



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 14, 2006**

**Ordinance 15646**

**Proposed No.** 2006-0401.2

**Sponsors** Phillips

1 AN ORDINANCE authorizing the vacation of a portion of  
2 44th Avenue South, File V-2532, Petitioners: James and  
3 Tammy Walz.  
4  
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of 44th  
8 Avenue South hereinafter described.  
9 2. The department of transportation notified the various utility companies  
10 serving the area and has been advised that easements are not required  
11 within the vacation area.  
12 3. The department of transportation records indicates that King County  
13 has not been maintaining 44th Avenue South. The records indicate that no  
14 public funds have been expended for its acquisition.  
15 4. The department of transportation considers the subject portion of the  
16 right-of-way useless as part of the King County road system and believes

17 the 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 \$4,996.76 from the petitioners.

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 17th day of October,  
26 2006.

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  
29 County 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 44th Avenue South (formerly Washington Avenue) as  
33 conveyed to King County by the recording of the Plat of Jovita Heights, recorded in  
34 Volume 20 of Plats, Page 12, records of King County, Washington as described below:

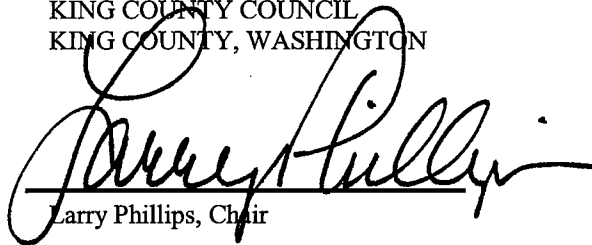
35 That portion of the east twenty feet of 44th Avenue South (formerly  
36 Washington Avenue) abutting and adjacent to the west line of Lots 5, 6,

37 7, and 8, of Block 96, of the Plat of Jovita Heights, recorded in Volume  
38 20 of Plats, Page 12, records of King County, Washington.  
39

Ordinance 15646 was introduced on 9/11/2006 and passed by the Metropolitan King County Council on 11/13/2006, by the following vote:

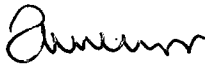
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Hague, Mr. Constantine and Ms. Patterson  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



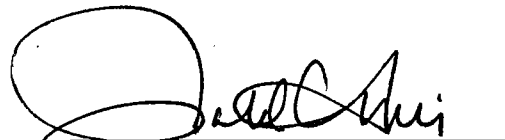
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20 day of November, 2006.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated October 24, 2006

RECEIVED  
2006 NOV 20 PM 1:08  
CLERK  
KING COUNTY COUNCIL

October 24, 2006

**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-2532  
Proposed Ordinance No. 2006-0401  
Parcel Nos. 375160-4071, 375160-4073, 375160-4078

**JAMES & TAMMY WALZ**  
Road Vacation Petition

**Location:** Portion of 44th Avenue South (aka Washington Avenue),  
in the Jovita area

**Petitioner:** **James & Tammy Walz**  
36906 – 44th Avenue South  
Auburn, Washington 98001  
Telephone: (253) 874-1222

**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-2532 was received by the Examiner on September 25, 2006.

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-2532 was opened by the Examiner at 1:42 p.m., October 17, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:46 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on October 19, 2006. 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 44th Avenue South
Right of way classification:	C
Area:	4,320.00 square feet
Compensation:	\$4,996.76

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 King County Hearing 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 October 17, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0401. 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. 10 and 12.
5. The subject right-of-way has never been publically opened, constructed or maintained.
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 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. 2006-0401 to vacate the subject road right-of-way.

RECOMMENDED this 24th day of October, 2006.

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Peter T. Donahue  
King County Hearing Examiner

TRANSMITTED this 24th day of October, 2006, to the following parties and interested persons:

Comcast  
Attn: Jim Nies  
4020 Auburn Way N.  
Auburn WA 98002

Lakehaven Water & Sewer  
Attn: Wes Hill  
31627 - 1st Ave. S.  
Federal Way WA 98063

Puget Sound Energy  
Attn: Sharon Scott  
P.O. Box 90868  
Bellevue WA 98009

Qwest  
Attn: Don Dauphiny  
1550 Newport Way NW  
Issaquah WA 98027

James & Tammy Walz  
35906 - 44th Ave. S.  
Auburn WA 98001

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 November 7, 2006*. 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 November 14, 2006*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> 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 OCTOBER 17, 2006, PUBLIC HEARING ON DEPARTMENT OF  
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2532.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Kelly Whiting and Nicole Keller, representing the Department, and James Walz the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the October 17, 2006 hearing, with 15 attachments
- Exhibit No. 2 Petition transmittal letter, dated July 21, 2005 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Letter to James & Tammy Walz dated July 15, 2005
- Exhibit No. 4 Petition for vacation including legal descriptions of petitioners' properties  
Received July 21, 2005
- Exhibit No. 5 Copy of the filing fee, check #404299 from the petitioners
- Exhibit No. 6 Receipt #738 for filing fee
- Exhibit No. 7 Letter to James & Tammy Walz dated September 2, 2005
- Exhibit No. 8 Final notice of proposed road vacation of 44 Avenue South dated  
December 2, 2005
- Exhibit No. 9 Revised legal description
- Exhibit No. 10 Vicinity map

- Exhibit No. 11 King County plat map of Jovita Heights, recorded in Volume 20 of Plats, Page 12, records of King County
- Exhibit No. 12 Map depicting revised vacation
- Exhibit No. 13 Letter to James & Tammy Walz dated June 12, 2006 requesting compensation
- Exhibit No. 14 Compensation worksheet
- Exhibit No. 15 Copy of compensation check for \$4,996.76
- Exhibit No. 16 Copy of King County deposit receipt #146622 dated June 28, 2006
- Exhibit No. 17 Transmittal letter dated July 3, 2006 to the Council from KC DOT
- Exhibit No. 18 Ordinance transmittal letter dated August 28, 2006 from KC Executive to Councilmember Larry Phillips
- Exhibit No. 19 Proposed Ordinance 2006-0401
- Exhibit No. 20 Fiscal Note
- Exhibit No. 21 Notice of Hearing
- Exhibit No. 22 Affidavit of Posting
- Exhibit No. 23 Affidavit of Publication for date of hearing

PTD:gao  
V-2532 RPT