

August 9, 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: Department of Transportation File No. **V-2500**  
Proposed Ordinance No. **2006-0233**  
Parcel No. **022102-9039**

**ALAN PERSON AND ELNA RYAN**  
Road Vacation Petition

Location: Portion of Southwest Pohl Road, Vashon Island

Petitioners: **Alan Person and Elna Ryan**  
10564 – 14th Avenue South  
Seattle, Washington 98168  
Telephone: (206) 632-6391

King County: Department of Transportation, Road Services Division  
*represented by Nicole Keller*  
201 South Jackson Street  
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-2500 was received by the Examiner on June 14, 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-2500 was opened by the Examiner at 1:31 p.m., July 26, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:44 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on August 8, 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 location:	Portion of Southwest Pohl Road, Vashon Island
Right of way classification:	B Class
Area:	1,607.70 square feet
Compensation:	\$311.72

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 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 July 26, 2006, public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0233. The Department's report will be attached to the 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. 7 and 9.
5. The subject right-of-way is open for public use and is maintained by the county.
6. Vacation of the subject 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.
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.

CONCLUSION:

1. The road subject to this petition is not necessary as part of the King County road system, and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2006-0233 to vacate the subject road.

RECOMMENDED this 9th day of August, 2006.

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Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 9th day of August, 2006, to the following parties and interested persons:

Comcast  
Attn: Gerald Biggs  
410 Valley Ave. NW  
Puyallup WA 98371

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

Fire District No. 13  
Attn: Keith Yamane  
PO Box 1150  
Vashon WA 98070

Kitty Ogg  
PSE  
6522 Kitsap Way  
Bremerton WA 98312

Alan Person  
1016 N. 45th St., Apt. #5  
Seattle WA 98103

Elna Ryan  
10564 - 14th Ave. S.  
Seattle WA 98168

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 August 23, 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 August 30, 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 JULY 26, 2006, PUBLIC HEARING ON DEPARTMENT OF  
 TRANSPORTATION FILE NO. V-2500.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department, and Alan Person, the Petitioner.

The following Exhibits were offered and entered into the record:

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|---------------|---|
| Exhibit No. 1 | DOT report to the Hearing Examiner for the July 26, 2006 hearing with 13 attachments  |
| Exhibit No. 2 | Petition transmittal letter dated January 28, 2004 to DOT from the Clerk of the Council, received January 30, 2004  |
| Exhibit No. 3 | Letter of explanation from the petitioner   |
| Exhibit No. 4 | Petition for vacation of a county road including legal descriptions of petitioner's properties received by the Clerk of the Council January 28, 2004 with a revised version for clarity |

- Exhibit No. 5 Land survey supplied by the petitioner dated January 2000
- Exhibit No. 6 Copy of filing fee; check #3243 from the petitioners
- Exhibit No. 7 Vicinity map Thomas Brothers, page 682, J-7
- Exhibit No. 8 King County Boundary Lot Line Adjustment L98L0164
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Letter dated December 20, 2005 to the petitioners stating DOT recommendation and requesting compensation
- Exhibit No. 11 Compensation worksheet
- Exhibit No. 12 Copy of compensation check in the amount of \$311.72
- Exhibit No. 13 King County Cash Transmittal and Receipt
- Exhibit No. 14 Transmittal letter dated January 6, 2006 to the Clerk of the Council providing recommendation of DOT and county road engineer
- Exhibit No. 15 Ordinance transmittal letter to the Council Chair from the KC Executive dated May 9, 2006
- Exhibit No. 16 Proposed ordinance 2006-0233
- Exhibit No. 17 Fiscal Note
- Exhibit No. 18 Notice of Hearing
- Exhibit No. 19 Affidavit of Posting
- Exhibit No. 20 Affidavit of Publication for date of hearing
- Exhibit No. 21 Letter to the Hearing Examiner from Kathleen Ryan dated July 26, 2006
- Exhibit No. 22 Final notice of Proposed Road Vacation

PTD:gao  
V-2500 RPT