



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 14, 2006

Ordinance 15644

Proposed No. 2006-0369.2

Sponsors Phillips

1 AN ORDINANCE authorizing the vacation of a portion of
2 NE 165th Street, File V-2519, Petitioner: Lysanne Cape.

3
4

5 **STATEMENT OF FACTS:**

6 1. A petition has been filed requesting vacation of a portion of NE 165th
7 Street hereinafter described.

8 2. The department of transportation notified the various utility companies
9 serving the area and has been advised that easements have either been
10 obtained or are not required within the vacation area. A sensitive areas
11 review will be required prior to any future development, clearing, or other
12 site alteration within the vacation area.

13 3. The department of transportation records indicates that King County
14 has not been maintaining NE 165th Street. The records indicate that no
15 public funds have been expended for its acquisition.

16 4. The department of transportation considers the subject portion of the
17 right of way useless as part of the county road system and believes the

18 public would benefit by the return of this unused area to the public tax
19 rolls.

20 5. The right of way is classified as “C-Class” and, in accordance with
21 K.C.C. 14.40.020, the compensation due King County is based on fifty
22 percent of the assessed value of the subject right of way, which was
23 determined from records of the department of assessments. King County
24 is in receipt of \$14,273.43 from the petitioner.

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

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

31 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

32 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
33 and abandons that portion of NE 165th Street as conveyed to King County by the
34 recording of King County Short Plat 1081058 recorded in 8204260555, records of King
35 County, Washington as described below:

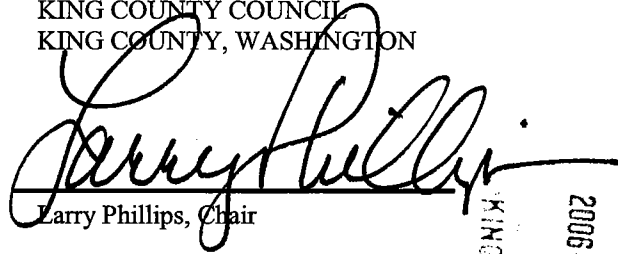
36 That portion of NE 165th Street right-of-way as dedicated by the
37 recording of King County Short Plat 1081058 recording number
38 8204260555, records of King County, Washington, described as follows:

39 The north 30 feet of NE 165th Street abutting and adjacent to the south
40 line of Lot 1 of said Short Plat. Except that portion previously vacated by
41 King County Ordinance No. 9370, passed March 27, 1990.
42

Ordinance 15644 was introduced on 8/28/2006 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



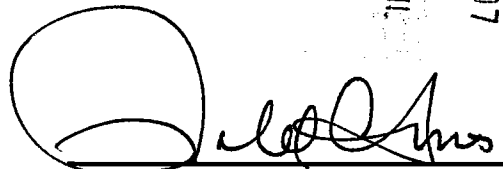
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20 day of NOVEMBER, 2006.



Ron Sims, County Executive

RECEIVED
2006 NOV 20 PM 1:07
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner Report dated October 24, 2006

15644

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-2519**
Proposed Ordinance No. **2006-0369**
Parcel No. **82606-9131**

LYSANNE CAPE
Road Vacation Petition

Location: Portion of Northeast 165th Street, between Woodinville and Duvall

Petitioner: **Lysanne Cape**
19800 Northeast 165th Street
Woodinville, Washington 98077-9498
Telephone: (206) 406-5776

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-2519 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-2519 was opened by the Examiner at 1:30 p.m., October 18, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:34 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 Northeast 165th Street
Right of way classification:	C
Area:	7,338.00 square feet
Compensation:	\$14,273.43

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. 2006-0369. 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. 8 and 10.
5. The subject right-of-way segment has not been opened, constructed or maintained by the public.
6. The NE 165th Street right-of-way in the subject area is 60 feet wide. The right-of-way segment proposed to be vacated is the northern half (30 feet wide). Several neighbors expressed concern that an informal pedestrian trail now known to be located in the *southern* half of the right-of-way would be affected or lost; since the trail is outside the portion to be vacated, it will be unaffected by the vacation.
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. The right-of-way is not necessary for the present or future road system for travel or utilities purposes.
9. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.
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. 2006-0369 to vacate the subject road right-of-way.

RECOMMENDED this 24th day of October, 2006.

Peter T. Donahue
King County Hearing Examiner

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

Lysanne Cape
20121 SE Stark St., Apt. 235
Portland OR 97233

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

Puget Sound Energy
Attn: Bill Craven
P.O. Box 90868
Bellevue WA 98009

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

Woodinville Water District
17238 Woodinville-Duvall Road
PO Box 1390
Woodinville WA 98072-1390

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

Denise Hauck
KC Dept. of Exec. Svcs.

Bill Hintz
KC DOT, Rd. Maint.

MS KSC-TR-0317

Nicole Keller
KC DOT, Rd. Svcs. Div.
MS KSC-TR-0231Paulette Norman
KCDOT/RD SERV.
MS KSC-TR-0231Charlie Sundberg
Bus. Rel. & Economic Dev.
MS BOA-EX-2000

MS ADM-ES-0500

Kristen Langley
KC-DOT/RSD
MS KSC-TR-0222Robert Nunnenkamp
KC DNRP/Prog Dev.
MS KSC-NR-0700Kelly Whiting
KC DOT, Rd. Svcs. Div.
MS KSC-TR-0231

MS RSD-TR-0100

Tom Lew
KC DNRP/WLRD
MS KSC-NR-0600Lydia Reynolds-Jones
KC DOT/RD SERV.
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 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-2519.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole

Keller, representing the Department and Lysanne Cape, the Petitioner.

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 February 10, 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 Petitioner's properties received February 10, 2005
- Exhibit No. 5 Signed letters from surrounding neighbors supporting the petition
- Exhibit No. 6 Copy of the filing fee, check #2072 from the Petitioners
- Exhibit No. 7 Receipt #699 for filing fee
- Exhibit No. 8 Vicinity map
- Exhibit No. 9 King County short plat number 1081058, records of King County, Washington
- Exhibit No. 10 Map depicting the vacation area
- Exhibit No. 11 Letter to Petitioner dated April 27, 2006 requesting a revised petition to correct several errors in the legal description
- Exhibit No. 12 Signed revised petition received May 17, 2006
- Exhibit No. 13 Letter to Patrick & Lysanne Cape dated December 30, 2005 on DOT's recommendation and requesting compensation
- Exhibit No. 14 Compensation worksheet
- Exhibit No. 15 Compensation cover letter to DOT from Lysanne Cape dated March 14, 2006
- Exhibit No. 16 Copy of the compensation check in the amount of \$14,273.43
- Exhibit No. 17 Deposit receipt dated March 16, 2006
- Exhibit No. 18 Transmittal letter dated January 6, 2006 to the Council recommending approval
- Exhibit No. 19 Ordinance transmittal letter dated August 9, 2006 from the King County Executive to Councilmember Larry Phillips
- Exhibit No. 20 Proposed Ordinance 2006-0369
- Exhibit No. 21 Fiscal Note
- Exhibit No. 22 Notice of hearing
- Exhibit No. 23 Affidavit of posting
- Exhibit No. 24 Affidavit of publication for date of hearing
- Exhibit No. 25 Email from Jerry Numata to Nicole Keller dated August 29, 2006 expressing concern over walking path located in the right-of-way
- Exhibit No. 26 Email from Carol & Bill Guenzier dated October 4, 2006 expressing concern over walking path located in the right-of-way
- Exhibit No. 27 Email from Nicole Keller to Jerry Numata and Carol & Bill Guenzier dated October 17, 2006 in response to their emails
- Exhibit No. 28 Email from Jerry Numata to Nicole Keller dated October 17, 2006 thanking Nicole Keller for her answer