



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 23, 2007

Ordinance 15676

Proposed No. 2006-0370.2

Sponsors Phillips and Gossett

1 AN ORDINANCE authorizing the vacation of a portion of
2 26th Avenue South, File V-2512; Petitioner: Robert J.
3 Verzani.
4
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of 26th
8 Avenue South hereinafter described.
9 2. The department of transportation notified the various utility companies
10 serving the area and has been advised that easements have either been
11 obtained or are not required within the vacation area.
12 3. The department of transportation records indicates that King County
13 has not been maintaining 26th Avenue South. The records indicate that no
14 public funds have been expended for its acquisition.
15 4. The department of transportation considers the subject portion of the
16 right of way useless as part of the King County road system and believes

17 the public would benefit by the return of this unused area to the public tax
18 rolls.

19 5. The right of way is classified as "C-Class" and, in accordance with
20 K.C.C. 14.40.020, the compensation due King County is based on fifty
21 percent of the assessed value of the subject right of way, which was
22 determined from records of the department of assessments. King County
23 is in receipt of \$2,333.33 from the petitioner.

24 Due notice was given in the manner provided by law and a hearing was
25 held by the office of the hearing examiner on the 11th day of October
26 2006.

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

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

31 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
32 and abandons that portion of 26th Avenue South as conveyed to King County by the
33 recording of the Plat of East Tacoma Central Addition "A," recorded in Volume 4 of
34 Plats, Page 42, records of King County, Washington as described below:

35 The east ten feet of 26th Avenue South, abutting and adjacent to the west
36 line of Lots 22 through 24, of Block 4, in the Plat of Tacoma Central

37 Addition "A," recorded in Volume 4 of Plats, Page 42, records of King
38 County, Washington.

39

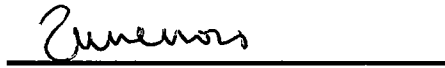
Ordinance 15676 was introduced on 1/16/2007 and passed by the Metropolitan King County Council on 1/22/2007, by the following vote:

Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr. Dunn, Mr. Ferguson, Ms. Hague and Mr. Constantine
No: 0
Excused: 1 - Mr. Phillips

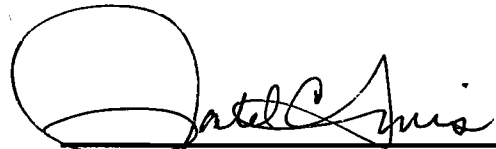
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 29 day of January, 2007.


Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated December 26, 2006

RECEIVED
2007 JAN 29 PM 2:42
KING COUNTY COUNCIL
CLERK

December 26, 2006

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2512**
Proposed Ordinance No. **2006-0370**
Parcel No. **219160-0545**

ROBERT J. VERZANI
Road Vacation Petition

Location: Portion (easterly 10 feet of width) of 26th Avenue South

Petitioner: **Robert J. Verzani**
30640 Pacific Highway South
Federal Way, Washington 98003
Telephone: (253) 839-1730

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-2512 was received by the Examiner on August 30, 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-2512 was opened by the Examiner at 1:49 p.m., October 11, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:58 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on October 19, 2006, and also to receive documentation of an easement for Lakehaven Utility District water and sewer facilities, which was received December 18, 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 (easterly 10 feet of width) of 26th Avenue South
Right of way classification:	C
Area:	750 square feet
Compensation:	\$2,333.33

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 Metropolitan 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. 2006-0370. The Department's report will be attached to those copies of this report and recommendation that are submitted to the County Council.
4. Maps showing the vicinity of the proposed vacation and the specific area to be vacated appear in the hearing record as exhibit nos. 7 and 9.
5. The subject right-of-way is currently opened for public use, but is not maintained by the County.
6. Vacation of the subject right-of-way portion would have no adverse effect on the provision of access and fire and emergency services to the abutting property and surrounding area.
7. Puget Sound Energy, Qwest, Comcast and Lakehaven Utility District easements necessary to be retained for the construction, repair and maintenance of public utilities and services have been recorded.

8. 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 segment 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. 2006-0370 to vacate the subject road.

RECOMMENDED this 26th day of December, 2006.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED this 26th day of December, 2006, to the following parties and interested persons:

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

Lakehaven Water District
Attn: Wes Hill
P.O. Box 4249
Federal Way WA 98063

Pierce Transit
Attn: Eric Phillips
P.O. Box 99070
Lakewood WA 98499

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

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

Robert Verzani
30640 Pacific Hwy. S.
Federal Way WA 98003

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 January 9, 2007*. 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 January 16, 2007*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd 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 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-2512.

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 November 4, 2004 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Cover letter from petitioner Verzani
- Exhibit No. 4 Petition for vacation of a County road including legal descriptions of petitioners' properties received November 4, 2004

- Exhibit No. 5 Copy of filing fee, check #6429
- Exhibit No. 6 Receipt #687 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 KC plat map of East Tacoma Central Addition
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Letter to Robert J. Verzani dated December 8, 2004
- Exhibit No. 11 Final notice dated January 25, 2006 to vacate
- Exhibit No. 12 Letter to Robert J. Verzani dated March 21, 2006 from Paulette Norman
noting DOT recommendation and request for compensation
- Exhibit No. 13 Compensation worksheet
- Exhibit No. 14 Compensation transmittal letter to Robert J. Verzani dated March 24, 2006,
received March 27, 2006
- Exhibit No. 15 Copy of compensation check in the amount of \$2,333.33
- Exhibit No. 16 KC Cash Transmittal and Receipt dated March 29, 2006
- Exhibit No. 17 Transmittal letter dated March 31, 2006
- Exhibit No. 18 Ordinance transmittal letter dated August 9, 2006
- Exhibit No. 19 Proposed ordinance 2006-0370
- Exhibit No. 20 Fiscal Note
- Exhibit No. 21 Notice of Hearing
- Exhibit No. 22 Affidavit of Posting
- Exhibit No. 23 Affidavit of Publication for date of hearing
- Exhibit No. 24 Copies of easements

PTD:gao
V-2512