

December 26, 2006

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

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Seattle, Washington 98104  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. **V-2512**  
Proposed Ordinance No. **2006-0370**  
Parcel No. **219160-0545**

**ROBERT J. VERZANI**  
Road Vacation Petition

**Location:** Portion (easterly 10 feet of width) of 26th Avenue South

**Petitioner:** **Robert J. Verzani**  
30640 Pacific Highway South  
Federal Way, Washington 98003  
Telephone: (253) 839-1730

**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's:	Approve road vacation

**DEPARTMENT'S REPORT:**

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2512 was received by the Examiner on August 30, 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-2512 was opened by the Examiner at 1:49 p.m., October 11, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:58 p.m., except that it was continued administratively for receipt of an affidavit of the required Notice of Hearing, which was received on October 19, 2006, and also to receive documentation of an easement for Lakehaven Utility District water and sewer facilities, which was received December 18, 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 (easterly 10 feet of width) of 26th Avenue South
Right of way classification:	C
Area:	750 square feet
Compensation:	\$2,333.33

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 Metropolitan 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 October 11, 2006 public hearing and the statement of facts contained in Proposed Ordinance No. 2006-0370. 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 area to be vacated appear in the hearing record as exhibit nos. 7 and 9.
5. The subject right-of-way is currently opened for public use, but is not maintained by the County.
6. Vacation of the subject right-of-way portion would have no adverse effect on the provision of access and fire and emergency services to the abutting property and surrounding area.
7. Puget Sound Energy, Qwest, Comcast and Lakehaven Utility District easements necessary to be retained for the construction, repair and maintenance of public utilities and services have been recorded.

- 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 segment 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. 2006-0370 to vacate the subject road.

RECOMMENDED this 26th day of December, 2006.

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Peter T. Donahue  
King County Hearing Examiner

TRANSMITTED this 26th day of December, 2006, to the following parties and interested persons:

Comcast  
Attn: Jim Nies  
4020 Auburn Way N.  
Auburn WA 98002

Lakehaven Water District  
Attn: Wes Hill  
P.O. Box 4249  
Federal Way WA 98063

Pierce Transit  
Attn: Eric Phillips  
P.O. Box 99070  
Lakewood WA 98499

Puget Sound Energy  
Attn: Sharon Scott  
P.O. Box 90868  
Bellevue WA 98009

Qwest  
Attn: Don Dauphiny  
1550 Newport Way NW  
Issaquah WA 98027

Robert Verzani  
30640 Pacific Hwy. S.  
Federal Way WA 98003

Kim Claussen  
DDES/LUSD  
MS OAK-DE-0100

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* **January 9, 2007**. 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* **January 16, 2007**.

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 OCTOBER 11, 2006, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2512.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Nicole Keller, representing the Department. There were no other participants.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the October 11, 2006 hearing, with 14 attachments
- Exhibit No. 2 Petition transmittal letter, dated November 4, 2004 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Cover letter from petitioner Verzani
- Exhibit No. 4 Petition for vacation of a County road including legal descriptions of petitioners' properties received November 4, 2004

- Exhibit No. 5 Copy of filing fee, check #6429
- Exhibit No. 6 Receipt #687 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 KC plat map of East Tacoma Central Addition
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Letter to Robert J. Verzani dated December 8, 2004
- Exhibit No. 11 Final notice dated January 25, 2006 to vacate
- Exhibit No. 12 Letter to Robert J. Verzani dated March 21, 2006 from Paulette Norman noting DOT recommendation and request for compensation
- Exhibit No. 13 Compensation worksheet
- Exhibit No. 14 Compensation transmittal letter to Robert J. Verzani dated March 24, 2006, received March 27, 2006
- Exhibit No. 15 Copy of compensation check in the amount of \$2,333.33
- Exhibit No. 16 KC Cash Transmittal and Receipt dated March 29, 2006
- Exhibit No. 17 Transmittal letter dated March 31, 2006
- Exhibit No. 18 Ordinance transmittal letter dated August 9, 2006
- Exhibit No. 19 Proposed ordinance 2006-0370
- Exhibit No. 20 Fiscal Note
- Exhibit No. 21 Notice of Hearing
- Exhibit No. 22 Affidavit of Posting
- Exhibit No. 23 Affidavit of Publication for date of hearing
- Exhibit No. 24 Copies of easements

PTD:gao  
V-2512