

**DEPARTMENT OF LOCAL SERVICES
ROAD SERVICES DIVISION
SUPPLEMENTAL REPORT TO THE
HEARING EXAMINER**

PUBLIC HEARING: April 30, 2019 at 2:30 pm or shortly thereafter

**King County Hearing Examiner's Office
516 Third Avenue, Horiuchi Conference Room, 12th Floor
Seattle, WA 98104**

April 12, 2019

PETITION TO VACATE: Portions of 156th Ave SE and SE 300th Street

Transportation File: V-2700

Proposed Ordinance: 2018-0007

A. GENERAL INFORMATION

Petitioner(s): Robert and Valerie Wyman

Location of Road: Portions of 156th Ave SE and SE 300th Street
Thomas Brothers Page 747
Zoning – RA 5

Adjacent Parcels: 7861000050 and 0221059057

Initial Hearing : March 26, 2018

B. HISTORY

This petition was filed on March 11, 2016 and a revised petition submitted in January 2017. A hearing on the petition was conducted by the County Hearing Examiner on March 26, 2018. An Interlocutory Order in this matter was issued by the Hearing Examiner on April 6, 2018 holding the matter open until the County Office of Performance Strategy and Budget (PSB) repaired a model for calculating compensation in road vacation petitions. Such model has been created and was presented to the County Council.

C. NOTICE OF HEARING

Notice of this continued hearing was posted at a terminus of the proposed vacation area and close to the second terminus on March 29, 2019 and published in accordance with requirements of RCW

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36.87.060. Additionally, a copy of the Notice of Hearing was mailed to property owners within the immediate vicinity of the subject vacation area on April 1, 2019.

D. REVIEWING AGENCIES AND COMMENTS

After the March 2018 hearing, Roads did not solicit or receive new comments or responses from stakeholders regarding this petition.

E. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer recommends approving the petition vacating the subject portion of right-of-way. The subject right-of-way is useless to the county road system. The full report of the County Road Engineer was submitted with Roads' initial Staff Report to the Hearing Examiner as Exhibit #14.

F. COMPENSATION

Utilizing the model prepared by PSB, Roads solicited from the Assessor's Office a determination of value of the 26,362 square feet of right-of-way to be vacated under this petition. See Exhibit #26 for the full model spreadsheet as applied to this road vacation. All of the vacation area will attach to parcel number 786100-0050.

In reviewing the value of the property and vacation area, the Assessor's office realized that the square footage of parcel number 786100-0050 was incorrectly calculated. The corrected current square footage of the parcel is 127,470 square feet.

The Assessor's Office provided the following information:

Value of Parcel 786100-0050 pre-vacation and corrected to 127,470 square feet – \$51,000

Value of Parcel 786100-0050 corrected and post-vacation at 153,832 square feet - \$55,000

Difference in value as a result of the vacation area being added to parcel - \$4,000

The category of this section of right-of-way is Undeveloped and Unopened ROW under the PSB Model

From the \$4,000 valuation:

\$ 79 is deducted for the present value of anticipated property tax revenue

\$ 2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of- way.

Result is a charge of \$1,921.00.

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Roads' intention in its approach to road vacation compensation under the County Code was to reduce its inventory of right-of-way useless to the County Road system and reduce costs, obligations and liability exposure. The dollars Roads might obtain from the petitioners through the vacation of this portion of right-of-way is insignificant in comparison to the County's potential liability from its mere retention. Roads reiterates that under the County Code, a requirement of compensation for a road vacation is discretionary with the County Council. KCC 14.40.020 specifically provides that compensation may be required as a condition of a road vacation. Roads understands the concerns that gave rise to the request for a compensation model and will follow the directions of the County Council in applying such model. However, Roads remains very concerned that requiring compensation, particularly to vacate unopened right-of-way, will present barriers to eliminating these useless and often problematic sections of right-of-way leaving the county to continue to carry full responsibility for these random pieces of property.

G. EXHIBITS

In addition to Exhibits 1-24 submitted with the Roads Report to the Hearing Examiner, Roads submits the following:

Exhibit #	DESCRIPTION
25	DOT Second Supplemental Report to the Hearing Examiner April 12, 2019.
26	Compensation calculation model spreadsheet
27	Affidavit of Notice
28	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

H. ISSUES:

Exhibit #28 Affidavit of Publication, is typically received either on the day of the hearing or shortly thereafter. The Clerk of Council will forward a copy of the affidavit to both the Examiner's Office and Road Services Division when they receive it.