



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 17, 2007

Ordinance 15717

Proposed No. 2007-0016.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 104th Avenue SW, File V-2557, Petitioner: Charles
3 Gordon.

4

5

6

STATEMENT OF FACTS:

7

1. A petition has been filed requesting vacation of a portion of 104th
8 Avenue SW hereinafter described.

8

9

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

10

11

12

3. The department of transportation records indicates that King County
13 has not been maintaining 104th Avenue SW. The records indicate that no
14 public funds have been expended for its acquisition.

13

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

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 \$5,062.50 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 7th day of March 2007.

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 104th Avenue SW (also known as Summit Avenue) as
32 conveyed to King County by the recording of the Plat of Innaha, recorded in Volume 16
33 of Plats, Page 10, records of King County, Washington as described below:

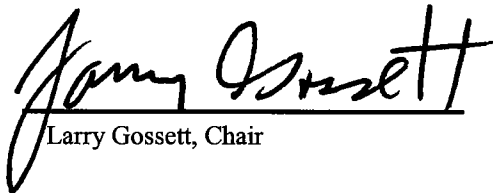
34 That portion of the easterly thirty (30) feet of 104th Avenue SW (also
35 known as Summit Avenue) abutting and adjacent to the west line of Lot 4

36 and the south half of lot 3, Block 2, in the Plat of Innaha recorded in
37 Volume 16 of Plats, Page 10, records of King County, Washington.
38

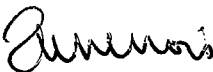
Ordinance 15717 was introduced on 1/8/2007 and passed by the Metropolitan King County Council on 4/16/2007, by the following vote:

Yes: 7 - Mr. Gossett, Ms. Patterson, Mr. von Reichbauer, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine
No: 0
Excused: 2 - Ms. Lambert and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

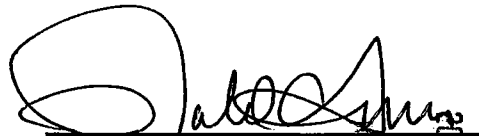

Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 25 day of APRIL, 2007.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated March 21, 2007

RECEIVED
2007 APR 25 PM 4:06
CLERK
KING COUNTY COUNCIL

15717

March 21, 2007

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2557**
Proposed Ordinance No. **2007-0016**
Parcel No. **356380-0090**

CHARLES GORDON
Road Vacation Petition

Location: 104th Avenue Southwest (aka Summit Avenue), Vashon Island

Petitioner: **Charles Gordon**
23307 Vashon Highway Southwest
Vashon, Washington 98070
Telephone: (206) 463-9544

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:
Department's Final:
Examiner's:

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-2557 was received by the Examiner on February 12, 2007.

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-2557 was opened by the Examiner at 10:54 a.m., March 7, 2007, in the ADR 4th Floor Conference Room, Room 425, 400 Yesler Way, Seattle, WA 98104, and closed at 11:07 a.m., except that it was continued administratively for receipt of an affidavit of publication of the required Notice of Hearing, which was received later on March 7, 2007. 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 104th Avenue Southwest (aka Summit Avenue), Vashon Island
Right of way classification:	C
Area:	4,500 square feet
Compensation:	\$5,062.50

2. The 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 below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report to the Examiner for the March 7, 2007, public hearing and the statement of facts contained in Proposed Ordinance No. 2007-0016. 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 appear in the hearing record as exhibit nos. 7 and 9.
5. The subject right-of-way has not been 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.
8. No easements are necessary to be retained 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. 2007-0016 to vacate the subject road right-of-way.

RECOMMENDED March 21, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED March 21, 2007, to the following parties and interested persons:

Jim & Cathy Burger
23340 - 107th Ave. SW
Vashon WA 98070-7646

Burton Water Company
c/o James Garrison
11507 - 105th Place SW
Vashon WA 98070

Comcast Cable
Attn: Tod Brennan
410 Valley Ave. NW, Ste. 12
Puyallup WA 98371

Charles Gordon
23307 Vashon Hwy. SW
Vashon WA 98070

Puget Sound Energy
Attn: Judy Emerick
P.O. Box 97034
Bellevue WA 98009-9734

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

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 April 4, 2007*. 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 April 11, 2007*.

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 MARCH 7, 2007, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2557.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller, representing the Department; Charles Gordon, the Petitioner, and Barbara Anderson.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the March 7, 2007 hearing, with 14 attachments
- Exhibit No. 2 Petition transmittal letter, dated March 15, 2006 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Petitioner's cover letter stating reason for the request, dated March 15, 2006
- Exhibit No. 4 Petition for vacation of a County road including legal descriptions of petitioner's properties, dated March 15, 2006
- Exhibit No. 5 Copy of filing fee – check #3802 from the petitioner
- Exhibit No. 6 Receipt #00770 from the King County Council for the filing fee
- Exhibit No. 7 Vicinity map from Thomas Brothers, page 683, E-7
- Exhibit No. 8 King County plat map of Imnaha, recorded in Volume 16 of Plats, Page 10, records of King County, Washington
- Exhibit No. 9 Map depicting vacation area

- Exhibit No. 10 Copy of the final agency notice, dated August 9, 2006
- Exhibit No. 11 Signed revised petition; legal description was rewritten to fit King County standards
- Exhibit No. 12 Letter dated June 6, 2006 to the petitioner describing the vacation process and providing a preliminary cost estimate
- Exhibit No. 13 Letter dated October 2, 2006 to the petitioner identifying DOT recommendation and requesting compensation; compensation calculations detailed in the compensation worksheet
- Exhibit No. 14 Compensation worksheet dated October 2, 2006
- Exhibit No. 15 Copy of the compensation check in the amount of \$5,062.50
- Exhibit No. 16 King County Treasurer deposit receipt no. 146639, dated October 13, 2006
- Exhibit No. 17 Transmittal letter dated October 9, 2006 to the King County Council giving the recommendation of KC DOT and county road engineer
- Exhibit No. 18 Ordinance transmittal letter dated December 19, 2006 from the King County Executive to Councilmember Larry Phillips
- Exhibit No. 19 Proposed Ordinance 2007-0016
- Exhibit No. 20 Fiscal note
- Exhibit No. 21 Notice of hearing
- Exhibit No. 22 Affidavit of posting for the hearing
- Exhibit No. 23 Affidavit of publication for the date of the hearing
- Exhibit No. 24 E-mail to Nicole Keller from Jim Ballweber of King County Road Services indicating that portions of the right-of-way are mapped as erosion hazard

PTD:gao
V-2557