

April 17, 2003

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

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. **V-2431**
Proposed Ordinance No. **2003-0101**

ALLEN AND MURIEL WATTS
Petition for Road Vacation

Location: Portion of M. E. Eley Road

Petitioners: **Allen and Muriel Watts**
10014 Southwest 260th Street
Vashon, WA 98070

King County: Department of Transportation,
Road Services Division, *represented by*
Jodi Simmons
201 S. Jackson St.
Seattle, WA 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:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for item no. V-2431 was received by the Examiner on April 7, 2003.

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-2431 was opened by the Examiner at 2:00 p.m. on April 16, 2003, in the fifth floor conference room of the Union Bank of California building, 900 Fourth Avenue, Seattle, WA 98164, and closed at 2:07 p.m. 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:	M. E. Eley Road, Vashon Island
Right of way classification:	"C"
Area:	1008 square feet
Compensation:	\$1,244.72

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 April 16, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0101. 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 are Attachments 1 and 2 to this Report and Recommendation.
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, 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 Ordinance No. 2003-0101 to vacate the subject road.

RECOMMENDED this 17th day of April, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 17th day of April, 2003, to the following parties and interested persons:

Ray Bucy
Dockton Water Association
9246 SW Summerhurst Rd.
Vashon WA 98070

Terry Davis
Comcast, Inc.
410 Valley Ave. NW
Puyallup WA 98371

Judy Emerick
Centel Communications
8102 Skansie Ave.
Gig Harbor WA 98335

Judy McCollum
PSE/Real Estate Dept.
P.O. Box 97034
Bellevue WA 98009

Gary Kawasaki & Shirley Naganawa
5530 S. Brandon St.
Seattle WA 98118

Jodi Simmons
Engineer II
DOT/Road Services
MS KSC-TR-0231

Allen & Muriel Watts
10014 SW 260th St.
Vashon WA 98070

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Clerk of the Council
MS KCC-CC-1025

Curt Crawford
KC Dept. Natural Resources
Water & Land Resources Div.
MS-KSC-NR-0600

Neil DeGoojer
KC Office of Open Space
MS KSC-NR-600

Pam Elardo
DNRP-Wastewater Treatment Div.
MS KSC-NR-0503

Dennis Gorley
Dept of Transportation
Road Services Division
MS KSC-TR-0231

David Gualtieri
KCDOT
Long Range Planning
MS-KSC-TR-0813

Roderick E. Matsuno
KC Dept. of Transportation
Road Maintenance Section
MS RSD-TR-0100

Paulette Norman
KCDOT
Roads Division
MS-KSC-TR-0231

Lydia Reynolds-Jones
KC Dept of Transportation
Mgr./Project Support Services
MS KSC-TR-0231

Judy Riley
King County DOT
Transit/D&C
MS KSC-TR-0431

Gary Samek
Dept. of Transportation
Road Services Division
MS KSC-TR-0222

Charlie Sundberg
Office of Cultural Resources
Landmarks & Heritage Program
MS STR-CR-0200

Carol Thompson
KC Dept. of Executive Services
MS ADM-ES-0500

Joe Wilson
KC Parks & Cultural Res.
Project Manager
MS LBP-PR-0100

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 May 1, 2003*. 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 May 8, 2003*.

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 APRIL 16, 2003, PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. V-2431, PETITION FOR ROAD VACATION.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Jodi Simmons representing the Department of Transportation and Gary Kawasaki.

The following exhibits were offered and entered into the hearing record:

- Exhibit no. 1 DOT report to the Hearing Examiner dated March 25, 2003 with 21 attachments.
- Exhibit no. 2 Petition transmittal letter dated 05/22/2001 to Transportation from Clerk of Council.
- Exhibit no. 3 Letter of explanation and Petition for Vacation of a County Road including legal descriptions of Petitioner's properties.
- Exhibit no. 4 05/31/2001 letter to petitioner explaining process.
- Exhibit no. 5 Copy of Filing Fee - Check #6494 from Gary Kawasaki & Shirley Naganawa.

- Exhibit no. 6 Vicinity Map.
- Exhibit no. 7 Map depicting vacation area.
- Exhibit no. 8 Plat map of Martinolich Addition to Dockton conveying right-of-way.
- Exhibit no. 9 01/05/2000 email from Dennis Gorley, Supervisor, Road Services Unit to Gary Kawasaki explaining the vacation process.
- Exhibit no. 10 04/23/2002 email from Jodi Simmons, Vacations and Boundaries Engineer, Road Services Unit to Gary Kawasaki identifying the need for a revised vacation petition.
- Exhibit no. 11 05/01/2002 letter to Gary Kawasaki from Dennis Gorley, Supervisor, Road Services Unit formally requesting a revised vacation petition.
- Exhibit no. 12 Revised petition received 11/18/2002.
- Exhibit no. 13 12/13/2003 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer.
- Exhibit no. 14 12/11/2003 letter to Gary Kawasaki and the Dunhams identifying amount of compensation with attached Road Vacation Compensation Worksheet V-2431.
- Exhibit no. 15 01/29/2003 email from Gary Kawasaki to Jodi Simmons, Road Services Unit requesting vacation petition be split, removing the Dunham's portion.
- Exhibit no. 16 Copy of check # 6962, dated 02/03/2003, from Gary Kawasaki and Shirley Naganawa for \$1,224.72.
- Exhibit no. 17 Ordinance transmittal letter dated 03/04/2003 from King County Executive to Councilmember Cynthia Sullivan.
- Exhibit no. 18 Proposed Ordinance
- Exhibit no. 19 Notice of hearing.
- Exhibit no. 20 Affidavit of posting for hearing.
- Exhibit no. 21 Affidavit of Publication for date of hearing.
- Exhibit no. 22 Letter from Allen and Muriel Watts dated April 16, 2003, supporting KCDOT position to vacate road.

SLS:ms
V-2431 RPT

Attachments