

### **KING COUNTY**

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

### **Signature Report**

January 23, 2002

### Ordinance 14283

	Proposed No.	2001-0554.2	Sponsors	von Reichbauer and Sullivan
1	·	AN ORDINANCE	authorizing the vacati	on of a portion of
2		168th Avenue South	heast File V-2425 Pet	itioner: Issaquah
3	•	School District No.	411.	
4				
5				
6	STATI	EMENT OF FACTS	:	
7	1. A po	etition has been filed	l requesting vacation	of that portion of 168th
8	Avenue	e Southeast hereinaf	ter described.	
9	2. The	department of trans	portation notified the	various utilities
10	compa	nies serving the area	and has been advised	that easements were not
11	require	d within the vacation	n area.	
12	3. The	department of trans	portation records indi	cates that King County
13	has not	maintained 168th A	venue Southeast.	
14	4. The	records indicate tha	t parcel "A" of the pro	oposed vacation area was
15	dedicat	ed in the Renton Su	burban Tracts Divisio	n No.2, as recorded in
16	Volum	e 58 of Plats, Pages	97 and 98, records of	King County,

Washington. The Issaquah School District under recording number

18	7409030550, records of King County, Washington, conveyed parcel "B"
19	the westerly 30 feet of the right-of-way to King County. The
20	consideration for that conveyance was for mutual benefit
21	5. Parcel "A" of the proposed vacation area is classified as a "C Class"
22	road vacation. In accordance with K.C.C. chapter 14.40, compensation is
23	due King County for vacating a county road. The compensation is based
24	on a percentage of the assessed value of the adjoining lands as determined
25	from the records of the department of assessments. The Issaquah School
26	District is the owner of the abutting property, which the department of
27	assessments records list as tax-exempt. Determining a compensation
28	amount would require an appraisal of the property at the petitioner's
29	expense. The Issaquah School District did not provide an appraisal.
30	Should the council decide not to waive the compensation, then an
31	appraisal of the land will be required and the compensation calculated
32	accordingly.
33	6. Parcel "B" of the proposed vacation right-of-way is classified as "D-
34	Class." K.C.C. 14.40.020B requires a two-hundred-dollar fee for the
35	administrative cost of the vacation. In accordance with K.C.C.
36	14.40.020D, "(w)hen a road is vacated for a governmental agency,
37	compensation shall be in accordance with the classification of the road,
38	except that some or all of the compensation may be waived at the
39	discretion of the council." The road services division recommends that the
40	compensation be waived. The waiver is justified by the services and

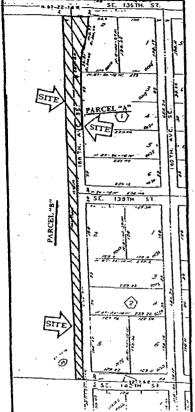
41	benefit, which are provided to King County and its citizens by the
42	Issaquah School District.
43	7. The department of transportation considers the subject portion of the
44	right-of-way useless as part of the county road system and believes the
45	public would benefit by the return of this unused area to the school
46	district.
47	Due notice was given in the manner provided by law and a hearing was
48	held by the office of the hearing examiner on the 6th day of December,
49	2001.
50	In consideration of the benefits to be derived from the subject vacation,
51	the council has determined that it is in the best interest of the citizens of
52	King County to grant said petition.
53	BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
54	SECTION 1. The council, on the 22nd day of January, 2002, hereby vacates and
55	abandons that portion of 168th Avenue Southeast as described in Attachment A to this
56	ordinance:

57 SECTION 2. The council hereby waives the compensation in accordance with K.C.C. 14.40.020 D. 58 59 Ordinance 14283 was introduced on 11/19/01 and passed by the Metropolitan King County Council on 1/22/02, by the following vote: Yes: 9 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Constantine, Mr. Pullen, Ms. Hague, Mr. Irons and Ms. Patterson No: 0 Excused: 4 - Mr. Phillips, Mr. Pelz, Mr. McKenna and Mr. Gossett KING COUNTY COUNCIL KING COUNTY, WASHINGTON Cynthia Sullivan, Chair ATTEST: Anne Noris, Clerk of the Council day of February Ron Sims, County Executive

Attachments A. Legal Description, B. Hearing Examiner report dated Dec. 31, 2001

#### EXHIBIT "A"

Liberty High School Vacation of right of way



#### Parcel A

That portion of the Northeast Quarter of the Southwest Quarter of Section 13, Township 23 North, Range 5 East, W.M. in King County, Washington being a portion of 168th Avenue SE, and also being a portion of Renton Suburban Tracts Division No. 2 as recorded in Volume 58 of Plats, Pages 97 through 98, records of King County, Washington, described as follows:

BEGINNING at the Northwest corner of Lot 2, Block 1, Renton Suburban Tracts; thence North 87°22'18" West along the Southerly right of way margin of SE, 136" Street a distance of 60.10 feet to the centerline of said 168th Avenue SE.; Thence South 00°39'25" East along said centerline a distance of 396.46 feet to the westerly prolongation of the South line of Lot 4 of said Block 1; thence South 87°26'37" East a distance of 30.05 feet to the easterly right of way margin of said 168th Ave. SE.; thence North 00°39'25" West along said right of way margin a distance of 197.97 feet to the beginning of a curve to the right, having a radius of 300.00 feet; thence northeasterly along the arc of said curve through a central angle of 17°20'29" for an arc length of 90.80 feet to a point of reverse curvature and the beginning of a curve to the left having a radius of 359.99 feet; thence northerly along the arc of said curve through a central angle of 17°20'29" for an arc length of 108.96 feet to the POINT OF BEGINNING.

Containing an area of 14,961 square feet, more or less.

#### Parcel B

The East 30.00 feet of the Northwest Quarter of the Southwest Quarter of Section 13, Township 23 North, Range 5 East, W.M. in King County, Washington, being a portion of 168<sup>th</sup> Avenue SE. EXCEPT the North 30.00 feet thereof.

Containing an area of 38,372 square feet, more or less. PARK & 128TH ST 18400 131ST SE 132ND ST \$ 53,800 ST SE 133RD CT SE 133RD 133 SE 135TH 14 iizsīi ST 136TH 15400 13 137 > IS2ND AV SET SE | 138TI SE 138TH PL IBER 139TH PL 140TH 142ND ST ST SE 143PD

## 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:

King County Department of Transportation File No. V-2425

Proposed Ordinance No. 2001-0554

ISSAQUAH SCHOOL DISTRICT

Petition For Road Vacation

Location:

Portion of 168th Avenue Southeast between Southeast 136th Street

And Southeast 140th Street

Applicant:

**Issaquah School District** 

c/o Steve Crawford, Director of Capital Projects

565 Northwest Holly Street Issaquah, WA 98027-2899

King County:

Department of Transportation, Road Services Division,

represented by Dennis Gorley

201 S. Jackson Street Seattle, WA 98104-3858 Telephone: (206) 296-6522 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-2425 was received by the Examiner on December 19, 2001.

### **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-2425 was opened by the Examiner at 1:30 p.m., December 19, 2001, in the King County Prosecuting Attorney, Family Support Division, Eighth Floor Conference Room, Union Bank of California Building, 900 – 4<sup>th</sup> Avenue, Seattle, Washington, and closed at 1:35 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.

<u>FINDINGS</u>, <u>CONCLUSIONS & RECOMMENDATION</u>: 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 168<sup>th</sup> Avenue Southeast between Southeast

136<sup>th</sup> Street and Southeast 140<sup>th</sup> Street

Right of way classification:

Class C

Area:

Parcel A 14,961.3 square feet Parcel B 38,371.9 square feet

- 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 December 19, 2001, public hearing and the statement of facts contained in Proposed Ordinance No. 2001-0554. 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.

### **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 will be waived by 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. 2001-0554 to vacate the subject road.

RECOMMENDED this 31st day of December, 2001.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 31st day of December, 2001, to the following parties and interested persons:

AT & T Cable Services Greg Borba Roderick E. Matsuno Steve Botts Linda Gorremans Don Ding Dave Preugschat GTE Telecommunications Thomas Eksten Lydia Reynolds-Jones John F. Phillips Dennis Gorley Faith Roland Kristen Langley Charlie Sundberg Joe Wilson

## 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 \$125.00 (check payable to King County Office of Finance) on or before January 14, 2002. 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 21, 2002.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 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.

Issaquah School District—V2425 14283

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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 DECEMBER 19, 2001 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO: V-2425

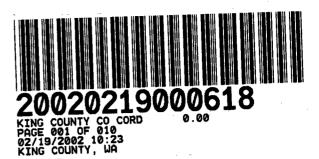
S. L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Dennis Gorley. Participating in the hearing and representing the Applicant was Steve Crawford. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DOT Report to Hearing Examiner dated November 27, 2001 with 13 attachments
- Exhibit No. 2 Petition transmittal letter dated January 23, 2001 to Transportation from the Clerk of Council
- Exhibit No. 3 January 18, 2001 letter of explanation with petition attachment from petitioner
- Exhibit No. 4 February 8, 2001 letter to petitioner explaining process and identifying error in legal description
- Exhibit No. 5 April 2, 2001 letter and attachment from Group Four, Inc. providing corrected legal and Petition for Vacation of a County Road
- Exhibit No. 6 Copy of filing fee check #2073 from Group Four, Inc.
- Exhibit No. 7 Vicinity Map
- Exhibit No. 8 Survey map identifying right-of-way vacation area by Group Four, Inc.
- Exhibit No. 9 Warranty Deed recording #7409030550 conveying Parcel B right-of-way
- Exhibit No. 10 August 6, 2001 transmittal letter to Council providing recommendation of King County Department of Transportation and County Road Engineer
- Exhibit No. 11 Ordinance transmittal letter dated August 27, 2001 from King County Executive to Council member Von Reichbauer
- Exhibit No. 12 Proposed Ordinance 2001-0554
- Exhibit No. 13 Notice of hearing
- Exhibit No. 14 Affidavit of posting for hearing
- Exhibit No. 15 Affidavit of publication for date of hearing

2002 021 9000618

Return Address: Clerk of the Council Metropolitan King County Council Room W 1025 King County Courthouse Seattle, WA 98104



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 14283 AN ORDINANCE authorizing the vacation of a portion of 168th Avenue Southeast File V-2425 Petitioner: Issaquah School District No. 411.
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. 2.
Additional names on page of document.
Legal description (abbreviated: i.e. lot, block, plat or section, township, range)  Parcel A That portion of the Northeast Quarter of the Southwest Quarter of Section 13
Additional legal is on page of document.
Assessor's Property Tax Parcel/Account Number
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**

January 23, 2002

### Ordinance 14283

2001-0554.2 Proposed No.

Sponsors von Reichbauer and Sullivan

<b>1</b> .	AN ORDINANCE authorizing the vacation of a portion of
2	168th Avenue Southeast File V-2425 Petitioner: Issaquah
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6	STATEMENT OF FACTS:
7	1. A petition has been filed requesting vacation of that portion of 168th
8	Avenue Southeast hereinafter described.
9	 2. The department of transportation notified the various utilities
10	companies serving the area and has been advised that easements were not
11,	required within the vacation area.
12	3. The department of transportation records indicates that King County
13	has not maintained 168th Avenue Southeast.
14	4. The records indicate that parcel "A" of the proposed vacation area was
15	dedicated in the Renton Suburban Tracts Division No.2, as recorded in
16	Volume 58 of Plats, Pages 97 and 98, records of King County,
17	Washington. The Issaquah School District under recording number

7409030550, records of King County, Washington, conveyed parcel "B"
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consideration for that conveyance was for mutual benefit
5. Parcel "A" of the proposed vacation area is classified as a "C Class"
road vacation. In accordance with K.C.C. chapter 14.40, compensation is
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administrative cost of the vacation. In accordance with K.C.C.
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42	Issaquah School District.
43	7. The department of transportation considers the subject portion of the
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45	public would benefit by the return of this unused area to the school
46	district.
47	Due notice was given in the manner provided by law and a hearing was
48	held by the office of the hearing examiner on the 6th day of December,
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50	In consideration of the benefits to be derived from the subject vacation,
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56	ordinance:

SECTION 2. The council hereby waives the compensation in accordance with

K.C.C. 14.40.020 D.

59

58

57

Ordinance 14283 was introduced on 11/19/01 and passed by the Metropolitan King County Council on 1/22/02, by the following vote:

Yes: 9 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Constantine, Mr. Pullen, Ms. Hague, Mr. Irons and Ms. Patterson No: 0

Excused: 4 - Mr. Phillips, Mr. Pelz, Mr. McKenna and Mr. Gossett

KING COUNTY COUNCIL KING COUNTY, WASHINGTON

Cynthia Sullivan, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 1st day of February 2000

Ron Sims, County Executive

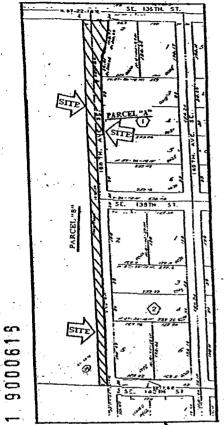
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A. Legal Description, B. Hearing Examiner report dated Dec. 31, 2001

2001.554

#### EXHIBIT "A"

Liberty High School Vacation of right of way



#### Parcel A

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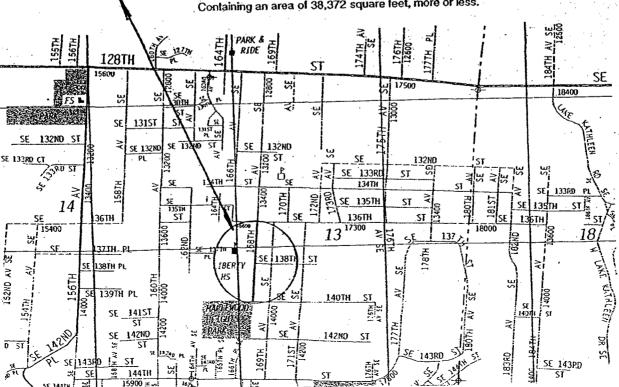
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### REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT:

King County Department of Transportation File No. V-2425

Proposed Ordinance No. 2001-0554

ISSAQUAH SCHOOL DISTRICT

**Petition For Road Vacation** 

Location:

Portion of 168th Avenue Southeast between Southeast 136th Street

And Southeast 140th Street

Applicant:

**Issaquah School District** 

c/o Steve Crawford, Director of Capital Projects

565 Northwest Holly Street Issaquah, WA 98027-2899

King County:

Department of Transportation, Road Services Division,

represented by Dennis Gorley

201 S. Jackson Street Seattle, WA 98104-3858 Telephone: (206) 296-6522 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:**

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No. V-2425 was received by the Examiner on December 19, 2001.

### **PUBLIC HEARING:**

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<u>FINDINGS, CONCLUSIONS & RECOMMENDATION</u>: Having reviewed the record in this matter, the Examiner now makes and enters the following:

### FINDINGS:

1. General Information:

Portion of 168th Avenue Southeast between Southeast

136th Street and Southeast 140th Street

Right of way classification:

Road name and location:

Class C

Area:

Parcel A 14,961.3 square feet Parcel B 38,371.9 square feet

- 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 December 19, 2001, public hearing and the statement of facts contained in Proposed Ordinance No. 2001-0554. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
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- 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.
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The compensation required by law to be paid as a condition precedent to the vacation of this road 3. will be waived by 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. 2001-0554 to vacate the subject road.

RECOMMENDED this 31st day of December, 2001.

Stafford L. Smith King County Hearing Examiner

TRANSMITTED this 31st day of December, 2001, to the following parties and interested persons:

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Steve Botts

Linda Gorremans **GTE Telecommunications**  Don Ding

**Dave Preugschat** 

Thomas Eksten

Lydia Reynolds-Jones Faith Roland

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### NOTICE OF RIGHT TO APPEAL 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 DECEMBER 19, 2001 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO: V-2425

S. L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Dennis Gorley. Participating in the hearing and representing the Applicant was Steve Crawford. There were no other participants in this hearing.

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