

November 18, 2011

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
King County Courthouse, Room 1200  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** Transportation File No. **V-2653**  
Proposed Ordinance No. **2011-0346**  
Adjacent Parcel No(s). **375160-4974, 375160-4896**

**RICHARD ENGLER AND MARY ROGAN**  
Road Vacation Petition

**Location:** Portion of 51st Avenue S (aka Illinois Street), unincorporated Federal Way area

**Petitioners:** **Richard Engler and Mary Rogan**  
5022 S 364th Street  
Auburn, WA 98001  
Telephone: (206) 921-0113

**King County:** Department of Transportation (DOT)  
*represented by Nicole Keller*  
201 S Jackson Street  
Seattle, WA 98104  
Telephone: (206) 296-3731  
Email: [nicole.keller@kingcounty.gov](mailto:nicole.keller@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve road vacation
Department's Final Recommendation:	Approve road vacation
Examiner's Recommendation:	Approve road vacation

**DEPARTMENTS REPORT:**

The Transportation Report on V-2653 was received by the Examiner on September 14, 2011.

**PUBLIC HEARING:**

After reviewing the Department report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the matter on September 28, 2011, in the Ginger Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle. The hearing was then continued administratively for the affidavit of hearing notice publication (exhibit no. 21) received October 8, 2011, and documentation of a recorded Lakehaven Utility District easement (reserved exhibit no. 12), which was recorded November 8, 2011 and received November 15, 2011, at which time the hearing record then closed.

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 Hearing Examiner's Office.

**FINDINGS, CONCLUSIONS AND RECCOMENDATION:** 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 51st Avenue S (aka Illinois Street), unincorporated Federal Way area
Right of way classification:	C-Class
Area: square feet	22,800 square feet
Compensation:	\$24,036.00

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. 2011-0346. 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.7 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. A utility easement to Lakehaven Utility District has been recorded for existing utility facilities.
9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

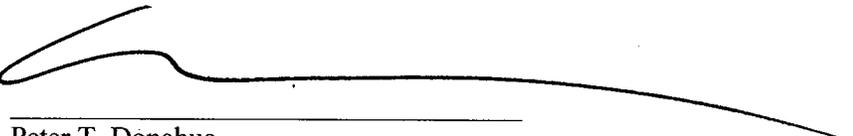
## CONCLUSION:

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. 2011-0346 to vacate the subject road right-of-way.

DATED November 18, 2011.



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Peter T. Donahue  
King County Hearing Examiner

**NOTICE OF RIGHT TO APPEAL**

In order to appeal the decision of the hearing examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250 (check payable to King County Office of Finance) on or before **December 2, 2011**. If a notice of appeal is filed, the original 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 **December 9, 2011**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Clerk of the Council's Office, Room 1200, 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. If the Office of the Clerk is not officially open on the specified closing date, 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 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 that 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, defer action, refer the matter to a Council committee, or remand to the Examiner for further hearing or further consideration.

**Action of the Council Final.** The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act (LUPA) is commenced by filing a land use petition in Superior Court and serving all necessary parties within 21 days of the date on which the Council passes an ordinance acting on this matter. (LUPA defines the date on which a land use decision is issued by the Council as the day the Council passes the decision ordinance.)

/vsm