

July 30, 2003

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

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Development and Environmental Services File No. **V-2451**  
Proposed Ordinance No. **2003-0278**

**ANTHONY & LILLIAN BAY/JAN NORVOLD**  
Road Vacation Petition

Location: Portion of Northeast 132<sup>nd</sup> Street west of 164<sup>th</sup> Avenue Northeast

Petitioners: **Anthony & Lillian Bay**  
16224 Northeast 130th Street  
Redmond, WA 98072

**Jan Norvold**  
13211 – 164th Avenue Northeast  
Enumclaw, WA 98022

King County: Department of Transportation  
*represented by* **Jodi Simmons**  
201 South Jackson Street  
Seattle, WA 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-2451 was received by the Examiner on July 1, 2003.

**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-2451 was opened by the Examiner at 9:35 a.m., July 18, 2003, in the Fifth Floor Conference Room of the Union Bank of California Building, 900 – 4<sup>th</sup> Avenue, Seattle, Washington, and continued for administrative purposes at 9:45 a.m. On July 30, 2003, the examiner received exhibit no. 19 and declared the hearing record 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 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: A Portion of Northeast 132<sup>nd</sup> Street, west of 164<sup>th</sup> Avenue Northeast

Right of way classification: “C”

Area: 27,965 square feet

Compensation: \$27,797.12

2. 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 18, 2003 public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0278. The said report and proposed ordinance will be attached to the copies of this report and recommendation submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

**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.
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. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction,

repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0278 to vacate the subject right-of-way.

RECOMMENDED this 30th day of July, 2003.

---

James N. O'Connor, Pro Tem  
King County Hearing Examiner

TRANSMITTED this 30th day of July, 2003, to the following parties and interested persons:

Anthony & Lillian Bay  
16224 NE 130th St.  
Redmond WA 98072

Terry Davis  
Comcast, Inc.  
410 Valley Ave. NW  
Puyallup WA 98371

Scott Haeger  
Verizon Communications  
2312 W. Casino Rd. #C  
Everett WA 98204

Mary Lamping  
Puget Sound Energy  
411 - 108th Ave. NE  
Bellevue WA 98009-9734

Jan Norvold  
13211 - 164th Ave. NE  
Redmond WA 98052

Jodi Simmons  
Engineer II  
DOT/Road Services  
MS KSC-TR-0231 WA

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

Greg Borba  
DDES/LUSD  
MS OAK-DE-0100

Clerk of the Council  
MS KCC-CC-1025

Curt Crawford  
KC DNR  
Water & Land Res. Div.  
MS KSC-NR-0600

Neil DeGoojer  
KC Office of Open Space  
MS KSC-NR-600

Pam Elardo  
KC DNR&P  
Wastewater Treatment Div.  
MS KSC-NR-0503

Nancy Gordon  
King County DOT  
Transit/D&C  
MS KSC-TR-0431

Dennis Gorley  
Dept of Transportation  
Road Services Division  
MS KSC-TR-0231

David Gualtieri  
KCDOT  
CIP & Planning Sec.  
MS KSC-TR-0317

Fatin Kara  
KC DOT/Rd. Svcs. Div.  
MS KSC-TR-0222

King County Dept. of Executive Services  
Attn: Denise Hauck, Appraiser  
Property Services Division  
MS ADM-ES-0500

Roderick E. Matsuno  
KC DOT  
Road Maint. Section  
MS RSD-TR-0100

Paulette Norman  
KCDOT  
Roads Division  
MS KSC-TR-0231

Robert Nunnenkamp  
KC Parks and Recreation  
MS LBP-PR-0100

Lydia Reynolds-Jones  
KC DOT  
Project Support Serv.  
MS KSC-TR-0231

Charlie Sundberg  
Office of Cultural Res.  
Landmarks & Heritage Prog.  
MS STR-CR-0200

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision 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 13, 2003***. If a notice of appeal is filed, the original and six (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 20, 2003***.

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 fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

### MINUTES OF THE JULY 18, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. V-2451

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing was Jodi Simmons, representing the King County Department of Transportation; and Anthony Bay, one of the Petitioners.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DOT Report to the Hearing Examiner dated June 30, 2003 with 15 attachments
- Exhibit No. 2 April 16, 2002 petition transmittal letter to the Department of Transportation from the Clerk of Council
- Exhibit No. 3 April 8, 2002 letter of explanation and petition for vacation of a County road  
Including legal descriptions of Petitioner's properties
- Exhibit No. 4 Copy of Filing Fee – Check #5109 from Anthony and Lillian Bay
- Exhibit No. 5 April 26, 2002 letter to petitioners explaining process and identifying error in legal description
- Exhibit No. 6 Revised Petition with corrected legal descriptions
- Exhibit No. 7 Vicinity Map
- Exhibit No. 8 Map depicting vacation area
- Exhibit No. 9 Quit Claim Deed Volume 8, page 195 conveying right-of-way
- Exhibit No. 10 December 9, 2002 letter to petitioners denying the road vacation
- Exhibit No. 11 December 13, 2002 letter to the Clerk of the Council recommending denial of the vacation
- Exhibit No. 12 January 3, 2003 letter to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet

- Exhibit No. 13 January 15, 2003 transmittal letter to Council providing revised recommendation of KCDOT and County Road Engineer to approve the petition
- Exhibit No. 14 Letter of intent of the Bays to purchase Norvold portion of the vacated right-of-way and a copy of the compensation checks from Anthony and Lillian Bay
- Exhibit No. 15 Ordinance transmittal letter dated June 9, 2003 from King County Executive to Councilmember Cynthia Sullivan
- Exhibit No. 16 Proposed Ordinance 2003-0180
- Exhibit No. 17 Notice of hearing from the Council Clerk
- Exhibit No. 18 Affidavit of posting for hearing
- Exhibit No. 19 Affidavit of Publication for date of hearing

JOC:gao/cp  
Attachments  
V-2451 RPT