



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 15, 2008

Ordinance 16209

Proposed No. 2008-0077.2

Sponsors Patterson

1 AN ORDINANCE authorizing the vacation of a portion of
2 South 116th Street, File V-2585; Petitioner: Peter J.
3 Findley.
4

5 **STATEMENT OF FACTS:**

- 6 1. A petition has been filed requesting vacation of a portion of the South
7 116th Street right-of-way hereinafter described.
8 2. The department of transportation notified the various utility companies
9 serving the area and has been advised that easements have either been
10 obtained or are not required within the vacation area.
11 3. The department of transportation records indicate that King County has
12 not been maintaining the South 116th Street right-of-way. The records
13 indicate that no public funds have been expended for its acquisition.
14 4. The department of transportation considers the subject portion of the
15 right-of-way useless as part of the county road system and believes the
16 public would benefit by the return of this unused area to the public tax
17 rolls.

18 5. The right-of-way is classified as "C-Class" and, in accordance with
19 K.C.C. 14.40.020, the compensation due King County is based on fifty
20 percent of the assessed value of the subject right-of-way, which was
21 determined from records of the department of assessments. King County
22 is in receipt of \$19,939.11 from the petitioner.

23 Due notice was given in the manner provided by law and a hearing was
24 held by the office of the hearing examiner on the 2nd day of April, 2008.

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

28 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

29 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
30 and abandons that portion of South 116th Street as conveyed to King County by the
31 recording of Auditor's File Number 2963077, records of King County, Washington as
32 described below:

33 That portion of South 116th Street right-of-way as
34 conveyed to King County by the recording of Auditor's File
35 No. 2963077, records of King County, Washington, lying
36

37 easterly of the east right-of-way margin of Renton Avenue

38 South.

39


Ordinance 16209 was introduced on 2/19/2008 and passed by the Metropolitan King County Council on 7/14/2008, by the following vote:

Yes: 8 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Mr. von Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague

No: 0

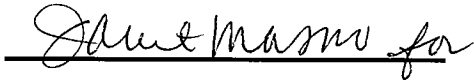
Excused: 1 - Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



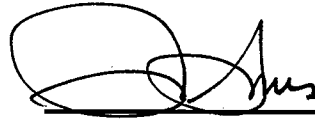
Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 25 day of July, 2008.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated June 24, 2008

RECEIVED
2008 JUL 25 PM 3:04
KING COUNTY COUNCIL

June 24, 2008

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2585**
Proposed Ordinance No. **2008-0077**
Parcel Nos. **112304-9074 & 112304-9064**

PETER J. FINDLEY
Road Vacation Petition

Location: Portion of South 116th Street

Petitioner: **Peter J. Findley**
9614 Rainier Avenue South
Seattle, Washington 98118-5935
Telephone: (206) 442-4510

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:	Approve road vacation
Department's Final:	Approve road vacation
Examiner's:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the Hearing Examiner for Item No. V-2585 was received by the Examiner on April 2, 2008.

PUBLIC HEARING:

After reviewing the Department'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-2585 was opened by the Examiner on April 2, 2008, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104 and closed that day. The hearing was then continued administratively for receipt of the affidavit of publication and recording of a utility easement, which was received April 28, 2008. 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 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 South 116th Street
Right of way classification:	C-Class
Area:	4,256 square feet
Compensation:	\$19,939.11

2. Notice of hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
3. Except as provided herein, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report to the Examiner for the April 2, 2008, public hearing and the statement of facts contained in Proposed Ordinance No. 2008-0077. 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 are in the hearing record as exhibit nos. 7 and 9.
5. The subject right-of-way segment is not currently opened, constructed or maintained for public use, and is not known to be used informally for access to any property.
6. Vacation of the 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.
7. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes (subject to retention of the easement noted in the following finding).
8. A utility easement has been executed and recorded for the construction, repair and maintenance of public utilities and services.
9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

CONCLUSION:

1. The right-of-way 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. 2008-0077 to vacate the subject road right-of-way.

RECOMMENDED June 24, 2008.

Peter T. Donahue
King County Hearing Examiner

**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 July 8, 2008*. If a notice of appeal is filed, the original and six (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 July 15, 2008*.

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 2, 2008, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2585.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the April 2, 2008 hearing, with 17 attachments.
- Exhibit No. 2 Petition transmittal letter, dated December 11, 200 to King County Department of Transportation (KCDOT), from Clerk of the Council
- Exhibit No. 3 Petitioner letter explaining reason for petition, dated August 31, 2006, to Clerk of the King County Council
- Exhibit No. 4 Petition for vacation of a County road including legal descriptions of petitioners' properties
- Exhibit No. 5 Copy of filing fee, check no. 2011, in the amount of \$100.00
- Exhibit No. 6 Receipt no. 00816 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 Quit Claim Deed for road from Lynn & Vesta Morrell to King County, Auditor file no. 2963077,
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Site photographs
- Exhibit No. 11 Unrecorded Site Survey
- Exhibit No. 12 Unrecorded utility easement from Petitioner to Qwest, dated June 13, 2007
- Exhibit No. 13 Final Agency Notice sent March 7, 2007
- Exhibit No. 14 Letter of explanation
- Exhibit No. 15 Revised Petition
- Exhibit No. 16 Recommendation and request for compensation letter from KCDOT to Petitioners
- Exhibit No. 17 Compensation Worksheet
- Exhibit No. 18 Letter to Petitioner requesting payment no later than November 30, 2007, dated October 10, 2007
- Exhibit No. 19 Copy of compensation payment, check no. 820080681 in the amount of \$19,939.11
- Exhibit No. 20 Receipt no. 146684 for compensation payment
- Exhibit No. 21 Recommendation letter from KCDOT to KC Council
- Exhibit No. 22 Proposed Ordinance transmittal letter from KCDOT to KC Council
- Exhibit No. 23 Proposed Ordinance 2008-0077
- Exhibit No. 24 Fiscal Note
- Exhibit No. 25 Affidavit of Posting, dated April 2, 2008
- Exhibit No. 26 Affidavit of Publication, dated April 2, 2008
- Exhibit No. 27 Utility easement from Petitioner to Qwest, recorded April 24, 2008

PTD:vsm
V-2585 RPT