

November 6, 1998

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

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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2196**
Proposed Ordinance No. **98-058**

EDWIN A. FARNAM
Petition For Road Vacation

Road: Southwest corner of Intersection of 236th Avenue Southeast
and Southeast 436th Street

Petitioner: Edwin A. Farnam
14236 – 6th Avenue South
Seattle, WA 98168

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary: Grant the petition
Department's Final: Grant the petition
Examiner: Grant the petition

PRELIMINARY MATTERS:

Petition submitted: March 10, 1995

EXAMINER PROCEEDINGS:

Hearing opened: March 4, 1998
Hearing continued on call for administrative purposes: March 4, 1998
Hearing closed: November 2, 1998

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:	A portion of the southwest quadrant of the intersection of 236 th Avenue Southeast and Southeast 436 th Street
Right of way classification:	"A"
Area:	5,495 square feet
Compensation:	\$2,857.40, less credit of \$984.88 for right-of-way conveyed by the petitioner

2. 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 March 4, 1998, public hearing and the statement of facts contained in Proposed Ordinance No. 98-058. The said report and proposed ordinance will be provided to the King County Council with copies of this Report and Recommendation.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

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, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed substitute Ordinance No. 98-058 to vacate the subject right-of-way.

RECOMMENDED this 6th day of November, 1998.

James N. O'Connor

King County Hearing Examiner

TRANSMITTED this 6th day of November, 1998, to the parties and interested persons named on the attached list.

**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 \$125.00 (check payable to King County Office of Finance) **on or before November 20, 1998**. 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 27, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, 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 (20) 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 MARCH 4, 1998, PUBLIC HEARING ON KING COUNTY DEPARTMENT OF
TRANSPORTATION FILE NO. V-2196, EDWIN A. FARNAM PETITION FOR ROAD VACATION:**

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Edwin Farnam and Dennis Gorley/KCDOT.

The following exhibits were offered and entered into the hearing record **March 4, 1998**:

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| Exhibit No. 1 | Report to the Hearing Examiner dated February 2, 1998, with 15 attachments |
| Exhibit No. 2 | Petition transmittal letter dated March 10, 1995 to Transportation from Clerk of Council |
| Exhibit No. 3 | Petition for vacation |
| Exhibit No. 4 | Note from petitioner |
| Exhibit No. 5 | Legal description of petitioner's property |
| Exhibit No. 6 | Assignment sheet, dated February 21, 1994, requesting evaluation of SR164 |
| Exhibit No. 7 | Letter, dated January 24, 1995, from Jim Ward to Merrill Cronk |
| Exhibit No. 8 | Letter, dated July 14, 1948, verifying the status of SR 164 |
| Exhibit No. 9 | Map depicting vacation area, with legal description |

Exhibit No. 10 Vicinity map depicting vacation area
Exhibit No. 11 Letter, dated December 28, 1995, from Brian Cary to Ralph Long
Exhibit No. 12 Letter, dated March 27, 1996, from Real Property Division to WSDOT
Exhibit No. 13 Letter, dated April 5, 1996, from Road Services Division, to petitioner
Exhibit No. 14 Road vacation worksheet V-2196
Exhibit No. 15 Letter, dated April 10, 1997, from KCDOT, to Clerk of the Council
Exhibit No. 16 Letter, dated May 15, 1997, from KCDOT, to petitioner
Exhibit No. 17 Warranty deed from petitioner to King County for exchange of right-of-way
Exhibit No. 18 Revised legal description for vacation area, dated June 24, 1997
Exhibit No. 19 Easement to the city of Enumclaw from petitioner (#9707240658)
Exhibit No. 20 Boundary survey map showing revised vacation area
Exhibit No. 21 Check #4797 from the petitioner for compensation
Exhibit No. 22 Letter, dated January 22, 1998, from King County Executive, to Councilmember Louise Miller
Exhibit No. 23 Proposed ordinance #98-058
Exhibit No. 24 Notice of hearing dated January 30, 1998
Exhibit No. 25 Affidavit of Posting, dated January 30, 1998

The following exhibits was offered and entered into the hearing record on **March 9, 1998:**

Exhibit No. 26 Affidavit of Publication

The following exhibits was offered and entered into the hearing record **November 2, 1998:**

Exhibit No. 27 Memorandum from Tommy Burdette, King County Department of Transportation, to James N. O'Connor