

KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 12, 2006

Ordinance 15521

Proposed No. 2006-0072.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 99th Avenue Southwest, File V-2516, Petitioner: Paul
3 Sorensen of Trilogy Homes.
4
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of 99th
8 Avenue Southwest 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 been maintaining 99th Avenue Southwest. The records indicate that
14 no 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 "B-Class" and, in accordance with
20 K.C.C. 14.40.020, the compensation due King County is based on
21 seventy-five percent of the assessed value of the subject right-of-way,
22 which was determined from records of the department of assessments.
23 King County is in receipt of \$4,486.62 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 19th day of April.

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

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
31 and abandons that portion of 99th Avenue Southwest as conveyed to King County by the
32 recording of Auditor's File 1332323 recorded in July of 1919, records of King County,
33 Washington as described below:

34 That portion of the westerly 6 feet of 99th Avenue SW lying adjacent to
35 the following described parcel:

36 That portion of the North 170 feet of the South 200 feet of the West 96
37 feet of the East 126 feet of Government Lot 5, Section 18, Township 22
38 South, Range 3 East, W.M., in King County Washington, described as
39 follows: Beginning at the Northeast corner of said originally described

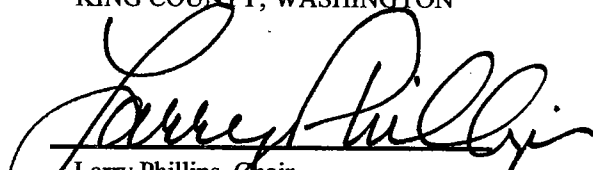
Ordinance 15521

40 Parcel; Thence South 0°03'32" West 106.52 feet; Thence North 88°53'52"
41 West 28.19 feet; Thence North 30°36'52" West 61.98 feet; Thence North
42 3°49'10" West 53.52 feet to the north line of said parcel; Thence North
43 89°49'56" East 63.42 feet along said north line to the point of beginning.
44

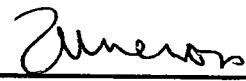
Ordinance 15521 was introduced on 2/13/2006 and passed by the Metropolitan King County Council on 6/12/2006, by the following vote:

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


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 19 day of June, 2006.


Ron Sims, County Executive

RECEIVED
2006 JUN 19 PM 2:58
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated May 17, 2006

15521

May 17, 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

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. **V-2516**
Proposed Ordinance No. **2006-0072**
Parcel Number **182203-9231**

PAUL SORENSEN
Road Vacation Petition

Location: 99th Avenue Southwest

Petitioner: **Paul Sorensen**
28525 – 135th Avenue Southwest
Vashon, Washington 98070
Telephone: (206) 947-1976

King County: Department of Transportation, Road Services Division
represented by Nicole Keller
201 S. Jackson Street
Seattle, Washington 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-2516 was received by the Examiner on March 23, 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-2516 was opened by the Examiner at 9:30 a.m., April 19, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 10:00 a.m., April 19, 2006 except that it was continued administratively for receipt of further review comments by a concerned neighbor (Mike Sudduth) and any response desired by the applicant (the further review led to withdrawal of complaint against the vacation by the concerned neighbor), and receipt of the affidavit of the required Notice of Hearing, which was received on May 12, 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 99th Avenue Southwest
Right of way classification:	B class
Area:	639 square feet
Compensation:	\$4,486.62

2. The Notice of Hearing on the report of the Department of Transportation (KCDOT) 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 KCDOT's report and testimony to the King County Hearing Examiner for the April 19, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0072. The Department's report will be attached to those copies of this report and recommendation that are submitted to the 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. 5 and 6.
5. Vacation of the subject right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting subject property and surrounding area.
6. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.
7. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County.

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.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2006-0072 to vacate the subject road portion.

RECOMMENDED this 17th day of May, 2006.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 17th day of May, 2006, to the following parties and interested persons:

Century Tel
Attn. Judy Emerick
8102 Skansie Ave. NW
Gig Harbor WA 98335

Comcast
Attn: Gerald Biggs
410 Valley Ave. NW
Puyallup WA 98371

King County Water District #19
P.O. Box T
1760 - 100th Ave. SW
Vashon WA 98070

Puget Sound Energy
Attn: Kitty Ogg
6522 Kitsap Way
Bremerton WA 98312

Paul Sorensen
28525 - 135th Ave. SW
Vashon WA 98070

Mike Sudduth
23831 - 99th Ave. SW
Vashon WA 98070

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

Clerk of the Council
MS KCC-CC-1025

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 May 31, 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 June 7, 2006*.

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 APRIL 19, 2006, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2516.

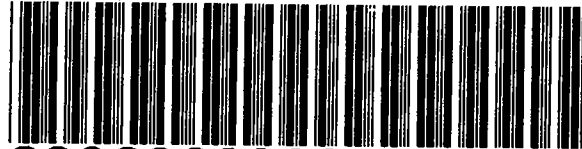
Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller and Kelly Whiting representing the Department, and Mike Sudduth.

The following Exhibits were offered and entered into the record on April 19, 2006:

- | | |
|---------------|---|
| Exhibit No. 1 | DOT report to the Hearing Examiner dated March 21, 2006 with 15 attachments |
| Exhibit No. 2 | Petition transmittal letter dated October 13, 2004 to DOT from the Clerk of the Council, received October 18, 2005 |
| Exhibit No. 3 | Petition for vacation of a county road including the legal descriptions of the Petitioner's property dated October 13, 2004 |

- Exhibit No. 4 Receipt of the filing fee – King County Council receipt #00685 dated October 13, 2004 from the Petitioner
- Exhibit No. 5 Vicinity map; Thomas Brothers, page 683
- Exhibit No. 6 Map depicting vacation area
- Exhibit No. 7 Quit Claim Deed for M.F. Hatch Road, County Road No. 365 (aka 99th Avenue SW), recorded under Auditor's File No. 831523 conveying right-of-way
- Exhibit No. 8 Letter dated September 22, 2005 to petitioner identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet
- Exhibit No. 9 Compensation worksheet
- Exhibit No. 10 Copy of compensation check in the amount of \$4,486.62
- Exhibit No. 11 Deposit receipt dated October 7, 2005
- Exhibit No. 12 Transmittal letter dated October 6, 2005 to the King County Council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 13 Ordinance transmittal letter dated February 1, 2006 from King County Executive Ron Sims to Councilmember Larry Phillips (signed copy unavailable)
- Exhibit No. 14 Proposed Ordinance 2006-0072
- Exhibit No. 15 Fiscal Note
- Exhibit No. 16 Notice of hearing
- Exhibit No. 17 Affidavit of posting for hearing
- Exhibit No. 18 Affidavit of publication for date of hearing (entered May 12, 2006)
- Exhibit No. 19 Letter with attached drawing of Allan G. Gimblett's home, family Redwood tree, current and proposed drainfield areas dated April 16, 2006
- Exhibit No. 20a Photo of car parked on Burton Dr., west of northeast corner
- 20b Photo of vehicle with wheels out in road on Sorensen property
- 20c Photo showing same vehicle from a different angle
- 20d Photo of laurel hedge on a paved sidewalk
- 20e Second photo of laurel hedge on a paved sidewalk
- 20f Third photo of laurel hedge
- 20g Photo of redwood on road right-of-way line
- 20h Photo of redwood showing how much land is between the property line stake and Mr. Gimblett's property
- 20i Photo of redwood showing proximity to the right-of-way line
- 20j Photo of redwood
- Exhibit No. 21 String of emails regarding neighbor concerns (entered April 26, 2006)

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



20060629000226

KING-COUNTY GO ORD 0.00
PAGE 001 OF 009
06/29/2006 09:13
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 must be filled in)

1. **ORDINANCE 15521 AN ORDINANCE authorizing the vacation of a portion of 99th Avenue Southwest File V-2516. Petitioner: Paul Sorensen of Trilogy Homes.**

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.

Grantee(s) (Last name first, then first name and initials)

1. King County, Washington

2. _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

That portion of the westerly 6 feet of 99th Avenue SW lying adjacent to the following described parcel:...

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

182203-9231

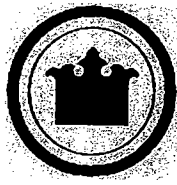
Assessor Tax # not yet assigned

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

RECEIVED
2006 JUL 31 AM 8:58
CLERK OF COUNCIL



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 12, 2006

Ordinance 15521

Proposed No. 2006-0072.2

Sponsors Phillips

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STATEMENT OF FACTS:

1. A petition has been filed requesting vacation of a portion of 99th Avenue Southwest hereinafter described.
2. The department of transportation notified the various utility companies serving the area and has been advised that easements were not required within the vacation area.
3. The department of transportation records indicates that King County has been maintaining 99th Avenue Southwest. The records indicate that no public funds have been expended for its acquisition.
4. The department of transportation considers the subject portion of the 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
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26 In consideration of the benefits to be derived from the subject vacation the
27 council has determined that it is in the best interest of the citizens of King
28 County to grant said petition.

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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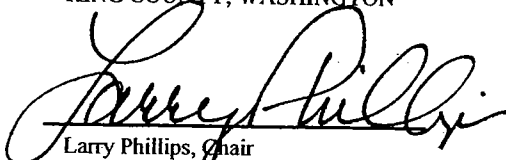
Ordinance 15521

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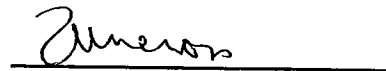
Ordinance 15521 was introduced on 2/13/2006 and passed by the Metropolitan King
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Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr.
Gossett, Ms. Hague, Ms. Patterson and Mr. Constantine
No: 0
Excused: 1 - Mr. Ferguson

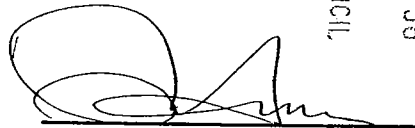
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 19 day of June, 2006.


Ron Sims, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated May 17, 2006

15521
May 17, 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**

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. V-2516
Proposed Ordinance No. **2006-0072**
Parcel Number **182203-9231**

PAUL SORENSEN
Road Vacation Petition

Location: 99th Avenue Southwest

Petitioner: **Paul Sorensen**
28525 – 135th Avenue Southwest
Vashon, Washington 98070
Telephone: (206) 947-1976

King County: Department of Transportation, Road Services Division
represented by Nicole Keller
201 S. Jackson Street
Seattle, Washington 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-2516 was received by the Examiner on March 23, 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:

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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 99th Avenue Southwest
Right of way classification:	B class
Area:	639 square feet
Compensation:	\$4,486.62
2. The Notice of Hearing on the report of the Department of Transportation (KCDOT) 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 KCDOT's report and testimony to the King County Hearing Examiner for the April 19, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0072. The Department's report will be attached to those copies of this report and recommendation that are submitted to the 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. 5 and 6.
5. Vacation of the subject right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting subject property and surrounding area.
6. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.
7. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County.

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.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2006-0072 to vacate the subject road portion.

RECOMMENDED this 17th day of May, 2006.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 17th day of May, 2006, to the following parties and interested persons:

Century Tel
Attn: Judy Emerick
8102 Skansie Ave. NW
Gig Harbor WA 98335

Comcast
Attn: Gerald Biggs
410 Valley Ave. NW
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King County Water District #19
P.O. Box T
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Vashon WA 98070

Puget Sound Energy
Attn: Kitty Ogg
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Paul Sorensen
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Mike Sudduth
23831 - 99th Ave. SW
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Kim Claussen
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MS OAK-DE-0100

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Nicole Keller
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Kristen Langley
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MS KSC-TR-0222

Tom Lew
KC DNRP/WLRD
MS KSC-NR-0600

Paulette Norman
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Robert Nunnenkamp
KC DNRP/Prog. Dev.
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AND ADDITIONAL ACTION REQUIRED

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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 APRIL 19, 2006, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2516.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller and Kelly Whiting representing the Department, and Mike Sudduth.

The following Exhibits were offered and entered into the record on April 19, 2006:

- | | |
|---------------|---|
| Exhibit No. 1 | DOT report to the Hearing Examiner dated March 21, 2006 with 15 attachments |
| Exhibit No. 2 | Petition transmittal letter dated October 13, 2004 to DOT from the Clerk of the Council, received October 18, 2005 |
| Exhibit No. 3 | Petition for vacation of a county road including the legal descriptions of the Petitioner's property dated October 13, 2004 |

- Exhibit No. 4 Receipt of the filing fee – King County Council receipt #00685 dated October 13, 2004 from the Petitioner
- Exhibit No. 5 Vicinity map; Thomas Brothers, page 683
- Exhibit No. 6 Map depicting vacation area
- Exhibit No. 7 Quit Claim Deed for M.F. Hatch Road, County Road No. 365 (aka 99th Avenue SW), recorded under Auditor's File No. 831523 conveying right-of-way
- Exhibit No. 8 Letter dated September 22, 2005 to petitioner identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet
- Exhibit No. 9 Compensation worksheet
- Exhibit No. 10 Copy of compensation check in the amount of \$4,486.62
- Exhibit No. 11 Deposit receipt dated October 7, 2005
- Exhibit No. 12 Transmittal letter dated October 6, 2005 to the King County Council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 13 Ordinance transmittal letter dated February 1, 2006 from King County Executive Ron Sims to Councilmember Larry Phillips (signed copy unavailable)
- Exhibit No. 14 Proposed Ordinance 2006-0072
- Exhibit No. 15 Fiscal Note
- Exhibit No. 16 Notice of hearing
- Exhibit No. 17 Affidavit of posting for hearing
- Exhibit No. 18 Affidavit of publication for date of hearing (entered May 12, 2006)
- Exhibit No. 19 Letter with attached drawing of Allan G. Gimblett's home, family Redwood tree, current and proposed drainfield areas dated April 16, 2006
- Exhibit No. 20a Photo of car parked on Burton Dr., west of northeast corner
- 20b Photo of vehicle with wheels out in road on Sorensen property
- 20c Photo showing same vehicle from a different angle
- 20d Photo of laurel hedge on a paved sidewalk
- 20e Second photo of laurel hedge on a paved sidewalk
- 20f Third photo of laurel hedge
- 20g Photo of redwood on road right-of-way line
- 20h Photo of redwood showing how much land is between the property line stake and Mr. Gimblett's property
- 20i Photo of redwood showing proximity to the right-of-way line
- 20j Photo of redwood
- Exhibit No. 21 String of emails regarding neighbor concerns (entered April 26, 2006)