

April 21, 2006

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

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: King County Department of Transportation File No. **V-2489**  
Proposed Ordinance No. **2006-0071**  
Parcel Nos. **352506-9038 & 352506-9039**

**MATTHEW KING**  
Road Vacation Petition

Location: Portion of Northeast 8th Street

Petitioner: **Matthew King**  
9307 – 156th Place Northeast  
Redmond, Washington 98052  
Telephone: (206) 623-2369

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:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2489 was received by the Examiner on March 2, 2006.

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-2489 was opened by the Examiner at 9:30 a.m., April 5, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, Seattle, WA 98104, and concluded at 9:32 a.m., except that the hearing was continued administratively for receipt of the public notice publication. The hearing record closed on April 11, 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 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 Northeast 8th Street
Right of way classification:	C
Area:	38,738 square feet
Compensation:	\$10,943.35

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. Except as may be 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 5, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0071. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King 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. 11 and 13.
5. The subject right-of-way is not currently opened for public use and is not maintained by the County.
6. 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, nor on access to adjacent and nearby private property.
7. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.
8. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County.

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.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2006-0071 to vacate the subject road.

RECOMMENDED this 21st day of April, 2006.

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Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 21st day of April, 2006, to the following parties and interested persons:

Comcast, Inc.  
Attn: Jill Look  
1525 - 75th St. SW, Ste. 200  
Everett WA 98023

Matthew R. King  
9307 - 156th Pl. NE  
Redmond WA 98052

Northwest Pipeline Corp.  
Attn: Rodney Gregory  
11120 Evergreen Way, Ste. H  
Everett WA 98204

Puget Sound Energy  
Attn: Jennifer Mai  
355 - 110th Ave. NE  
Bellevue WA 98004

Sammamish Plateau Water &  
Attn: Lisa Tobin, P.E.  
1510 - 228th Ave SE  
Issaquah WA 98027

Verizon Communications  
Attn: Mike Feskens  
2312 West Casino Road #C  
Everett WA 98204-1440

Woodinville Water District  
Attn: Dee Jamison  
P.O. Box 1390  
Woodinville WA 98072

Kim Claussen  
DDES/LUSD  
MS OAK-DE-0100

Clerk of the Council  
MS KCC-CC-1025

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

Kristen Langley  
KC-DOT/RSD  
MS KSC-TR-0222

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* **May 5, 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* **May 12, 2006**.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> 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 5, 2006, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2489.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department and Matthew R. King and Kristine Mantey.

The following Exhibits were offered and entered into the record:

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|---------------|---|
| Exhibit No. 1 | DOT report to the Hearing Examiner dated March 1, 2006 with 15 attachments  |
| Exhibit No. 2 | Petition transmittal letter dated October 14, 2003 to the Department of Transportation from the Clerk of the Council, received October 23, 2003. Originally entered as V-2489 and petitioned by James and Joani Jacobsen                                  |
| Exhibit No. 3 | Petition for vacation of a county road including the legal descriptions of the petitioner's properties dated October 14, 2003; for original V-2489  |
| Exhibit No. 4 | Copy of filing fee, check #9463; for original V-2489  |
| Exhibit No. 5 | Petition transmittal letter dated October 21, 2003 to the Department of Transportation from the Clerk of the Council, received October 27, 2003. Originally entered as V-2492 and petitioned by Morris and Malkah Mochkatel and Rene and Ethel Blumenfeld |
| Exhibit No. 6 | Petition for vacation of a county road including the legal descriptions of petitioner's properties dated October 20, 2003; for V-2492   |
| Exhibit No. 7 | Copy of the filing fee – check #2072 from the petitioners   |
| Exhibit No. 8 | Letter from Matthew R. King dated July 28, 2004 indicating he now holds the fee title to the adjacent properties and would like to proceed with the vacation in his name  |

- Exhibit No. 9 Revised petition and legal joining petition V-2489 and V-2492 together under the new petitioner, Matthew King dated August 10, 2004. (Note: DOT closed file V-2492 and used the existing V-2489 to continue the petition under King)
- Exhibit No. 10 Transmittal letter dated August 6, 2004 to the Clerk of the Council providing a description of the petitioner and file changes. Also includes recommendation of KC DOT and county road engineer
- Exhibit No. 11 Vicinity map from Thomas Brothers, page 568
- Exhibit No. 12 King County Short Plat No. 778143
- Exhibit No. 13 Map depicting the vacation area
- Exhibit No. 14 Letter dated August 18, 2004 to the petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet
- Exhibit No. 15 Compensation worksheet dated August 18, 2004
- Exhibit No. 16 Property assessment letter dated November 2, 2004 to the petitioner from the Board of Equalization; Note: property value was decreased
- Exhibit No. 17 Revised compensation letter dated February 22, 2005; compensation calculations detailed in compensation worksheet
- Exhibit No. 18 Compensation worksheet
- Exhibit No. 19 Transmittal letter dated March 1, 2005 to the Council providing revised recommendation of KC DOT and county road engineer
- Exhibit No. 20 Copy of email from Nicole Keller to Anne Noris dated May 26, 2005 notifying the Council of a correction to the compensation calculations. Corrected and revised calculations detailed in the compensation worksheet
- Exhibit No. 21 Compensation worksheet
- Exhibit No. 22 Copy of compensation check; check # 2366 for the amount of \$10,943.35
- Exhibit No. 23 Copy of cash transmittal and receipt dated June 7, 2005, received June 8, 2005
- Exhibit No. 24 Ordinance transmittal letter dated January 1, 2006 from King County Executive Ron Sims to Councilmember Larry Phillips
- Exhibit No. 25 Proposed ordinance 2005-0071
- Exhibit No. 26 Fiscal note
- Exhibit No. 27 Notice of hearing
- Exhibit No. 28 Affidavit of posting for hearing
- Exhibit No. 29 Affidavit of publication for date of hearing