

October 25, 2010

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

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2646**
Proposed Ordinance No. **2010-0459**
Parcel No. **362307-9002**

ROSS ROCKSTAD
Road Vacation Petition

Location: Portion of 364th Avenue SE aka Kerriston Road aka
County Road no. 896

Petitioner: **Ross Rockstad**
17641 364th Avenue SE
Maple Valley, Washington 98038
Telephone: (206) 459-5511

King County: Department of Transportation, Road Services Division
represented by Nicole Keller
201 S 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 Hearing Examiner for road vacation petition V-2646 was received by the Examiner on September 8, 2010.

PUBLIC HEARING:

After reviewing the Department's report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the petition and report as follows:

The hearing was opened by the Examiner on October 6, 2010, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104. The hearing was then continued administratively for receipt of the Affidavit of Publication, which was received on October 15, 2010. 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 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 364th Avenue SE
Right of way classification:	C-class
Area:	22,740 square feet
Compensation:	\$5,798.70

2. Notice of hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
3. Except as provided herein, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report and the statements of fact contained in Proposed Ordinance No. 2010-0459. 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 are in the hearing record as exhibit nos. 6, 8 and 9.
5. The subject right-of-way segment is not currently opened, constructed or maintained for public use.
6. Vacation of the right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting properties and surrounding area.
7. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
8. No easements are necessary to be retained for construction, repair and maintenance of public utilities and services.
9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

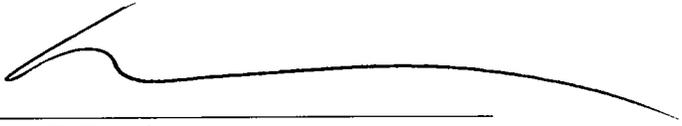
CONCLUSION:

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

RECOMMENDATION:

APPROVE proposed Ordinance No. 2010-0459 to vacate the subject road right-of-way.

RECOMMENDED October 25, 2010.



Peter T. Donahue
King County Hearing Examiner

**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 November 8, 2010*. If a notice of appeal is filed, the original and two 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 15, 2010*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1039, King County Courthouse, 516 Third 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 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 6, 2010, PUBLIC HEARING ON THE PETITIONER FOR ROAD VACATION OF ROSS ROCKSTAD, DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2646.

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

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the October 6, 2010 hearing, with 19 attachments.
- Exhibit No. 2 Letter from Clerk of the Council to King County Department of Transportation (KCDOT), transmitting petition, dated January 20, 2010
- Exhibit No. 3 Petition for Vacation of a County Road including legal descriptions of Petitioner's property
- Exhibit No. 4 Copy of filing fee: check no. 1065, in the amount of \$100
- Exhibit No. 5 Receipt no. 00931 for filing fee
- Exhibit No. 6 Vicinity map
- Exhibit No. 7 Board of State Land Commissioners Order regarding Application no. 387 granting right-of-way easement to King County, dated January 8, 1913
- Exhibit No. 8 King County Boundary Line Adjustment no. L02L0072
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Final agency notice sent March 31, 2010
- Exhibit No. 11 Letter of explanation, dated February 1, 2010
- Exhibit No. 12 Resubmitted Petition for Road Vacation, corrected to include Petitioner's signature
- Exhibit No. 13 Letter from KCDOT to Petitioners recommending approval and requesting compensation, dated May 24, 2010
- Exhibit No. 14 Compensation Worksheet
- Exhibit No. 15 Copy of compensation payment, check no. 42139414 in the amount of \$5,788.50
- Exhibit No. 16 Receipt no. 540862 for compensation payment
- Exhibit No. 17 Letter from KCDOT to KC Council recommending approval of petition, dated May 26, 2010
- Exhibit No. 18 Letter from KCDOT to KC Council transmitting proposed ordinance, dated August 5, 2010
- Exhibit No. 19 Proposed Ordinance 2010-0459
- Exhibit No. 20 Fiscal Note
- Exhibit No. 21 Affidavit of Posting, noting posting date of September 2, 2010
- Exhibit No. 22 Affidavit of Publication, noting September 22, 2010 and September 29, 2010 publication dates

PTD:vsm
V-2646