



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 29, 2009

Ordinance 16665

Proposed No. 2009-0499.2

Sponsors Constantine

1 AN ORDINANCE authorizing the vacation of a portion of
2 J.M. Krokset Road, also known as County Road No. 1682,
3 File V-2638, Petitioners: Franz Family Trust.
4

5 **STATEMENT OF FACTS:**

- 6 1. A petition has been filed requesting vacation of a portion of the J.M.
7 Krokset Road right-of-way, also known as County Road No. 1682, hereinafter
8 described.
- 9 2. The department of transportation notified the various utility companies serving
10 the area and has been advised that easements are not required within the vacation
11 area.
- 12 3. The department of transportation records indicate that King County has not
13 been maintaining the J.M. Krokset Road right-of-way. The records indicate that
14 no public funds have been expended for its acquisition. A critical areas review
15 may be required prior to any future development, clearing, or other site alteration
16 within the vacation area.

17 4. The department of transportation considers the subject portion of right-of-way
18 useless as part of the county road system and believes the public would benefit by
19 the return of this unused area to the public tax rolls.

20 5. The right-of-way is classified as "C-Class" and, in accordance with King
21 County Code 14.40.020, the compensation due King County is based on fifty
22 percent of the assessed value of the subject right-of-way, which was determined
23 from records of the department of assessments. King County is in receipt of
24 \$79,846.25 from the petitioners.

25 Due notice was given in the manner provided by law and a hearing was held by
26 the office of the hearing examiner on the 9th day of September, 2009.

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 County
29 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 the J.M. Krokset Road right-of-way as conveyed to King
33 County by the recording of the Quit Claim Deeds recorded in Volume 1191 of Deeds, on
34 Page 200, and in Volume 1166, on Page 468, records of King County, Washington, as
35 described below:

36 That portion of the Northeast Quarter of Section 26, Township 23 North, Range 2
37 East, Willamette Meridian, King County, Washington, being further described as:

38 That portion of the 60-foot wide J.M. Krokset Road right-of-way, lying
39 westerly of Crescent Drive SW, as Quit Claim Deeded to King County in

40 the deeds recorded in Volume 1191 of Deeds, on Page 200, also recorded
 41 under King County Auditor's File No. 1690546, and in Volume 1166, on
 42 Page 468, said deed also recorded under King County Auditor's File No.
 43 1610476, all records of King County, Washington.
 44 Approximately: 74,973 square feet
 45

Ordinance 16665 was introduced on 8/24/2009 and passed by the Metropolitan King County Council on 9/28/2009, by the following vote:

Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn
 No: 0
 Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dow Constantine, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 8th day of October, 2009

Kurt Triplett, County Executive

RECEIVED
 2009 OCT - 8 PM 2:08
 CLERK
 KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report Dated September 10, 2009

September 10, 2009

16665

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

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation file no. **V-2638**
Proposed Ordinance no. **2009-0499**
Adjacent parcel no. **262302-9056**

FRANZ FAMILY TRUST
Road Vacation Petition

Location: Portion of JM Krosket Road (west of Crescent Drive SW, northwest of Westside Highway SW), Vashon Island

Petitioner: Franz Family Trust
represented by **Francis and Lois Franz**
16327 Crescent Drive SW
Vashon, Washington 98070
Telephone: (206) 567-5273

King County: Department of Transportation Road Services Division (DOT)
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's:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the Hearing Examiner for road vacation petition V-2638 was received by the Examiner on August 19, 2009.

PUBLIC HEARING:

After reviewing the Department's report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the petition and report as follows:

The hearing was opened by the Examiner on September 9, 2009, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104, and then left open administratively for receipt of the affidavit of publication (Exhibit No. 30), which was received later that same day, at which time the hearing record closed. 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 J.M. Krosket Road
Right of way classification:	C Class
Area:	74,973 square feet
Compensation:	\$79,846.25

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 and the statements of fact contained in Proposed Ordinance No. 2009-0499. 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 are in the hearing record as exhibit nos. 7 and 20.
5. The subject right-of-way segment is not currently opened, constructed or maintained for public use.
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 properties and surrounding area.
7. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
8. No easements are necessary to be retained for 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 not useful as part of the King County road system, and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2009-0499 to vacate the subject road right-of-way.

RECOMMENDED September 10, 2009.

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* **September 24, 2009**. If a notice of appeal is filed, the original and six 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* **October 1, 2009**.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 Third 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 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 SEPTEMBER 9, 2009, PUBLIC HEARING ON THE FRANZ FAMILY TRUST PETITION FOR ROAD VACATION, DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2638.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller representing the Department and Francis and Lois Franz representing the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for September 9, 2009 hearing, with 17 attachments.
- Exhibit No. 2 Letter from Clerk of the Council to KC Department of Transportation (KCDOT) transmitting petition, dated June 22, 2009
- Exhibit No. 3 Cover letter for road vacation petition, dated June 20, 2009
- Exhibit No. 4 Petition for Vacation of a County Road with legal descriptions
- Exhibit No. 5 Copy of filing fee: check no. 1120, in the amount of \$100
- Exhibit No. 6 Receipt no. 00916 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 Map depicting vacation area
- Exhibit No. 9 Quit Claim Deed of subject vacation area executed between Dana Reinertsen and E.H. Norton on June 14, 1922, King County Auditor recording no. 1690546
- Exhibit No. 10 Quit Claim Deed of subject vacation area executed between S.M. and Julia Shipley and King County on April 25, 1922, King County Auditor recording no. 1610476
- Exhibit No. 11 Letter explaining road vacation process from KCDOT to Petitioner, dated July 8, 2009
- Exhibit No. 12 Cover letter to additional information provided to KCDOT by Petitioner, dated June 25, 2009
- Exhibit No. 13 Letter from Jerold D. O'Hare, Surveyor, to Petitioner, dated June 19, 2009
- Exhibit No. 14 Survey map of subject property, dated June 18, 2009
- Exhibit No. 15 Petitioner Cover letter for adjacent property owner statements, dated July 30, 2009
- Exhibit No. 16 Letter from Steven and Katie Jo Steward Paschall, adjacent property owners, to KCDOT, dated July 14, 2009
- Exhibit No. 17 Letter from Mrs. Don (Pat) Eastly, adjacent property owner, dated July 14, 2009
- Exhibit No. 18 Letter from KCDOT to Petitioner requesting submittal of a revised petition and providing preliminary compensation calculations, dated July 30, 2009
- Exhibit No. 19 Revised Petition for Vacation of a County Road including legal descriptions of Petitioner's properties
- Exhibit No. 20 Revised map depicting vacation area
- Exhibit No. 21 Letter from KCDOT to Petitioner recommending approval, dated August 3, 2009
- Exhibit No. 22 Compensation Worksheet
- Exhibit No. 23 Copy of compensation payment, check no. 7840523205 in the amount of \$79,846.25
- Exhibit No. 24 Receipt no. 540828 for compensation payment
- Exhibit No. 25 Letter from KCDOT to KC Council recommending approval of petition, dated August 5, 2009
- Exhibit No. 26 Letter from KCDOT to KC Council transmitting proposed ordinance, dated August 12, 2009
- Exhibit No. 27 Proposed Ordinance 2009-0499
- Exhibit No. 28 Fiscal Note
- Exhibit No. 29 Affidavit of Posting, noting posting date of August 17, 2009
- Exhibit No. 30 Affidavit of Publication, noting August 26 and September 2, 2009 publication dates