



King County

KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 23, 2007

Ordinance 15941

Proposed No. 2006-0371.2

Sponsors Phillips and Gossett

1 AN ORDINANCE authorizing the vacation of a portion of
 2 320th Avenue NE, File V-2525; Petitioners: Warren Moon
 3 of The Awareness Society, Paul Martin and Sandra
 4 Grumman.

5

6 STATEMENT OF FACTS:

7 1. A petition has been filed requesting vacation of a portion of 320th
 8 Avenue NE hereinafter described.

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.

12 3. The department of transportation records indicates that King County
 13 has not been maintaining 320th Avenue NE. 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 \$4,988.75 from the petitioners.

24 6. The petitioner has provided an access and utility easement over the
25 subject vacation area. The easement was recorded under Recording No.
26 20070717000641, records of King County, Washington.

27 Due notice was given in the manner provided by law and a hearing was
28 held by the office of the hearing examiner on the 18th day of October
29 2006.

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

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
35 and abandons that portion of 320th Avenue NE as conveyed to King County by the
36 recording of the Plat of Cherry Gardens Division No. 3, recorded in Volume 22 of Plats,
37 Page 26, records of King County, Washington as described below:

38 That portion of 320th Avenue NE sixty foot right of way, abutting and
39 adjacent to the west lines of Tracts 188 and 189 of the Plat of Cherry

40 Gardens Division No. 3, recorded in Volume 22 of Plats, Page 26, records
41 of King County, Washington.
42

Ordinance 15941 was introduced on 1/16/2007 and passed by the Metropolitan King County Council on 10/22/2007, by the following vote:

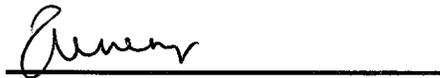
Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr. Dunn, Mr. Ferguson, Mr. Phillips and Mr. Constantine
No: 0
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 2 day of NOVEMBER 2007.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated September 26, 2007

RECEIVED
2007 NOV -2 PM 4:27
KING COUNTY COUNCIL

September 26, 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-2525**
Proposed Ordinance No. **2006-0371**
Parcel Nos. **155000-0630, 155000-0620, 155000-0640, 155000-0643**

THE AWARENESS SOCIETY
Road Vacation Petition

Location: Portion of 320th Avenue Northeast (aka Cedar Road)

Petitioner: **The Awareness Society**
c/o Warren Moon
26425 Allen Street, Ste. 203
Duvall, Washington 98019
Telephone: (425) 788-1301

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 with revised easement finding
Examiner's:	Approve road vacation with revised easement finding

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2525 was received by the Examiner on August 30, 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-2525 was opened by the Examiner on October 18, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104. The hearing was continued administratively for receipt of revised ordinance language and a copy of a acceptable access and utility easement, which were received in complete acceptable form on August 20, 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 320th Avenue Northeast (aka Cedar Road)
Right of way classification:	C
Area:	34,538 square feet
Compensation:	\$4,988.75

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 18, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0371. 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, constructed or maintained for public use, and is not known to be used informally for access to any property.
6. The Petitioner and other grantors have executed and recorded a private access and utility easement to the adjoining Chen property to provide for sufficient access and utility provision in lieu of the right-of-way requested to be vacated.
7. 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.

- 8. An easement to Puget Sound Energy necessary to be retained for the construction, repair and maintenance of its utility facilities has been granted and recorded. No other easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.
- 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. 2006-0371 to vacate the subject road right-of-way.

RECOMMENDED September 26, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED September 26, 2007, to the following parties and interested persons:

Comcast, Inc.
Attn: Dianne Albright
1525 - 75th St. SW, Ste. 200
Everett WA 98203

King County Water District
Attn: Astrid Perry
11106 - 318th Pl. NE
Carnation WA 98014

Millennium Digital Media
Attn: Larry Maley
4316 S. 104th Pl.
Seattle WA 98178

Puget Sound Energy
Attn: Jennifer Mai
P.O. Box 98068
Bellevue WA 98009

The Awareness Society
Attn: Warren Moon
26425 Allen St., Ste 203
Duvall WA 98019

Verizon Communications
Attn: Mike Feskens
P.O. Box 1003
Everett WA 98206-1003

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

Neil DeGoojer
DNRP/WLRD
MS KSC-NR-0600

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 October 10, 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 October 17, 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 OCTOBER 18, 2006, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2525.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department. There were no other participants.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the October 18, 2006 hearing, with 15 attachments.
- Exhibit No. 2 Petition transmittal letter, dated April 12, 2005 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Letter of explanation from the Petitioner

- Exhibit No. 4 Petition for vacation of a county road which includes legal descriptions of the Petitioner's properties received April 12, 2005
- Exhibit No. 5 Copy of the filing fee, check #9248 from the Petitioners
- Exhibit No. 6 Receipt #721 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 King County plat map of Cherry Gardens, Division No. 3, recorded in Volume 22 of plats, page 26, records of King County, Washington
- Exhibit No. 9 Map depicting the vacation area
- Exhibit No. 10 Copy of final agency notice dated December 28, 2005 which includes e-mail verification of recipients
- Exhibit No. 11 Letter to Warren Moon of The Awareness Society dated February 23, 2006 requesting compensation
- Exhibit No. 12 Compensation worksheet
- Exhibit No. 13 Copy of the compensation check in the amount of \$4,988.75
- Exhibit No. 14 Deposit receipt dated May 15, 2006
- Exhibit No. 15 Transmittal letter dated February 24, 2006 to the Council recommending approval
- Exhibit No. 16 Ordinance transmittal letter dated August 9, 2006 from the King County Executive to Councilmember Larry Phillips
- Exhibit No. 17 Proposed Ordinance 2006-0371
- Exhibit No. 18 Fiscal Note
- Exhibit No. 19 Notice of hearing
- Exhibit No. 20 Affidavit of posting
- Exhibit No. 21 Affidavit of publication for date of hearing
- Exhibit No. 22 Easement document from Puget Sound Energy, Inc.
- Exhibit No. 23 KCDOT memo with recorded access and utility easement and signature authority

PTD:gao

V-2525 RPT