AM 9:23 KING COUNTY CLERK KING COUNTY COUNCIL
<b>Grantee(s)</b> (Last name first, then first name and initials) 1. King County, Washington 2. _____  Additional names on page _____ of document.	
<b>Legal description</b> (abbreviated: i.e. lot, block, plat or section, township, range) That portion of the south half of the southeast quarter of the southwest quarter of Section 8, Township 26... Additional legal is on page _____ of document.	
<b>Assessor's Property Tax Parcel/Account Number</b> 0826059213 _____	<input type="checkbox"/> Assessor Tax # not yet assigned
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.	

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**

**June 3, 2003**

**Ordinance 14673**

**Proposed No. 2003-0149.2**

**Sponsors Sullivan**

1                   AN ORDINANCE authorizing the vacation of a portion of  
2                   107th Place NE, File V-2437A, Petitioner: Bryan  
3                   Loveless.

4

5

6                   1. A petition has been filed requesting vacation of that portion of 107th  
7                   Place NE hereinafter described.

8                   2. The department of transportation notified the various utility companies  
9                   serving the area and has been advised that all necessary easements within  
10                  the vacation area have been obtained.

11                  3. The department of transportation records indicates that King County  
12                  has been maintaining the 107th Place NE right-of-way. The records  
13                  indicate that no public funds have been expended for its acquisition.

14                  4. A portion of an existing house encroaches onto the 107th Place NE  
15                  right-of-way. A one-foot line around the perimeter of the encroaching  
16                  structure is proposed as the vacation area. The department of  
17                  transportation considers the subject portion of the right-of-way useless as

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Ordinance 14673

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18 part of the county road system and believes the public would benefit by  
19 the return of this unused area to the public tax rolls.

20 5. The right-of-way is classified as "B-Class" and, in accordance with  
21 K.C.C. 14.40.020, the compensation due King County is based on  
22 seventy-five percent of the assessed value of the subject right-of-way  
23 which was determined from records of the department of assessments.  
24 King County is in receipt of \$879.54 from the petitioner.

25 6. A waiver of liability and hold harmless covenant was required as a  
26 condition of the subject road vacation. The covenant is shown as  
27 Attachment B to this ordinance.

28 Due notice was given in the manner provided by law and a hearing was  
29 held by the office of the hearing examiner on the 1st day of May, 2003.

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

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34 SECTION 1. The council, on the 2nd day of June, 2003, hereby vacates and  
35 abandons that portion of 107th Place NE as conveyed to King County by



**Ordinance 14673**

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36 Quit-Claim Deed recorded in Volume 1237 of Deeds, Page 96, records of King County,  
37 Washington as described in Attachment A to this ordinance.  
38


Ordinance 14673 was introduced on 3/31/2003 and passed by the Metropolitan King  
County Council on 6/2/2003, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.  
Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague,  
Mr. Irons and Ms. Patterson  
No: 0  
Excused: 0


KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Cynthia Sullivan, Chair

ATTEST:

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

APPROVED this 12 day of June, 2003.

  
\_\_\_\_\_  
Ron Sims, County Executive

Attachments A. Legal Description, B. Waiver of Liability and Hold Harmless Covenant, C.  
Hearing Examiner Report dated May 2, 2003

RECEIVED  
2003 JUN 13 AM 11:59  
KING COUNTY CLERK

14673

2003-0149

ATTACHMENT "A"

That portion of the south half of the southeast quarter of the southwest quarter of Section 8, Township 26 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Commencing at a point on the north and south centerline of said section 8, distant 440 feet north from the south quarter corner of said section;

Thence west parallel to the south line of said section 8 534.78 feet to the easterly margin of 107th Place NE;

Thence north  $37^{\circ} 27' 34''$  west along said easterly margin 44.81 feet to the TRUE POINT OF BEGINNING;

Thence continuing north  $37-27-34$  west along said easterly margin 36.60 feet;

Thence south  $44^{\circ} 06' 19''$  west 7.70 feet;

Thence south  $45^{\circ} 53' 41''$  east 16.22 feet;

Thence south  $14^{\circ} 06' 19''$  west 3.50 feet;

Thence south  $45^{\circ} 53' 41''$  east 8.65 feet;

Thence north  $74^{\circ} 06' 19''$  east 3.50 feet;

Thence south  $45^{\circ} 53' 41''$  east 7.82 feet;

Thence north  $44^{\circ} 06' 19''$  east 2.33 feet to the TRUE POINT OF BEGINNING.

Attachment "B"  
2003.149

14673

**WAIVER OF LIABILITY AND HOLD HARMLESS COVENANT**

**GRANTOR:** Bryan R. Loveless, Gail D. Loveless, and James A. Knutson

**GRANTEE:** King County

**LEGAL DESCRIPTION:**

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 8, DISTANT 440 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION;  
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 8 534.78 FEET TO THE EASTERLY MARGIN OF 107TH PLACE NE;  
THENCE NORTH 37° 27' 34" WEST ALONG SAID EASTERLY MARGIN 44.81 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 37° 27' 34" WEST ALONG SAID EASTERLY MARGIN 36.60 FEET;  
THENCE SOUTH 44° 06' 19" WEST 7.70 FEET;  
THENCE SOUTH 45° 53' 41" EAST 16.22 FEET;  
THENCE SOUTH 14° 06' 19" WEST 3.50 FEET;  
THENCE SOUTH 45° 53' 41" EAST 8.65 FEET;  
THENCE NORTH 74° 06' 19" EAST 3.50 FEET;  
THENCE SOUTH 45° 53' 41" EAST 7.82 FEET;  
THENCE NORTH 44° 06' 19" EAST 2.33 FEET TO THE TRUE POINT OF BEGINNING.

**TAX PARCEL NUMBER(S):** 0826059213

Bryan R. Loveless, Gail D. Loveless, and James A. Knutson ("Grantor") hereby covenants and agrees as follows:

1. Grantor is the owner in fee simple of the following real property situated in King County, Washington ("Grantor's Property"):

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:  
COMMENCING AT A POINT ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 8, DISTANT 440 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION;  
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 8 A DISTANCE OF 448 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING WEST, PARALLEL TO THE SOUTH LINE OF SAID SECTION, 130 FEET TO THE CENTERLINE OF COUNTY ROAD (IRON PIPE PLANTED 22.5 FEET EAST FROM SAID ROAD CENTERLINE);  
THENCE NORTHWESTERLY ALONG SAID ROAD CENTERLINE TO ITS INTERSECTION WITH THE EAST AND WEST CENTERLINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID

SECTION 8;  
THENCE EAST ALONG SAID EAST AND WEST CENTERLINE A DISTANCE OF 340 FEET;  
THENCE IN A SOUTHERLY DIRECTION 222 FEET, MORE OR LESS, TO THE TRUE POINT OF  
BEGINNING;  
EXCEPT THAT PORTION LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF SAID DESCRIBED MAIN TRACT;  
THENCE SOUTHERLY ALONG THE EASTERLY LINE THEREOF 60 FEET TO THE TRUE POINT OF  
BEGINNING OF THIS DESCRIBED LINE;  
THENCE SOUTHWESTERLY PASSING THROUGH THE SOUTHWEST CORNER OF THE NORTH 90 FEET  
OF THE EAST 152 FEET OF THE ABOVE DESCRIBED MAIN TRACT AND CONTINUING BEYOND IN A  
STRAIGHT LINE TO THE CENTERLINE OF SAID COUNTY ROAD AND THE TERMINUS OF SAID  
DESCRIBED LINE;  
EXCEPT THE SOUTH 22 FEET THEREOF;  
EXCEPT COUNTY ROAD.

2. Grantor acknowledges that the building located on Grantor's Property encroaches upon the King County road right-of-way of 107<sup>th</sup> Place Northeast. Said right-of-way is improved and has a public road thereon. Grantor requested pursuant to Chapter 36.87 RCW and Chapter 14.40 King County Code that King County vacate a portion of said road right-of-way ("the Vacation Area") in order to cure the encroachment, King County Vacation File Number V-2437 ("the Vacation"). The Vacation Area is more particularly described as follows:

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 8,  
DISTANT 440 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION;  
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 8 534.78 FEET TO THE EASTERLY  
MARGIN OF 107TH PLACE NE;  
THENCE NORTH 37° 27' 34" WEST ALONG SAID EASTERLY MARGIN 44.81 FEET TO THE TRUE POINT  
OF BEGINNING;  
THENCE CONTINUING NORTH 37° 27' 34" WEST ALONG SAID EASTERLY MARGIN 36.60 FEET;  
THENCE SOUTH 44° 06' 19" WEST 7.70 FEET;  
THENCE SOUTH 45° 53' 41" EAST 16.22 FEET;  
THENCE SOUTH 14° 06' 19" WEST 3.50 FEET;  
THENCE SOUTH 45° 53' 41" EAST 8.65 FEET;  
THENCE NORTH 74° 06' 19" EAST 3.50 FEET;  
THENCE SOUTH 45° 53' 41" EAST 7.82 FEET;  
THENCE NORTH 44° 06' 19" EAST 2.33 FEET TO THE TRUE POINT OF BEGINNING.

3. The Vacation results in ownership of the Vacation Area being vested in Grantor, his successors and assigns, free and clear of King County's right-of-way interest in the Vacation Area.

4. In consideration for King County's approval of the Vacation, Grantor, for himself, his successors and assigns, including without limitation the purchasers and subsequent owners of Grantor's Property and the Vacation Area (collectively referred to hereafter as "the Owners"):

4.1 hereby waive any right to assert any claim against, and release and discharge, King County, its appointed and elected officials, agents and employees, its successors and assigns, including, without limitation, any municipality that succeeds to ownership of the right-of-way of 107<sup>th</sup> Place

Northeast by virtue of annexation or incorporation, and their officials, agents and employees (collectively referred to hereafter as "the Jurisdiction Controlling the Right-of-Way"), for all claims the Owners may have, now and in the future, for loss, damages to persons or property, or other liability, against the Jurisdiction Controlling the Right-of-Way, either directly or indirectly caused by, related to, or arising out of the Vacation or the Owners' ownership and/or occupation of the Vacation Area, except only to the extent that such claims may be caused by, related to, or arise out of the negligence of the Jurisdiction Controlling the Right-of-Way; and

4.2 to the maximum extent permitted by law, shall protect, defend, indemnify and hold harmless the Jurisdiction Controlling the Right-of-Way from and against liability for all claims, demands, liability, loss, suits, damages and judgments, including attorneys' fees and costs and expenses of defense thereof (collectively referred to hereafter as "Liability Assertions"), asserted by third parties against the Jurisdiction Controlling the Right-of-Way, now and in the future, either directly or indirectly caused by, related to, or arising out of the Vacation or the Owners' ownership and/or occupation of the Vacation Area, except only to the extent that such Liability Assertions may be caused by, related to, or arise out of the negligence of the Jurisdiction Controlling the Right-of-Way. If such Liability Assertions are caused by, related to, or arise out of the concurrent negligence of the Owners, or their employees and agents, and the Jurisdiction Controlling the Right-of-Way, this indemnification shall be valid and enforceable only to the extent of the negligence of the Owners and their employees and agents. The foregoing indemnity is specifically and expressly intended to constitute a waiver of the Owners' immunity under Washington's Industrial Insurance Act, RCW Title 51, as respects the Jurisdiction Controlling the Right-of-Way only, and only to the extent necessary to provide the Jurisdiction Controlling the Right-of-Way with a full and complete indemnity of claims made by the Owners' employees and agents. The Grantor acknowledges that these provisions were specifically negotiated and agreed by him. The Jurisdiction Controlling the Right-of-Way shall have the right, at its option, to participate in any third-party suit, and the Owners shall cooperate with the Jurisdiction Controlling the Right-of-Way as reasonably required.

5. The claims described in section 4.1 and the Liability Assertions described in section 4.2 include, but are not limited to, those which may be occasioned by the establishment, construction, maintenance, regulation or use of roads/streets and/or drainage systems within the right-of-way of 107<sup>th</sup> Place Northeast, above or below ground utility location within said right-of-way, requirements for setbacks from the right-of-way or the public road/street thereon, or any other municipal use, or municipally permitted use, of the right-of-way of 107<sup>th</sup> Place Northeast.

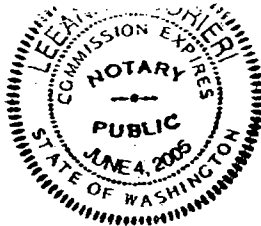
6. Nothing contained herein shall affect the jurisdiction of the Jurisdiction Controlling the Right-of-Way over its road/street rights-of-way or its powers, rights and privileges to manage, control, perform work upon or regulate the use of its roadway/street, right-of-way or appurtenant drainage facilities.

7. In the event it is necessary for the Jurisdiction Controlling the Right-of-Way to incur attorneys' fees, legal expenses, or other expenses or costs to enforce the provisions of this covenant, all such fees, expenses, and costs shall be recoverable from the Owners.

8. This covenant runs with the land and exists for the benefit of, and may be enforced by, the Jurisdiction Controlling the Right-of-Way.

9. This covenant shall be effective upon King County's approval of the Grantor's vacation petition, King County Vacation File Number V-2437. In the event King County does not approve said vacation petition, this covenant shall be null and void and shall have no legal effect.

DATED this 4<sup>th</sup> day of October, 2002.



Bryan R. Loveless  
Bryan R. Loveless

Gail D. Loveless  
Gail D. Loveless

James A. Knutson  
James A. Knutson

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

On this day before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Bryan R. Loveless, Gail D. Loveless and James A. Knutson**, to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 4<sup>th</sup> day of October, 2002.

Leeann Tesorieri NOTARY  
PUBLIC in and for the State of Washington Printed Name: Leeann Tesorieri Residing  
at: Bothell My commission expires: 6/4/05

(Affix notary stamp within above area.)

14673  
May 2, 2003

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654**

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** Department of Transportation File No. V-2437A  
Proposed Ordinance No. 2003-0149

**BRYAN LOVELESS  
Road Vacation Application**

**Location:** Portion of 107<sup>th</sup> Place Northeast

**Petitioner:** **Bryan Loveless**  
19323 - 64th Place Northeast  
Kenmore, WA 98028  
Telephone: (206) 459-5250

**King County:** Department of Transportation, *represented by*  
**Jodi Simmons**  
201 S. Jackson St.  
Seattle, WA 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:	Approve road vacation

**DEPARTMENT'S REPORT:**

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2437A was received by the Examiner on April 14, 2003.

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-2437A was opened by the Examiner at 1:30 p.m. on May 1, 2003, in the Union Bank of California fifth-floor conference room, 900 4th Avenue, Seattle, WA 98164, and closed at 1:40 p.m. 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 107th Place NE between NE 188th Street and NE 164th Lane
Right of way classification:	"B"
Area:	214 square feet
Compensation:	\$879.54

2. 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 May 1, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0149. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

CONCLUSIONS:

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.
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. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.



RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0149 to vacate the subject road.

ORDERED this 2nd day of May, 2003

---

Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 2nd day of May, 2003, to the following parties and interested persons:

Scott Haeger  
Verizon Communications  
2312 W. Casino Rd. #C  
Everett WA 98204

Mary Lamping  
Puget Sound Energy  
411 - 108th Ave. NE  
Bellevue WA 98009-9734

Bryan Loveless  
19323 - 64th Pl. NE  
Kenmore WA 98028

George Matote  
Northshore Utility District  
PO Box 82489  
Kenmore WA 98028

Jodi Simmons  
Engineer II  
DOT/Road Services  
MS KSC-TR-0231

Matthew Torpey  
City of Bothell, Devel. Services  
9654 NE 182nd Street  
Bothell WA 98011

Greg Borba  
DDES/LUSD  
MS OAK-DE-0100

Clerk of the Council  
MS KCC-CC-1025

Curt Crawford  
KC Dept. Natural Resources  
Water & Land Resources Div.  
MS-KSC-NR-0600

Neil DeGoojer  
KC Office of Open Space  
MS KSC-NR-600

Pam Elardo  
DNRP-Wastewater Treatment Div.  
MS KSC-NR-0503

Nancy Gordon  
King County DOT  
Transit/D&C  
MS KSC-TR-0431

Dennis Gorley  
Dept of Transportation  
Road Services Division  
MS KSC-TR-0231

David Gualtieri  
KCDOT  
Long Range Planning  
MS-KSC-TR-0813

Trish Gustafson  
KC Property Services Division  
MS ADM-ES-0500

Roderick E. Matsuno  
KC Dept. of Transportation  
Road Maintenance Section  
MS RSD-TR-0100

Paulette Norman  
KCDOT  
Roads Division  
MS-KSC-TR-0231

Robert Nunnenkamp  
KC Parks and Recreation  
MS LBP-PR-0100

Lydia Reynolds-Jones  
KC Dept of Transportation  
Mgr./Project Support Services  
MS KSC-TR-0231

Gary Samek  
Dept. of Transportation  
Road Services Division  
MS KSC-TR-0222

Charlie Sundberg  
Office of Cultural Resources  
Landmarks & Heritage Program  
MS STR-CR-0200

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 May 16, 2003*. 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 May 23, 2003*.

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 MAY 1, 2003 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION  
FILE NO. V-2437A

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Jodi Simmons, representing the Department; and Bryan Loveless, the Petitioner.

The following exhibits were offered and entered into the record:

- |                  |   |
|------------------|---|
| Exhibit No. 1    | DOT report to the Hearing Examiner Dated April 10, 2003 with 14 attachments   |
| Exhibit No. 2    | Petition transmittal letter dated 07/17/01 to Transportation from Clerk of the Council  |
| Exhibit No. 3a-f | Letter of explanation and petition for vacation of a County Road including legal descriptions of Petitioner's properties      |
| Exhibit No. 4    | Copy of filing fee - check no. 8383 from Bryan R. Loveless  |
| Exhibit No. 5    | 07/30/01 letter to petitioner explaining vacation process   |
| Exhibit No. 6    | Vicinity map  |
| Exhibit No. 7    | Map depicting vacation area   |
| Exhibit No. 8    | Quit Claim Deed conveying right-of-way  |
| Exhibit No. 9    | 3/21/02 letter to Rita Pruczinski requesting a revised vacation petition and informing her of the status of the road vacation |
| Exhibit No. 10   | 3/28/02 email to Bryan Loveless from Jodi Simmons explaining the error in sending Ms. Pruczinski the letter in Exhibit no. 10 |
| Exhibit No. 11   | 6/20/02 notice of Denial to Bryan Loveless from the County Road Engineer, with  |

- instructions on the appeal process
- Exhibit No. 12 7/09/02 letter to the Clerk of the Council from the County Road Engineer and DOT Director informing of the vacation petition denial decision
- Exhibit No. 13 6/28/02 fax cover sheet to Bryan Loveless (Refer to Exhibit 1, attachments 5, 6, 12 and 13, which were attached to the original fax.)
- Exhibit No. 14 Photo image of site
- Exhibit No. 15 Photo map key
- Exhibit No. 16 Photos 1 through 7 showing the vacation site
- Exhibit No. 17 Memo dated 7/19/2002 from the Clerk of the Council to the Hearing Examiner and the County Road Engineer informing of the petitioner's decision to appeal the road vacation recommendation
- Exhibit No. 18 Notice of hearing for the appeal of V-2437 dated 8/16/02
- Exhibit No. 19 8/16/02 letter to petitioner from the County Road Engineer outlining a proposal to reduce the requested vacation area
- Exhibit No. 20 8/22/02 fax from petitioner to the Hearing Examiner requesting a continuance of the appeal hearing
- Exhibit No. 21 8/22/02 letter from the County Road Engineer to the Hearing Examiner requesting a continuance of the appeal hearing
- Exhibit No. 22 Notice of continuance of appeal hearing dated 8/22/02
- Exhibit No. 23 10/15/02 fax from petitioner to the Hearing Examiner requesting cancellation of the appeal hearing and withdrawal of the appeal
- Exhibit No. 24 10/16/02 letter from the County Road Engineer to the Hearing Examiner requesting cancellation of the appeal hearing and withdrawal of the appeal
- Exhibit No. 25 10/16/02 Order of Dismissal of appeal hearing date and withdrawal of the appeal
- Exhibit No. 26 Survey recorded as #20021014900004 records of King County, Washington
- Exhibit No. 27 10/15/02 letter to petitioner requesting compensation for road vacation with attached compensation worksheet and area calculations
- Exhibit No. 28 Copy of compensation check #8950 in the amount of \$879.54 from Bryan R. Loveless
- Exhibit No. 29 Executive transmittal letter dated 3/18/03
- Exhibit No. 30 Ordinance 2003-0149 with attachments A and B
- Exhibit No. 31 Notice of hearing
- Exhibit No. 32 Affidavit of posting dated 4/03/03
- Exhibit No. 33 Affidavit of publication