



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 20, 2006

Ordinance 15651

Proposed No. 2006-0400.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 91st Avenue SW, File V-2520, Petitioners: John and Jan
3 Vangolen.

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STATEMENT OF FACTS:

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1. A petition has been filed requesting vacation of a portion of 91st
8 Avenue SW hereinafter described.

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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.

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3. To protect private interests, declarations of covenant providing for the

13

granting of future easements, as needed, for ingress and egress to parcels

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currently served by that portion of 91st Avenue SW described herein, have

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been recorded under Recording Nos. 20061018001451 and

16

20061018001441, records of King County.

17 4. The department of transportation records indicates that King County
18 has not been maintaining 91st Avenue SW. The records indicate that no
19 public funds have been expended for its acquisition.

20 5. The department of transportation considers the subject portion of the
21 right-of-way useless as part of the King County road system and believes
22 the public would benefit by the return of this unused area to the public tax
23 rolls.

24 6. The right-of-way is classified as "C-Class" and, in accordance with
25 K.C.C. 14.40.020, the compensation due King County is based on fifty
26 percent of the assessed value of the subject right-of-way, which was
27 determined from records of the department of assessments. King County
28 is in receipt of \$5,670.58 from the petitioners.

29 Due notice was given in the manner provided by law and a hearing was
30 held by the office of the hearing examiner on the 17th day of October
31 2006.

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

35 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

36 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
37 and abandons that portion of 91st Avenue SW as conveyed to King County by the
38 recording of the Plat of Dockton Addition, recorded in Volume 12 of Plats, Page 17,
39 records of King County, Washington as described below:

40 That portion of the 91st Avenue SW fifteen foot right-of-way, as dedicated in
41 the Plat of Dockton Addition, recorded in Volume 12 of Plats, Page 17,
42 records of King County, Washington, adjacent and abutting the east line of
43 the following described property:
44 Those portions of Tracts 45, 45A, and 46 of said Plat, lying between parallel
45 lines bearing North 74°24'00" West from points on the East margins of Tracts

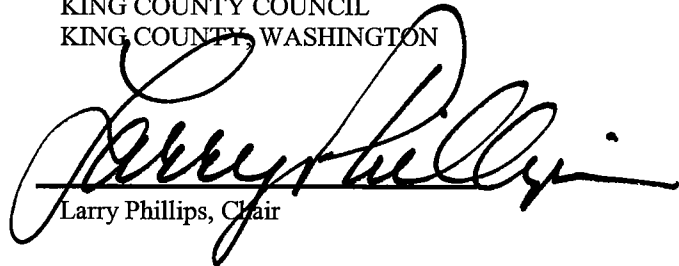
Ordinance 15651

46 45 and 46, South 2°26'00" West 282.20 feet and 487.60 feet more or less, as
47 measured along said East margin, from the Northeast corner of said Tract 45.
48

Ordinance 15651 was introduced on 9/11/2006 and passed by the Metropolitan King
County Council on 11/20/2006, by the following vote:

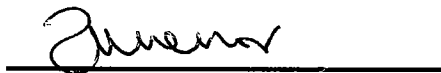
Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr.
Ferguson, Mr. Gossett, Ms. Hague and Mr. Constantine
No: 0
Excused: 1 - Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 30 day of November, 2006.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated October 31, 2006

RECEIVED
2006 DEC - 1 PM 4:16
CLERK
KING COUNTY COUNCIL

October 31, 2006

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

400 Yesler Way, Room 404
Seattle, Washington 98104
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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. V-2520
Proposed Ordinance No. 2006-0400
Parcel Nos. 205120-0291 & 205120-0292

JOHN AND JAN VANGOLEN
Road Vacation Petition

Location: Portion of 91st Avenue Southwest

Petitioner: John and Jan Vangolen
represented by **Jemima J. McCullum**
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP
P.O. Box 1157
Tacoma, Washington 98401-1157
Telephone: (253) 620-6520
Facsimile: (253) 620-6565

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 King County Hearing Examiner for Item No. V-2520 was received by the Examiner on September 21, 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-2520 was opened by the Examiner at 1:52 p.m., October 17, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 2:07 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing and copies of the executed and recorded Declarations of Covenants to Grant Easements (see Exhibits 22-24 and 26), all of which were 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 91st Avenue Southwest
Right of way classification:	C
Area:	3,086.40 square feet
Compensation:	\$5,670.58

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 October 17, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0400. 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 is not currently opened for public use, has not been constructed or maintained by the public, and is not used informally for access to any other than the fronting property.
6. The Petitioners have executed and recorded two Declarations of Covenants to Grant Easements for future private access to adjoining multi-parcel properties in the event they become separate ownerships.
7. An easement to Puget Sound Energy necessary to be retained for the construction, repair and maintenance of public utilities and services has been granted and recorded.

8. 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.
9. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
10. 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. 2006-0400 to vacate the subject road right-of-way.

RECOMMENDED October 31, 2006.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED October 31, 2006, to the following parties and interested persons:

Century Tel
Attn. Judy Emerick
8102 Skansie Ave. NW
Gig Harbor WA 98335

Jemima J. McCullum
P.O. Box 1157
Tacoma WA 98401

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

Nancy Gordon
KCDOT/D&C
MS KSC-TR-0431

Bill Hintz
KC DOT, Rd. Maint.
MS RSD-TR-0100

Don Dauphiny
Qwest Communications
1550 Newport Way NW
Issaquah WA 98027

Kitty Ogg
PSE
6522 Kitsap Way
Bremerton WA 98312

Neil DeGoojer
DNRP/WLRD
MS KSC-NR-0600

David Gualtieri
KCDOT/CIP & Planning
MS KSC-TR-0317

Nicole Keller
KC DOT, Rd. Svcs. Div.
MS KSC-TR-0231

Dockton Water Assoc.
Attn: Doug Bougstead
9246 SW Summerhurst Rd.
Vashon WA 98070

John & Jan Vangolen
25873 Dockton Rd. SW
Vashon WA 98070

Sarah Gagnon
DNRP - Wastewater Trtmt.
MS KSC-NR-0503

Denise Hauck
KC Dept. of Exec. Svcs.
MS ADM-ES-0500

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 14, 2006*. 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 November 21, 2006*.

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 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-2520.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Kelly Whiting and Nicole Keller, representing the Department and Jemima J. McCullum, representing 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 13 attachments
- Exhibit No. 2 Petition transmittal letter, dated February 22, 2005 to KC Department of Transportation, from Clerk of the Council

- Exhibit No. 3 Petition cover letter from the Petitioner's representative, Jemima J. McCullum dated February 1, 2005
- Exhibit No. 4 Petition for vacation of a County road including legal descriptions of petitioners' properties
- Exhibit No. 5 Copy of the filing fee; check #303812 from the Petitioner's representative, Jemima J. McCullum
- Exhibit No. 6 Receipt #705 from the King County Council
- Exhibit No. 7 Vicinity map depicting vacation area
- Exhibit No. 8 King County plat map of Docton, recorded in Volume 12 of Plats, Page 17, records of King County, Washington
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Final agency notice dated February 8, 2006
- Exhibit No. 11 Revised petition signed by Petitioner's representative, Jemima J. McCullum
- Exhibit No. 12 Letter to John & Jan Vangolen dated May 17, 2006 to the Petitioners
- Exhibit No. 13 Compensation worksheet
- Exhibit No. 14 Copy of compensation check in the amount of \$5,670.58
- Exhibit No. 15 Deposit receipt #146619
- Exhibit No. 16 Transmittal letter dated October 13, 2006 to the Council
- Exhibit No. 17 Ordinance transmittal letter dated August 28, 2006
- Exhibit No. 18 Proposed Ordinance 2006-0400
- Exhibit No. 19 Fiscal Note
- Exhibit No. 20 Notice of hearing
- Exhibit No. 21 Affidavit of posting for the hearing
- Exhibit No. 22 Affidavit of publication
- Exhibit No. 23 Signed, unrecorded copy of Declaration of Covenant to Grant Easement for Tax Parcel 2051200293
- Exhibit No. 24 Signed, unrecorded copy of Declaration of Covenant to Grant Easement for Tax Parcels 2051200291 & 2051200292
- Exhibit No. 25 Recorded copy of an easement with Puget Sound Energy, Inc. dated February 9, 2006
- Exhibit No. 26 Recorded easements