



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 6, 2005

Ordinance 15339

Proposed No. 2005-0326.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 Southeast 40th Street, File V-2494, Petitioners: Stephen
3 and Claudia Handley.
4
5

6 **STATEMENT OF FACTS:**

- 7 1. A petition has been filed requesting vacation of a portion of Southeast
8 40th Street hereinafter described.
- 9 2. The department of transportation notified the various utility companies
10 serving the area and has been advised that easements were not required
11 within the vacation area.
- 12 3. The department of transportation records indicates that King County
13 has been maintaining Southeast 40th Street. 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 county road system and believes the

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 "B-Class" and, in accordance with
20 K.C.C. 14.40.020, the compensation due King County is based on
21 seventy-five percent of the assessed value of the subject right-of-way
22 which was determined from records of the department of assessments.
23 King County is in receipt of \$2,157.00 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 19th day of October,
26 2005.

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 Southeast 40th Street , abutting Lot 1, Block 4, as conveyed
33 to King County by the recording of Leawood Addition, recorded in Volume 62, Page 90,
34 records of King County, Washington as described below:

35 Beginning at the Southeast corner of said Lot 1; Thence North 88°32'34"
36 West along South line 44.98 feet; to the TRUE POINT OF BEGINNING;
37 Thence continuing along said South line 75.02 feet; Thence South
38 01°27'26" West 2.63 feet; Thence S85°44'18"E 19.27 feet; Thence North

39 02°27'27"East, 2.18 feet; Thence South 86°14'24" East 55.79 feet; Thence
40 North 01°27'26" East 3.64 feet to the TRUE POINT OF BEGINNING.

41

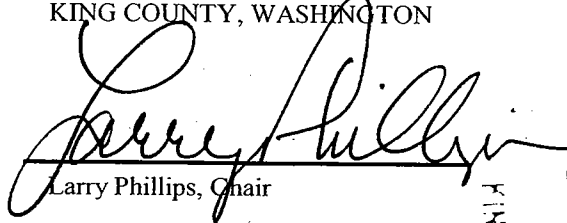
Ordinance 15339 was introduced on 8/15/2005 and passed by the Metropolitan King
County Council on 12/5/2005, by the following vote:

Yes: 9 - Mr. Phillips, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Hammond,
Mr. Gossett, Ms. Hague, Mr. Irons and Mr. Constantine

No: 0

Excused: 4 - Ms. Edmonds, Mr. von Reichbauer, Mr. Pelz and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

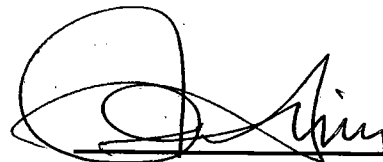
ATTEST:



Anne Noris, Clerk of the Council

RECEIVED
2005 DEC 16 PM 1:40
CLERK
KING COUNTY COUNCIL

APPROVED this 16 day of December, 2005.



Ron Sims, County Executive

Attachments A. Hearing Examiner Report dated November 7, 2005

November 7, 2005

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2494**
Proposed Ordinance No. **2005-0326**

STEPHEN & CLAUDIA HANDLEY
Road Vacation Petition

Location: Portion of the north four (4) feet of Southeast 40th Street adjacent to Lot 1, Block 4, as recorded in Leawood Addition Plat

Petitioner: Stephen & Claudia Handley
represented by **Stuart W. Carson**, Attorney
O'Brien & Associates, Inc., P.S.
175 Northeast Gilman Boulevard, Suite 100
Issaquah, Washington 98027
Telephone: (425) 707-6426

King County: Department of Transportation, Road Services Division
represented by **Nicole Keller**
201 South Jackson Street
Seattle, Washington 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:
Department's Final:
Examiner:

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-

2494 was received by the Examiner on October 18, 2005.

PUBLIC HEARING:

After reviewing the Department of Transportation'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-2494 was opened by the Examiner at 1:45 p.m., Wednesday, October 19, 2005, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:52 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on October 26, 2005. 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 King County 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 Southeast 40 th Street
Right of way classification:	B Class
Area:	200 square feet
Compensation:	\$2,157.00

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the October 19, 2005, public hearing and the statement of facts contained in Proposed Ordinance No. 2005-0326. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated appear in the hearing record as exhibit nos. 5 and 6.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County.

4. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2005-0326 to vacate the subject road.

RECOMMENDED this 7th day of November, 2005.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 7th day of November, 2005, to the following parties and interested persons:

Stuart Carson
O'Brien & Assoc., Inc.
175 NE Gilman Blvd., #100
Issaquah WA 98027

Comcast
Attn: Kermit Benson
410 Valley Ave. NW, Bldg. C-
Puyallup WA 98371

Don Dauphiny
Qwest Communications
1550 Newport Way NW
Issaquah WA 98027

Mark Dewey
City of Bellevue Utilities
P.O. Box 90012
Bellevue WA 98009-9012

Stephen & Claudia Handley
3925 - 161st Ave. SE
Bellevue WA 98006

Judy McCollum
Puget Sound Energy
411 - 108th Ave. NE
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

Kris Langley
DDES/LUSD
MS OAK-DE-0100

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 21, 2005*. 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 28, 2005*.

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 19, 2005, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2494.

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

The following Exhibits were offered and entered into the record:

- | | |
|---------------|--|
| Exhibit No. 1 | DOT report to the Hearing Examiner dated October 12, 2005 with 15 attachments |
| Exhibit No. 2 | Petition transmittal letter dated December 9, 2003 to DOT from the Clerk of the Council received December 15, 2003 |
| Exhibit No. 3 | Letter of explanation dated December 8, 2003 and Petition for Vacation of a County Road, legal descriptions of Petitioner's properties, map of property to be vacated, and statutory warranty deed |
| Exhibit No. 4 | Copy of filing fee; check #1044 from petitioners |
| Exhibit No. 5 | Vicinity map from Thomas Brothers, page 597 |
| Exhibit No. 6 | Plat map of Leawood Addition |
| Exhibit No. 7 | Map depicting vacation area |

- Exhibit No. 8 Letter from Stuart W. Carson, Attorney for the Handley's dated February 3, 2005 transmitting compensation check #19448
- Exhibit No. 9 Copy of compensation check and deposit receipt
- Exhibit No. 10 Letter from Paulette Norman to Handley's Attorney, Stuart W. Carson dated February 22, 2005 identifying DOT recommendation and requesting compensation
- Exhibit No. 11 Compensation worksheet
- Exhibit No. 12 Ordinance transmittal letter dated July 29, 2005 from King County Executive to Councilmember Larry Phillips
- Exhibit No. 13 Proposed Ordinance 2005-0326
- Exhibit No. 14 Fiscal Note
- Exhibit No. 15 Notice of Hearing
- Exhibit No. 16 Affidavit of Posting for Hearing
- Exhibit No. 17 Transmittal letter dated March 1, 2005 to Council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 18 Affidavit of Publication

PTD:gao
V-2494 RPT

Return Address:
Clerk of the Council
Metropolitan King County Council
Mail stop KCC-CC 1039



20051227000021
KING COUNTY CO ORD 0.00
PAGE 001 OF 010
12/27/2005 09:00
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in) 1. Ordinance 15339 AN ORDINANCE authorizing the vacation of portions of Southeast 40th Street, File V-2494 Petitioner: Stephen and Claudia Handley.	
Reference Number(s) of Documents assigned or released: Additional reference #'s on page _____ of document	RECEIVED 2008 JAN 18 AM 8:37 KING COUNTY CLERK KING COUNTY COUNCIL
Grantor(s) (Last name, first name, initials) 1. King County, Washington Additional names on page _____ of document.	
Grantee(s) (Last name first, then first name and initials) 1. _____ 2. _____ Additional names on page _____ of document.	
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) Beginning at the Southeast corner of said Lot 1; Thence North 88 32'34" West along South line 44.98 feet... Additional legal is on page _____ of document.	
Assessor's Property Tax Parcel/Account Number _____	Assessor Tax # not yet assigned
The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.	

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

December 6, 2005

Ordinance 15339

Proposed No. 2005-0326.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 Southeast 40th Street, File V-2494, Petitioners: Stephen
3 and Claudia Handley.
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STATEMENT OF FACTS:

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1. A petition has been filed requesting vacation of a portion of Southeast
40th Street hereinafter described.

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serving the area and has been advised that easements were not required
within the vacation area.

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has been maintaining Southeast 40th Street. The records indicate that no
public funds have been expended for its acquisition.

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right-of-way useless as part of the county road system and believes the

17 public would benefit by the return of this unused area to the public tax
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19 5. The right-of-way is classified as "B-Class" and, in accordance with
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22 which was determined from records of the department of assessments.
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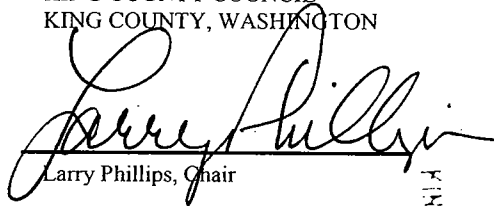
Ordinance 15339

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Yes: 9 - Mr. Phillips, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Hammond,
Mr. Gossett, Ms. Hague, Mr. Irons and Mr. Constantine
No: 0
Excused: 4 - Ms. Edmonds, Mr. von Reichbauer, Mr. Pelz and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

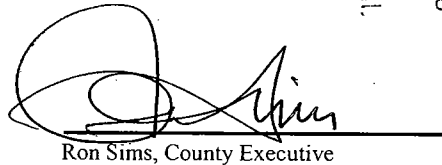

Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 16 day of December 2005.



Ron Sims, County Executive

RECEIVED
2005 DEC 16 PM 1:40
KING COUNTY COUNCIL
CLERK

Attachments A. Hearing Examiner Report dated November 7, 2005

November 7, 2005

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. V-2494
Proposed Ordinance No. 2005-0326

STEPHEN & CLAUDIA HANDLEY

Road Vacation Petition

Location: Portion of the north four (4) feet of Southeast 40th Street adjacent to Lot 1, Block 4, as recorded in Leawood Addition Plat

Petitioner: Stephen & Claudia Handley
represented by **Stuart W. Carson**, Attorney
O'Brien & Associates, Inc., P.S.
175 Northeast Gilman Boulevard, Suite 100
Issaquah, Washington 98027
Telephone: (425) 707-6426

King County: Department of Transportation, Road Services Division
represented by **Nicole Keller**
201 South Jackson Street
Seattle, Washington 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:
Department's Final:
Examiner:

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-

2494 was received by the Examiner on October 18, 2005.

PUBLIC HEARING:

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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 Southeast 40 th Street
Right of way classification:	B Class
Area:	200 square feet
Compensation:	\$2,157.00

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the October 19, 2005, public hearing and the statement of facts contained in Proposed Ordinance No. 2005-0326. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated appear in the hearing record as exhibit nos. 5 and 6.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County.

4. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2005-0326 to vacate the subject road.

RECOMMENDED this 7th day of November, 2005.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 7th day of November, 2005, to the following parties and interested persons:

Stuart Carson
O'Brien & Assoc., Inc.
175 NE Gilman Blvd., #100
Issaquah WA 98027

Comcast
Attn: Kermit Benson
410 Valley Ave. NW, Bldg. C-
Puyallup WA 98371

Don Dauphiny
Qwest Communications
1550 Newport Way NW
Issaquah WA 98027

Mark Dewey
City of Bellevue Utilities
P.O. Box 90012
Bellevue WA 98009-9012

Stephen & Claudia Handley
3925 - 161st Ave. SE
Bellevue WA 98006

Judy McCollum
Puget Sound Energy
411 - 108th Ave. NE
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.
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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

Kris Langley
DDES/LUSD
MS OAK-DE-0100

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

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MINUTES OF THE OCTOBER 19, 2005, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2494.

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

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PTD:gao
V-2494 RPT