



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 16, 2003

Ordinance 14822

Proposed No. 2003-0446.2

Sponsors Sullivan

1 AN ORDINANCE authorizing the vacation of a portion of
2 91st Avenue Southwest, File V-2466. Petitioners: Glenn
3 and Sharon Palmberg.

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STATEMENT OF FACTS:

7

1. A petition has been filed requesting vacation of that portion of 91st
8 Avenue SW hereinafter described.

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9

2. The department of transportation notified the various utility companies
10 serving the area and has been advised that easements were not required
11 within the vacation area.

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11

12

3. The department of transportation records indicates that King County
13 has not been maintaining 91st Avenue SW. The records indicate that no
14 public funds have been expended for its acquisition.

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14

15

4. The department of transportation considers the subject portion of the
16 right-of-way useless as part of the county road system and believes the

16

40 That portion of Lots 45 and 45A between parallel lines
41 bearing N 74° 24' 00" W from points on the east margin of
42 said Lot 45 bearing S 2° 26' 00" E 179.5 feet and 282.2 feet
43 respectively from the northeast corner of said Lot 45 as
44 measured along said ease margin AND portion of Lot 45A
45 AND tidelands second class adjacent to extreme low tide
46 fronting the above described portion lying between said
47 parallel lines projected N 74° 24' 00" W AND portion of
48 vacated street adjacent all in Dockton Addition as recorded

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. 2003-0446 to vacate the subject road.

RECOMMENDED this 3rd day of November, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 3rd day of November, 2003, to the following parties and interested persons:

CenturyTel
Attn: Judy Emerick
8102 Skansie Ave.
Gig Harbor WA 98335

Terry Davis
Comcast, Inc.
410 Valley Ave. NW
Puyallup WA 98371

Dockton Water Association
Attn: Ray Bucy, President
9710 SW Windmill Street
Vashon WA 98070

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

Jemima McCullum
Gordon, Thomas, et al., LLP
POB 1157
Tacoma WA 98401-1157

Glenn & Sharon Palmberg
5907 N. Knox Ave.
Chicago IL 60646

Tommy Burdette
King County Dept Transportation
Engineering Services Division
MS KSC-TR-0231

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

Sarah Gagnon
DNRP/Wastewater
Storm Services
MS KSC-NR-0600

Larry Gettle
DNRP
Storm Water Services
MS KSC-NR-0600

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

David Gualtieri
KCDOT
CIP & Planning Sec.
MS KSC-TR-0317

Denise Hauck
KC Dept. of Exec. Svcs.
MS ADM-ES-0500

Rich Hudson
DDES/LUSD
Current Planning
MS OAK-DE-0100

Kristen Langley
DDES/LUSD
Land Use Traffic
MS OAK-DE-0100

Roderick E. Matsuno
KC DOT
Road Maint. 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 DOT
Project Support Serv.
MS KSC-TR-0231

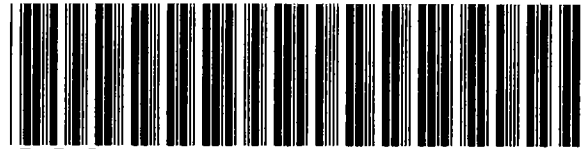
Susan Stewart
DOT/Transit
Design & Construction
MS KSC-TR-0431

Charlie Sundberg
Office of Cultural Res.
Landmarks & Heritage Prog.
MS STR-CR-0200

- Exhibit no. 6 December 30, 2003 letter to Petitioner Palmberg explaining process and identifying errors of omitted signatures on petition
- Exhibit no. 7 January 16, 2003 letter and attachment from Petitioner's agent providing corrected petition for vacation of a county road
- Exhibit no. 8 Copy of Plat Map
- Exhibit no. 9 Map depicting vacation area
- Exhibit no. 10 Access and Utility Agreement and Agreement for Installation and Maintenance of Access Road executed by petitioners and adjoining property owners and recorded under Recording Number 20011002000862
- Exhibit no. 11 April 17, 2003 follow-up letter to Petitioner Yamada explaining process and identifying errors of omitted signatures on petition
- Exhibit no. 12 June 18, 2003 letter to petitioners identifying DOT recommendation and requesting compensation
- Exhibit no. 13 Compensation calculations detailed in compensation worksheet
- Exhibit no. 14 June 20, 2003 letter to the Council providing recommendation of KCDOT and County Road Engineer
- Exhibit no. 15 Copy of compensation check and deposit receipt
- Exhibit no. 16 Ordinance transmittal letter dated September 23, 2003 from King County Executive to Councilmember Cynthia Sullivan
- Exhibit no. 17 Proposed Ordinance 2003-0446.1
- Exhibit no. 18 Notice of hearing
- Exhibit no. 19 Affidavit of posting for hearing
- Exhibit no. 20 Affidavit of Publication for date of hearing
- Exhibit no. 21 Affidavit of Publication for October 23, 2003

SLS:gao
V-2466 RPT
Attachments

Return Address:
Clerk of the Council
Metropolitan King County Council
Mail stop KCC-CC 1025



20040105000154

KING COUNTY CO MISC 0.00
PAGE 01 OF 010
01/05/2004 09:03
KING COUNTY, WA

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

Document Title(s) (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in) 1. Ordinance 14822 AN ORDINANCE authorizing the vacation of a portion of 91st Avenue Southwest, File V-2466. Petitioners: Glenn and Sharon Palmberg.	
Reference Number(s) of Documents assigned or released: Additional reference #'s on page _____ of document	
Grantor(s) (Last name, first name, initials) 1. King County, Washington Additional names on page _____ of document.	RECEIVED 2004 JAN 26 AM 9:21 CLERK KING COUNTY COUNCIL
Grantee(s) (Last name first, then first name and initials) 1. _____ 2. _____ Additional names on page _____ of document.	
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) That portion of the 91st Avenue SW 15 foot wide right-of-way as dedicated in the plat of Dockton... Additional legal is on page _____ of document.	
Assessor's Property Tax Parcel/Account Number _____	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

December 16, 2003

Ordinance 14822

Proposed No. 2003-0446.2

Sponsors Sullivan

1 AN ORDINANCE authorizing the vacation of a portion of
2 91st Avenue Southwest, File V-2466. Petitioners: Glenn
3 and Sharon Palmberg.
4
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of that portion of 91st
8 Avenue SW hereinafter described.
- 9 2. The department of transportation notified the various utility companies
10 serving the area and has been advised that easements were not required
11 within the vacation area.
- 12 3. The department of transportation records indicates that King County
13 has not been maintaining 91st Avenue SW. 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 county road system and believes the

17 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 \$1,288.63 from the petitioners.

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 31st day of October,
26 2003.

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

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

31 SECTION 1. The council, on the 15th day of December, 2003, hereby vacates and
32 abandons that portion of 91st Avenue SW as conveyed to King County with the recording
33 of the plat of Dockton Addition recorded in Volume 12 of Plats, Page 17, records of King
34 County, Washington described as follows:

35 That portion of the 91st Avenue SW 15 foot wide right-of-
36 way as dedicated in the plat of Dockton Addition as
37 recorded in Volume 12 of Plats, Page 17, records of King
38 County, Washington, east of and adjacent to the following
39 described property:

40 That portion of Lots 45 and 45A between parallel lines
41 bearing N 74° 24' 00" W from points on the east margin of
42 said Lot 45 bearing S 2° 26' 00" E 179.5 feet and 282.2 feet
43 respectively from the northeast corner of said Lot 45 as
44 measured along said ease margin AND portion of Lot 45A
45 AND tidelands second class adjacent to extreme low tide
46 fronting the above described portion lying between said
47 parallel lines projected N 74° 24' 00" W AND portion of
48 vacated street adjacent all in Dockton Addition as recorded

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in Volume 12 of Plats, Page 17, records of King County,
Washington.

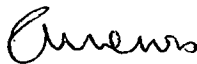
Ordinance 14822 was introduced on 10/6/2003 and passed by the Metropolitan King
County Council on 12/15/2003, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.
Phillips, Mr. McKenna, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons,
Ms. Patterson and Mr. Constantine
No: 0
Excused: 1 - Mr. Pelz

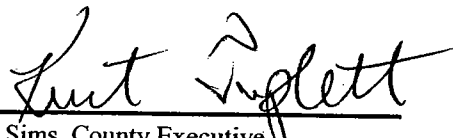
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 20th day of December, 2003.


for Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated 11-3-03

RECEIVED
2003 DEC 26 PM 1:22
CLERK
KING COUNTY COUNCIL

**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-2466
Proposed Ordinance no. 2003-0446

GLENN & SHARON PALMBERG
Road Vacation Petition

Location: Portion of 91st Avenue Southwest

Petitioners: Glenn and Sharon Palmberg, *represented by*
Jemima McCullum, Attorney
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim
P.O. Box 1157
Tacoma, WA 98401-1157
Telephone: (253) 620-6520
Facsimile: (253) 620-6565

King County: Department of Transportation,
Road Services Division, *represented by*
Tommy Burdette
201 S. Jackson Street
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-2466 was received by the Examiner on October 17, 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-2466 was opened by the Examiner at 9:35 a.m. on October 31, 2003, in the fifth floor conference room of the Union Bank of California building, 900 Fourth Avenue, Seattle, WA 98164, and closed at 9:50 a.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 91 st Avenue Southwest
Right of way classification:	"C" Class
Area:	1,515 square feet
Compensation:	\$1,288.63

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 October 31, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0446. 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. 2003-0446 to vacate the subject road.

RECOMMENDED this 3rd day of November, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 3rd day of November, 2003, to the following parties and interested persons:

CenturyTel
Attn: Judy Emerick
8102 Skansie Ave.
Gig Harbor WA 98335

Terry Davis
Comcast, Inc.
410 Valley Ave. NW
Puyallup WA 98371

Dockton Water Association
Attn: Ray Bucy, President
9710 SW Windmill Street
Vashon WA 98070

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

Jemima McCullum
Gordon, Thomas, et al., LLP
POB 1157
Tacoma WA 98401-1157

Glenn & Sharon Palmberg
5907 N. Knox Ave.
Chicago IL 60646

Tommy Burdette
King County Dept Transportation
Engineering Services Division
MS KSC-TR-0231

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

Sarah Gagnon
DNRP/Wastewater
Storm Services
MS KSC-NR-0600

Larry Gettle
DNRP
Storm Water Services
MS KSC-NR-0600

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

David Gualtieri
KCDOT
CIP & Planning Sec.
MS KSC-TR-0317

Denise Hauck
KC Dept. of Exec. Svcs.
MS ADM-ES-0500

Rich Hudson
DDES/LUSD
Current Planning
MS OAK-DE-0100

Kristen Langley
DDES/LUSD
Land Use Traffic
MS OAK-DE-0100

Roderick E. Matsuno
KC DOT
Road Maint. 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 DOT
Project Support Serv.
MS KSC-TR-0231

Susan Stewart
DOT/Transit
Design & Construction
MS KSC-TR-0431

Charlie Sundberg
Office of Cultural Res.
Landmarks & Heritage Prog.
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 November 17, 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 November 24, 2003*.

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 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 31, 2003, PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. V-2466, PETITION FOR ROAD VACATION.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Tommy Burdette representing the Department of Transportation and Jemima McCullum representing the Petitioners.

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

- | | |
|---------------|---|
| Exhibit no. 1 | DOT report to the Hearing Examiner dated October 14, 2003 with 15 attachments |
| Exhibit no. 2 | Petition transmittal letter dated December 20, 2001 to Transportation from Clerk of Council |
| Exhibit no. 3 | November 1, 2002 letter of explanation and Petition for Vacation of a County Road including legal descriptions of Petitioner's properties and attachments |
| Exhibit no. 4 | Copy of Filing Fee – Check #281829 from petitioner's agent |
| Exhibit no. 5 | December 30, 2003 letter to Petitioner Yamada explaining process and identifying errors of omitted signatures on petition |

- Exhibit no. 6 December 30, 2003 letter to Petitioner Palmberg explaining process and identifying errors of omitted signatures on petition
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SLS:gao
V-2466 RPT
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