



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 7, 2010

Ordinance 16986

Proposed No. 2010-0549.2

Sponsors Ferguson

1 AN ORDINANCE authorizing the vacation of portions of
2 Jos W. Wilkinson Road, County Road No. 259, also known
3 as Frank Stossel Road, County Road No. 1023, File V-
4 2650; Petitioner: King County department of natural
5 resources and parks.

6 STATEMENT OF FACTS:

- 7 1. A petition has been filed requesting vacation of portions of the Jos W.
8 Wilkinson Road, County Road No. 259, also known as Frank Stossel
9 Road, County Road No. 1023, hereinafter described.
- 10 2. The department of transportation notified the various utility companies
11 serving the area and has been advised that easements are not required
12 within the vacation areas.
- 13 3. The department of transportation records indicate that King County has
14 in the past maintained Jos W. Wilkinson Road, County Road No. 259, also
15 known as Frank Stossel Road, County Road No. 1023 but the portions
16 requested for vacation are no longer maintained. The records indicate that
17 no public funds have been expended for its acquisition.
- 18 4. The department of transportation considers the subject portions of
19 right-of-way useless as part of the county road system and believes the

20 public would benefit by the return of these unused areas to the adjacent
21 property for public parking.

22 5. The rights-of-way are classified as "B-Class" and, in accordance with
23 King County Code 14.40.020, the compensation due to King County for a
24 road vacation may be waived for governmental agencies at the discretion
25 of the King County council. Three factors support waiving of the
26 compensation: a. the proposed vacation area will be used to construct
27 public parking for the Chinook Bend Natural Area; b. the adjoining lands
28 are designated open space and are for public recreational purposes and are
29 therefore tax exempt; and c. the petitioner is a county agency. Therefore,
30 the road services division and the hearing examiner recommend that the
31 full amount of compensation due to King County for this petition be
32 waived.

33 Due notice was given in the manner provided by law and a hearing was
34 held by the office of the hearing examiner on the 3rd day of November,
35 2010.

36 In consideration of the benefits to be derived from the subject vacation,
37 the council has determined that it is in the best interest of the citizens of
38 King County to grant said petition.

39 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

40 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
41 and abandons those portions of the Jos W. Wilkinson Road, County Road No. 259, also
42 known as Frank Stossel Road, County Road No. 1023 right-of-way, as conveyed to King

43 County by the recording of the quit-claim deed recorded in Volume 855 of Deeds, on
44 Page 23, records of King County, Washington, as depicted in Attachment A, and
45 described below:

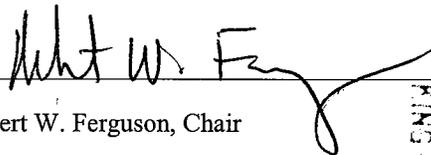
46 Those portions of the 60-foot wide right-of-way of Jos W. Wilkinson
47 Road, County Road No. 259, also known as Frank Stossel Road, County
48 Road No. 1023, located within Government Lots 3 and 4, in the northwest
49 quarter of Section 9, Township 25 North, Range 7 East, Willamette
50 Meridian, King County, Washington, lying north and east of the easterly
51 right-of-way margin of Carnation Farms Road, as described in King

52 County Survey No. 9-25-7-7, Stossel Bridge Westerly, dated June 18,
53 1956.
54

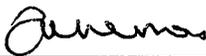
Ordinance 16986 was introduced on 10/4/2010 and passed by the Metropolitan King County Council on 12/6/2010, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Robert W. Ferguson, Chair

ATTEST:


Anne Noris, Clerk of the Council

RECEIVED
2010 DEC 18 AM 2:30
KING COUNTY COUNCIL CLERK

APPROVED this 16 day of DEC., 2010.


Dow Constantine, County Executive

Attachments: A. Road Vacation Legal Description, B. Hearing Examiner Report dated November 16, 2010

Parametrix, Inc.

ROAD VACATION LEGAL DESCRIPTION

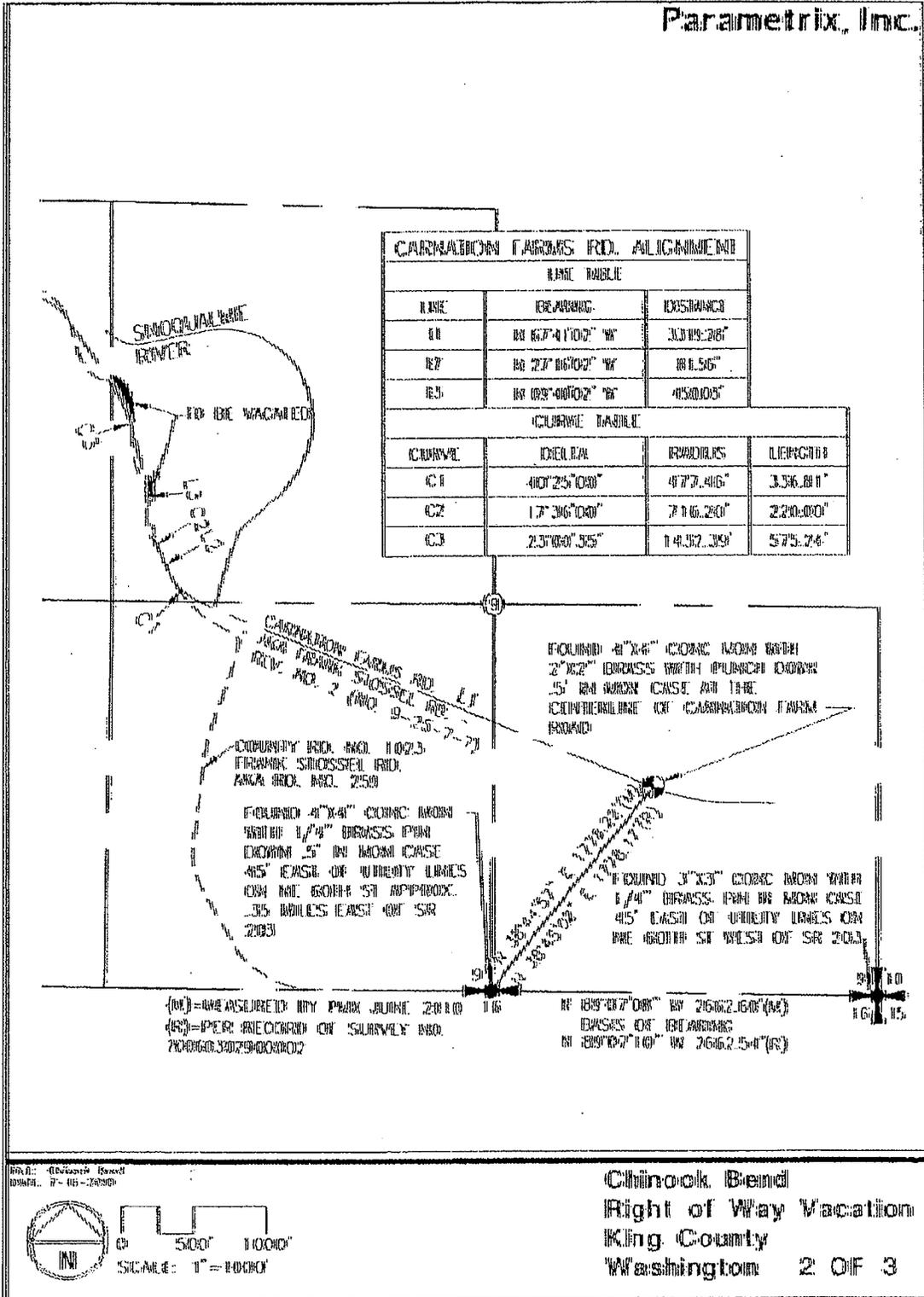
THOSE PORTIONS OF THE 60 FOOT WIDE RIGHT-OF-WAYS OF KING COUNTY ROAD NUMBERS 259 AND 1023 LOCATED WITHIN GOVERNMENT LOTS 3 AND 4 IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 7 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING NORTH AND EAST OF THE EASTERLY RIGHT-OF-WAY OF CARMATION FARMS ROAD, AS DESCRIBED IN SURVEY NUMBER 9-25-7-7, SNOSSSEL BRIDGE WESTERLY, DATED JUNE 18, 1956 .



7/16/10

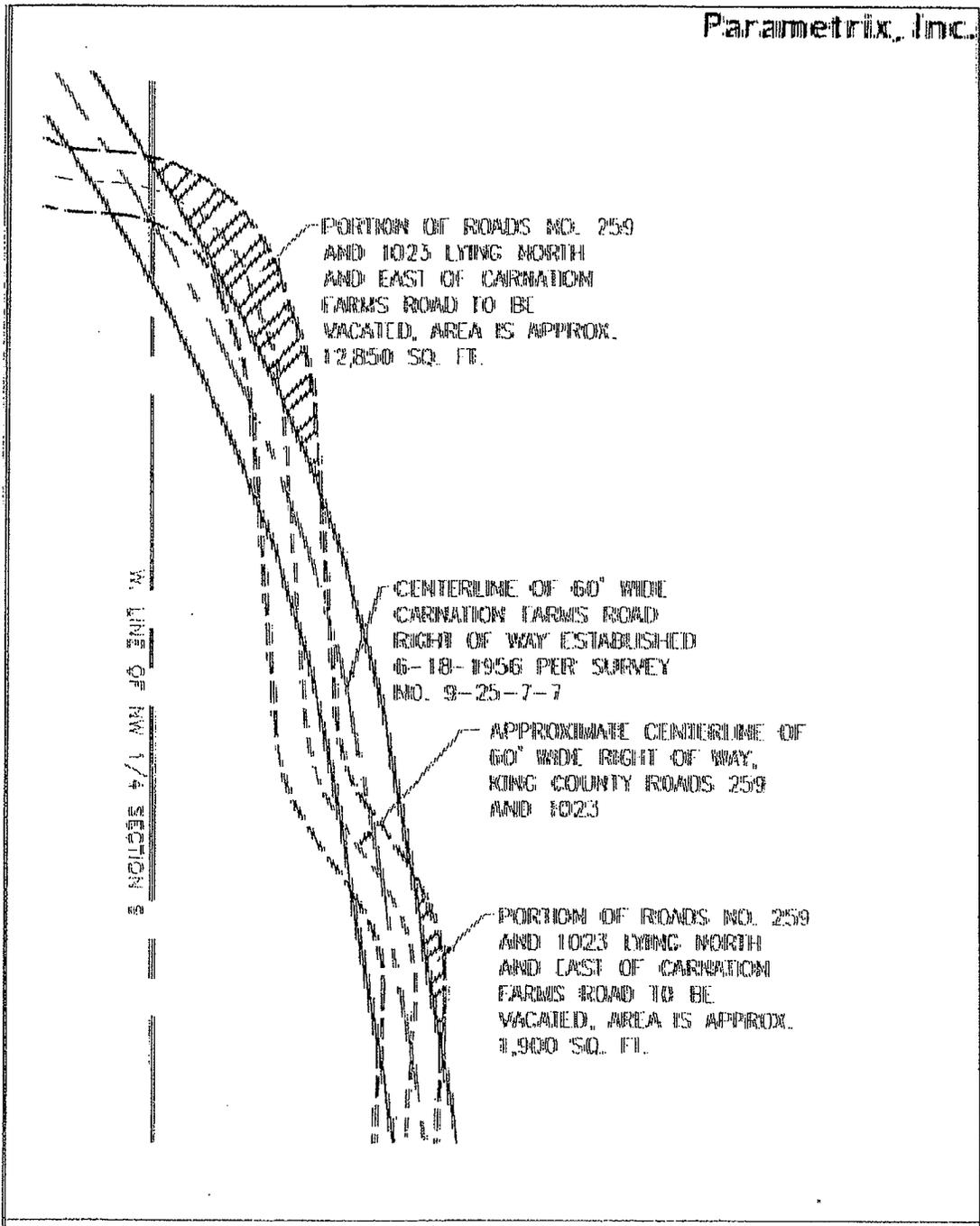
PKR: R. Johnson, Rev. 0
DATE: 2-15-2020

Chinook Bend
Right of Way Vacation
King County
Washington 1 OF 3

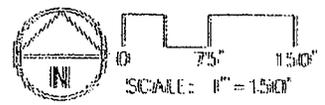


Chinook Bend
 Right of Way Vacation
 King County
 Washington 2 OF 3

Parametrix, Inc.



FILE: CHIMOOK Bend
DATE: 7-18-1970



Chimook Bend
Right of Way Vacation
King County
Washington 3 OF 3

November 16, 2010

**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 hearingexaminer@kingcounty.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation file no. **V-2650**
 Proposed Ordinance no. **2010-0549**
 Parcel no. **092507-9008**

KING COUNTY PARKS AND RECREATION DIVISION
 Road Vacation Petition

Location: Portion of Jos. W. Wilkinson Road adjacent to NE Carnation Farm Road
 at the Chinook Bend of the Snoqualmie River, north of Carnation

Petitioner: King County Department of Natural Resources and Parks (DNRP)
 Parks and Recreation Division
represented by Kevin Brown
 500 Fourth Avenue
 Seattle, Washington 98104
 Telephone: (206) 296-8631
 Email: kevin.brown@kingcounty.gov

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

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation and waive compensation
Department's Final:	Approve road vacation and waive compensation
Examiner's:	Approve road vacation and waive compensation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the Hearing Examiner for road vacation petition V-2650 was received by the Examiner on October 15, 2010.

PUBLIC HEARING:

After reviewing the Department's report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the petition and report as follows:

The hearing was opened by the Examiner on November 3, 2010, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104. The hearing was then continued administratively for receipt of the Affidavit of Publication, which was received November 4, 2010. 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:	Portions of Jos. W. Wilkinson Road
Right of way classification:	B Class
Area:	14,750 square feet
Compensation:	\$553.13 (recommended for waiver)
2. 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 herein, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report and the statements of fact contained in Proposed Ordinance No. 2010-0549. 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 areas to be vacated are in the hearing record as exhibit nos. 6 and 11.
5. The subject right-of-way segments are not currently opened, constructed or maintained for public use, and are not known to be used informally for access to any property.
6. Vacation of the rights-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting properties and surrounding area.
7. The rights-of-way are not necessary for the present or future public road system for travel or utilities purposes.
8. No easements are necessary to be retained for construction, repair and maintenance of public utilities and services.
9. The compensation normally required by law to be paid as a condition precedent to vacation of these road segments is \$553.13. However, KCC 14.40.020.D allows a compensation waiver for public agencies, at the Council's discretion.¹ KCDOT Road Services recommends that the

¹ "When a road is vacated for a governmental agency, compensation shall be in accordance with the classification of the road, except that some or all of the compensation may be waived at the discretion of

compensation be waived in this case, given two factors: a) the proposed road vacation area will be used for public parking for the Chinook Bend Natural Area, and b) the adjoining lands are designated open space for public recreation purposes and are tax exempt.

CONCLUSION:

1. The right-of-way segments subject to this petition are not useful as part of the King County road system, and the public will be benefited by their vacation.
2. As the governmental agency compensation waiver provided by KCC 14.40.020.D in essence recognizes a public benefit from waiving compensation in the spirit of interagency cooperation, and nothing in the record suggests that the waiver should not be granted in this case, the Examiner concurs with and reiterates KCDOT's recommendation of waiver. The Examiner also notes that the Petitioner is a county agency so there is no net loss of funds to the county, which further supports the recommendation of waiver. Should the Council disagree with the recommendation of waiver, the funds should be required to be deposited with King County as a precondition of approval.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2010-0549 to vacate the subject road right-of-way segments and waive compensation pursuant to KCC 14.40.020.D.

RECOMMENDED November 16, 2010.



Peter T. Donahue
King County Hearing Examiner

**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 30, 2010*. If a notice of appeal is filed, the original and two 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 December 7, 2010*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1039, King County Courthouse, 516 Third 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

the council." [KCC 14.40.020.D]

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 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 NOVEMBER 3, 2010, PUBLIC HEARING ON THE KING COUNTY PARKS AND RECREATION DIVISION'S PETITION FOR ROAD VACATION, DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2650.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller representing the Department and Tina Miller representing the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the November 3, 2010 hearing, with 18 attachments.
- Exhibit No. 2 Letter from Clerk of the Council to King County Department of Transportation (KCDOT) transmitting petition, dated May 20, 2010
- Exhibit No. 3 Cover letter to vacation petition, dated May 11, 2010
- Exhibit No. 4 Petition for Vacation of a County Road including legal description of Petitioner's property
- Exhibit No. 5 Copy of filing fee: King County Interfund Transfer Voucher no. 1005154, dated May 12, 2010
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Quit-Claim Deed establishing public road, signed July 13, 1914
- Exhibit No. 8 Map depicting vacation area
- Exhibit No. 9 Survey of vacation area
- Exhibit No. 10 Revised Petition for Vacation of a County Road including legal description of Petitioner's property
- Exhibit No. 11 Map depicting revised vacation area
- Exhibit No. 12 Letter from KCDOT to Petitioner recommending approval and discussing compensation, dated August 17, 2010
Letter of explanation, dated
- Exhibit No. 13 Compensation worksheet
- Exhibit No. 14 Letter from Petitioner to KCDOT requesting full waiver of compensation, dated August 17, 2010
- Exhibit No. 15 Letter from KCDOT to KC Council recommending approval of petition, dated August 19, 2010
- Exhibit No. 16 Letter from KCDOT to KC Council transmitting proposed ordinance, dated September 28, 2010
- Exhibit No. 17 Proposed ordinance 2010-0549
- Exhibit No. 18 Fiscal Note
- Exhibit No. 19 Affidavit of Posting, noting posting date of October 11, 2010
- Exhibit No. 20 Affidavit of Publication, noting October 20, 2010 and October 27, 2010 publication dates