



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19268

**Proposed No.** 2020-0293.2

**Sponsors** Balducci

1 AN ORDINANCE denying the vacation of a portion of  
2 unnamed road right of way in the Plat of Rosehilla Beach,  
3 file no. V-2728; Petitioner: John Franzel.

4 **STATEMENT OF FACTS:**

5 1. A petition has been filed requesting vacation of a portion of unnamed  
6 road right of way in the Plat of Rosehilla described as:

7 A portion of platted right-of-way as shown on the Plat of  
8 Rosehilla, as per plat recorded in Volume 20 of Plats on  
9 page 9, Records of King County, Washington described as  
10 follows: Beginning at the southeast corner of Lot 2, Block  
11 2 of said plat, thence S 55 25'55" W along the southeasterly  
12 line of said Lot 2, 137.22 feet to the west line of said  
13 platted right-of-way; thence N 00 28'25" W along said west  
14 line 244.79 feet to a point on a projection of the  
15 southwesterly line of Piner Road as shown on said Plat;  
16 thence S 34 34'05" E along said southwesterly line 202.72  
17 feet to the true point of beginning, EXCEPT Lots 1 and 2,  
18 Block 2 of said plat of Rosehilla, King County,  
19 Washington. Containing 9,512 square feet, more or less.

Ordinance 19268

---

20           2. The department of local services' records indicate that the unnamed  
21           road right of way in the Plat of Rosehilla Beach is an unopened and  
22           unmaintained platted right of way located on Maury Island abutting on the  
23           Puget Sound.

24           3. The department of local services considers the subject portion of right  
25           of way useless as part of the county road system, but it recommends denial  
26           of the petition because the subject road right of way abuts on a body of  
27           saltwater and vacation is prohibited under RCW 36.87.130.

28           4. Due notice was given in the manner provided by law. The office of the  
29           hearing examiner held the public hearing on February 11, 2021. As  
30           detailed in his February 12, 2021 recommendation, the hearing examiner  
31           concluded that the road segment subject to this petition is not useful as  
32           part of the King County road system, but that RCW 36.87.130's bar to  
33           local governments vacating segments of road right of way that abut  
34           saltwater bodies precludes vacation here. Therefore, the hearing examiner  
35           recommends that the council deny the vacation petition.

36           5. In consideration of the recommendations of the county road engineer  
37           and hearing examiner, the council has determined that it is in the best  
38           interest of the citizens of King County to deny said petition.

39           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

40           SECTION 1. The council, on the effective date of this ordinance, hereby denies

Ordinance 19268

---

41 the petition to vacate a portion of unnamed road right of way in the Plat of Rosehilla as  
42 filed by Petitioner John Franzel under vacation file V-2728.

43

Ordinance 19268 was introduced on 9/15/2020 and passed by the Metropolitan King County Council on 4/20/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
*Claudia Balducci*  
7ETC273CE9994B6...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
*Melani Pedroza*  
8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

DocuSigned by:  
*Dow Constantine*  
4FBCAB8196AE4C6...

Dow Constantine, County Executive

**Attachments:** A. Hearing Examiner Report dated February 12, 2021

Ordinance 19267

February 12, 2021

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

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND RECOMMENDATION**

SUBJECT: Department of Transportation file no. **V-2728**  
Proposed ordinance no. **2020-0293**  
Adjacent parcel no. **7427600190**

**JOHN FRANZEL**  
Road Vacation Petition

Location: 38501 Manzanita Beach Road, Vashon

Applicant: **John Franzel**  
7524 SW Maury Park Road  
Vashon, WA 98070  
Telephone: (425) 628-3260  
Email: [jrobertf2010@gmail.com](mailto:jrobertf2010@gmail.com)

King County: Department of Local Services  
*represented by* **Leslie Drake**  
201 S Jackson Street  
Seattle, WA 98104  
Telephone: (206) 684-1481  
Email: [leslie.drake@kingcounty.gov](mailto:leslie.drake@kingcounty.gov)

OVERVIEW:

1. John Franzel petitions the County to vacate an approximately 9,512-square foot stretch of public right-of-way. The Department of Local Services, Road Services Division (Road Services), urges denial, given a state prohibition against vacation. We conducted the public hearing on behalf of the Council. After hearing witness testimony, studying the exhibits entered into evidence, and considering the parties' arguments and the relevant law—here, a controlling statute—we **strongly recommend against vacation.**

## BACKGROUND

1. The subject right-of-way on Maury Island peels off from Manzanita Beach Road SW, abutting Michael Hanson and Gretchen Van Dyke’s property, then bisecting Mr. Franzel’s property and reaching the ordinary highwater mark of Puget Sound, before continuing on and shaving off the corner of Patricia VanDenBroek’s property and extending out into the Sound. *See* Ex. 5 at 001.
2. In 2019, Mr. Franzel petitioned the County to vacate the right-of-way. Exs. 2-3. The two abutting neighbors—Mr. Hanson and Ms. VanDenBroek—submitted letters expressing concerns with vacation, given drainage and erosion problems. Exs. 22 & 23. A few weeks before the hearing, Road Services sent out a staff report, exhibit 1 at 001-06, and exhibits. We adopt and incorporate the facts set forth in Road Services’ report and in proposed ordinance no. 2020-0293. That report, and a map showing the specific area to be vacated, are in the hearing record and will be attached to the copies of our recommendation submitted to Council.
3. At yesterday’s hearing:
  - Road Services explained that while it was not adverse—under County standards—to approving a vacation, state law bars vacation here.
  - Mr. Franzel explained why he wanted to obtain the right-of-way area, and noted he did not see any way on the ground to move or replace the right-of-way, given topographical restrictions.
  - Ms. VanDenBroek expressed surprise that the right-of-way went through a corner of her home, because an earlier survey showed it missed her home. (*Compare* Exs. 16 at 003, Ex. 17 & Ex. 18.) She discussed drainage and erosion issues, and she appreciated Road Services’ responsiveness to her concerns and its ongoing work on such issues.
  - Mr. Hanson described significant erosion losses and drainage problems on or adjacent to the right-of-way footprint.

## ANALYSIS

1. Normally we start our road vacation recommendations with the general framework and the standards related to whether vacation is warranted and what if any compensation the petitioner should pay for acquiring the right-of-way. We return to those issues briefly later, but we start with the threshold boulder-in-the-road here.
2. RCW 36.87.130 states that:

No county shall vacate a county road or part thereof which abuts on a body of salt or freshwater unless:

- (1) The purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational, or other public purposes;
- (2) The property is zoned for industrial uses; or
- (3) In a county west of the crest of the Cascade mountains and bordered by the Columbia river with a population over four hundred fifty thousand, the county determines that:
  - (a) The road has been used as an access point to trespass onto private property;
  - (b) Such trespass has caused loss of human life, and that public use of the county road creates an ongoing risk to public safety; and
  - (c) Public access to the same body of water abutting the county road is available at not less than three public access sites within two miles in any direction of the terminus of the road subject to vacation.

The proposed vacation will not enable a public authority to acquire the vacated property (for any purpose), and the property is not zoned for industrial uses. The third exception was added in 2020 to allow Clark County to vacate a specific railroad bridge along the Lewis River that had resulted in multiple fatalities;<sup>1</sup> it is inapplicable, starting with King County not bordering the Columbia.

3. Here, the right-of-way area reaches the highwater mark across Mr. Franzel's property and continues into the Sound across the VanDenBroek property. See Ex. 5 at 001. Thus, state law prohibits the County from vacating the subject right-of-way. While our vacation recommendations to Council typically emphasize that vacations are political functions belonging to municipalities, a legislative act (versus a quasi-judicial one),<sup>2</sup> and that the Council has wide discretion whether to vacate or not, here the state has tied the County's hands. The County may not grant the current vacation petition.

---

<sup>1</sup> See <http://lawfilesexternal.wa.gov/biennium/2019-20/Htm/Bill%20Reports/Senate/5613%20SBR%20HA%2020.htm?q=20210211180758>.

<sup>2</sup> *Chilivist v. Okanogan County*, No. 34585–8–III, 2017 WL 1032774 at \*4-5 (Wn. App. Mar. 16, 2017) (unpublished), *cert. denied*, 188 Wn. 2d 1022, 398 P.3d 1138 (Aug. 2, 2017).

## IN-THE-ALTERNATIVE

1. While the need to deny the current petition seems absolute, to create a full record we address the other inquiries that would apply in the absence of RCW 36.87.130.
2. The right-of-way is currently used for a County-maintained drainage system carrying runoff from Manzanita Beach Road SW to the Sound. Ex. 1 at 031. Such issues, however, can often be resolved through easements, and typically do not preclude vacation. Ex. 12 at 002.
3. The subject right-of-way segment is not currently opened, constructed, or maintained for public use, and it is not known to be used informally for access to any property. So long as drainage easements were provided, vacation would have no adverse effect on the provision of any services to the abutting properties and surrounding area. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
4. The neighbors' concerns that vacation—and thus privatization and the development that might open up—could exacerbate the pre-existing (and significant) drainage and erosion problems, are not concerns we take lightly. However, we have not interpreted a vacation petition as the venue to address those concerns.
5. *Kelderman*—*V-2719* included neighbor opposition to a vacation petition, stemming from concerns over critical areas, impervious surface, setbacks, and drainage. We acknowledged that such items might preclude development or require mitigation, but noted that Road Services is not in the business of assessing such matters. Instead, those (and other issues) would be addressed by the Permitting division through the permitting process. More importantly, we reasoned that:

rights-of-way exist to provide some sort of access. Although the vacation focus is on the public road network, the vacation analysis is slightly broader. Other inquiries tackle whether the particular stretch serves as access to other properties or contains utilities; if so, an easement may be required as a condition of vacation. KCC 14.40.0104.B.7 & .8. Road [Service]s always solicits the County's drainage experts to look at the need for potential drainage easements. And—without blowing up the very essence of a right-of-way—one could expand the concept somewhat. The County operates many rails-to-trails corridors, substituting one type of travel for another. And the County places a premium on linkages from a public right-of-way to a trail system, on linkages between areas in the County's regional trails system and points of interest, and on sites along a mapped wildlife habitat network. KCC 20.36.100.B.4, .5, & .16. ...

Instead, the neighbor's argument against vacation here is that the two-block right-of-way, including the portion abutting the Kelderman property, provides environmental benefits. We do not doubt that. There is no bar to the Council considering such factors in determining whether the

public will benefit from a vacation. RCW 36.87.020. Denial is never mandatory, only discretionary. RCW 36.87.060(1). And road vacation is a political function, a legislative act and not a quasi-judicial one, meaning the Council has maximum leeway in deciding what to do.

However, rejecting a vacation petition on the grounds that it is environmentally advantageous to keep an area public for reasons beyond access and utilities and corridors and their ilk risks transforming Road Services into a mini-Department of Natural Resources and Parks, having to manage public lands for more than even the broadest conception of a right-of-way, on only the vaguest of marching orders. Especially given Road Services’ systemic budget shortfalls, and Road Services stated policy of jettisoning unnecessary rights-of-way, that seems highly problematic.<sup>3</sup>

6. If vacation is otherwise warranted, the compensation due would be \$7,668. Ex. 10 at 001.

#### FORWARD-LOOKING

1. It is not clear if the situation—where part of at least the Hanson structure, and maybe of the VanDenBroek structure as well, sit in the public right-of-way—could be addressable via a future vacation petition. As a legal matter, could one essentially move the public right-of-way footprint, thus taking the structures out of the public right-of-way, while still protecting future public access to the Sound?
2. RCW 36.34.330 allows a county to exchange real property for property of equal or greater value. In light of that allowance, in 1972 Island County asked the Attorney General whether it could negotiate with a developer to vacate roads in return for the developer providing the County with similar road locations or other property in the vicinity to use for park, viewpoint, recreational, educational, or other public purposes. The AG’s office read RCW 36.87.130’s exceptions narrowly, finding that as “commendable” as Island County’s proposal might be, the exception applies only where the vacated property *itself* is to be used for port, boat, or other public purposes.<sup>4</sup> Such a reading would severely hamstring, if not outright eliminate, any ability to adjust rights-of-way involving bodies of water.
3. However, in an unpublished 1996 opinion, an appellate court reconciled RCW 36.34.330 and RCW 36.87.130, in light of what it read as RCW 36.87.130’s dual purposes: precluding a county from “granting a windfall to the owners of waterfront property” and preserving “public access to the waterfront.” The court reasoned that both purposes could be “accomplished when a road subject to RCW 36.87.130 is being vacated and traded for other waterfront property that has equal or greater value, and will be used by the public.” Thus, vacating and trading a waterfront road “for other waterfront property

<sup>3</sup> See [https://www.kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/applications/road\\_vacation/2020/V-2719\\_Kelderman.ashx?la=en](https://www.kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/applications/road_vacation/2020/V-2719_Kelderman.ashx?la=en).

<sup>4</sup> See <https://www.atg.wa.gov/ago-opinions/letter-opinion-1972-no-002>.

of equal or greater value” is acceptable, so long as “the other property will be developed for public use.”<sup>5</sup>

4. Although the court devoted less than a paragraph to the topic, and did not address or even note the longer 1972 AG opinion to the contrary, the court’s reasoning seems more persuasive than the AG’s. Thus, a future petition—especially a dual one covering both the Franzel and VanDenBroek property, to avoid creating an orphan right-of-way—would seem workable if it meets the court’s criteria. There would still be the logistical and topographical hurdles to such a swap, as Mr. Franzel articulated, but reading RCW 36.87.130 in light of RCW 36.34.330 may remove the legal bar against future petitions—here or elsewhere in the County—involving a right-of-way that abuts a body of water.

RECOMMENDATION:

Adopt proposed ordinance no. 2020-0293 DENYING the petition to vacate the subject right-of-way.

DATED February 12, 2021.



---

David Spohr  
Hearing Examiner

---

<sup>5</sup> *In re Exchange of Real Property by Pierce County*, No. 19264–1–II, 1996 WL 662424, at \*2 (Wn. App. Nov. 15, 1996) (unpublished).

## NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner’s recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on **March 8, 2021**, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the Clerk does not actually receive the fee and the appeal statement within the applicable time period.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council will place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner’s recommended action.

If the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about “next steps.”

### **MINUTES OF THE FEBRUARY 11, 2021, HEARING ON THE ROAD VACATION PETITION OF JOHN FRANZEL, DEPARTMENT OF TRANSPORTATION FILE NO. V-2728**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Megan Kim, John Franzel, Michael Hanson, and Patricia Vanden Broek.

The following exhibits were offered and entered into the hearing record:

- |               |  |
|---------------|--|
| Exhibit no. 1 | Road Services report to the Hearing Examiner, sent January 28, 2021  |
| Exhibit no. 2 | Letter from Clerk of the Council to KCDOT transmitting petition, dated May 28, 2019  |
| Exhibit no. 3 | Petition for vacation of a county road, received May 28, 2019  |
| Exhibit no. 4 | Letter to Petitioner acknowledging receipt of petition and explaining road vacation process, dated June 4, 2019                |
| Exhibit no. 5 | Vacation area map  |
| Exhibit no. 6 | KC Assessor’s information for Petitioner’s property, APN 7427600190  |
| Exhibit no. 7 | Plat of Rosehilla Beach  |
| Exhibit no. 8 | Final stakeholder notification with vicinity map and site map, sent August 6, 2019, with comment deadline of September 9, 2019 |

- Exhibit no. 9 Email to Assessor's Office on valuation of vacation area
- Exhibit no. 10 Compensation calculation model spreadsheet for Petitioner's property, APN 7427600190
- Exhibit no. 11 Letter to Petitioner recommending approval, conveying County Road Engineer report, proposing compensation waiver, dated March 13, 2020
- Exhibit no. 12 Road Engineer report
- Exhibit no. 13 Letter to KC Council recommending approval and transmitting proposed ordinance, dated August 27, 2020
- Exhibit no. 14 Proposed ordinance
- Exhibit no. 15 Fiscal note
- Exhibit no. 16 Affidavit of posting, noting posting date of January 20, 2021
- Exhibit no. 17 Survey recorded in 1981 showing property and plated Unnamed Road Plat of Rosehilla Beach
- Exhibit no. 18 Survey of Petitioner's property, recorded in 2006
- Exhibit no. 19 Deed vesting ownership in Petitioner John Franzel
- Exhibit no. 20 Letter to abutting property owner, Patricia Vanden Broek, sent with the Notice of Hearing and the Road Engineer Report
- Exhibit no. 21 Letter to abutting property owners, Gretchen Van Dyke and Michael Hanson, with the Notice of Hearing and the Road Engineer Report
- Exhibit no. 22 Email comment from Michael Hanson
- Exhibit no. 23 Email comment from Patricia VanDenBroek
- Exhibit no. 24 *Reserved for future submission of* Affidavit of publication noting posting dates of

DS/jo

## Certificate Of Completion

Envelope Id: DDE6E766D4BA49608CE065957E2D572E	Status: Completed
Subject: Please DocuSign: Ordinance 19268.docx, Ordinance 19268 Attachment A.pdf	
Source Envelope:	
Document Pages: 3	Signatures: 3
Supplemental Document Pages: 8	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Envelopeld Stamping: Enabled	401 5th Ave
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Suite 100
	Seattle, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

## Record Tracking

Status: Original	Holder: Cherie Camp	Location: DocuSign
4/21/2021 12:50:48 PM	Cherie.Camp@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County General (ITD)	Location: DocuSign

## Signer Events

Claudia Balducci  
 claudia.balducci@kingcounty.gov  
 King County General (ITD)  
 Security Level: Email, Account Authentication (None)

## Signature

DocuSigned by:  
  
 7E1C273CE994B6...  
 Signature Adoption: Pre-selected Style  
 Using IP Address: 73.83.124.149

## Timestamp

Sent: 4/21/2021 12:53:12 PM  
 Viewed: 4/23/2021 11:58:33 AM  
 Signed: 4/23/2021 11:58:45 AM

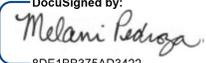
### Electronic Record and Signature Disclosure:

Not Offered via DocuSign  
 Supplemental Documents:

Ordinance 19268 Attachment A.pdf

Viewed: 4/23/2021 11:58:41 AM  
 Read: Not Required  
 Accepted: Not Required

Melani Pedroza  
 melani.pedroza@kingcounty.gov  
 Clerk of the Council  
 King County Council  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 8DE1BB375AD3422...  
 Signature Adoption: Uploaded Signature Image  
 Using IP Address: 198.49.222.20

Sent: 4/23/2021 11:58:47 AM  
 Viewed: 4/23/2021 12:10:50 PM  
 Signed: 4/23/2021 12:11:09 PM

### Electronic Record and Signature Disclosure:

Not Offered via DocuSign  
 Supplemental Documents:

Ordinance 19268 Attachment A.pdf

Viewed: 4/23/2021 12:11:04 PM  
 Read: Not Required  
 Accepted: Not Required

Dow Constantine  
 Dow.Constantine@kingcounty.gov  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 4FBCAB8196AE4C6...  
 Signature Adoption: Uploaded Signature Image  
 Using IP Address: 198.49.222.20

Sent: 4/23/2021 12:11:11 PM  
 Viewed: 4/26/2021 10:08:12 AM  
 Signed: 4/30/2021 4:52:58 PM

### Electronic Record and Signature Disclosure:

Accepted: 4/30/2021 4:52:32 PM  
 ID: 4f2d3fca-18f5-45a1-92b0-b48a55e3a1d4  
 Supplemental Documents:

Ordinance 19268 Attachment A.pdf

Viewed: 4/30/2021 4:52:49 PM  
 Read: Not Required

<b>Signer Events</b>	<b>Signature</b>	<b>Timestamp</b>
----------------------	------------------	------------------

Accepted: Not Required

<b>In Person Signer Events</b>	<b>Signature</b>	<b>Timestamp</b>
--------------------------------	------------------	------------------

<b>Editor Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
-------------------------------	---------------	------------------

<b>Agent Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
------------------------------	---------------	------------------

<b>Intermediary Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
-------------------------------------	---------------	------------------

<b>Certified Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
----------------------------------	---------------	------------------

<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
---------------------------	---------------	------------------

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
-----------------------	------------------	------------------

<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
----------------------	------------------	------------------

<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
--------------------------------	---------------	-------------------

Envelope Sent	Hashed/Encrypted	4/21/2021 12:53:12 PM
Certified Delivered	Security Checked	4/26/2021 10:08:12 AM
Signing Complete	Security Checked	4/30/2021 4:52:58 PM
Completed	Security Checked	4/30/2021 4:52:58 PM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
-----------------------	---------------	-------------------

<b>Electronic Record and Signature Disclosure</b>
---

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Carahsoft OBO King County ITD (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign, Inc. (DocuSign) electronic signing system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after signing session and, if you elect to create a DocuSign signer account, you may access them for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact Carahsoft OBO King County ITD:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: bob.johnson@kingcounty.gov

**To advise Carahsoft OBO King County ITD of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at bob.johnson@kingcounty.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc. to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in the DocuSign system.

**To request paper copies from Carahsoft OBO King County ITD**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to bob.johnson@kingcounty.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with Carahsoft OBO King County ITD**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to bob.johnson@kingcounty.gov and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**Required hardware and software**

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
----------------------------	---------------------------

\*\* These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Carahsoft OBO King County ITD as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Carahsoft OBO King County ITD during the course of my relationship with you.