

DEPARTMENT OF LOCAL SERVICES
ROAD SERVICES DIVISION
COUNTY ROAD ENGINEER REPORT ON VACATION PETITION V-2747

April 15, 2024

Petition to Vacate: NE 122nd St and NE 123rd St.

Vacation file: V-2747

Petitioners: Ricky Callaway and Laura Callaway and Ian and Patricia Dewar

Recommendation: The County Road engineer has determined that the subject portion of right-of-way is useless to the county road system and should be vacated.

Petitioners Ricky Callaway and Laura Callaway and Ian and Patricia Dewar submitted a petition for the vacation of a portion of NE 122nd Street and NE 123rd Street on May 27, 2021. The subject right-of-way is an unopened and unmaintained portion of right-of-way located in the Renton area of unincorporated King County. See site map attached as Exhibit A.

Pursuant to King County Code section 14.40.0104 B, the following report is submitted.

KCC 14.40.0104 B. - The petition has been reviewed and determined to be valid. The Petitioners own the majority of the lineal footage of the frontage of the portion of right-of-way proposed for vacation.

B.1 - The portions of right-of-way proposed to be vacated has been examined and it is recommended that it should be vacated and abandoned.

B.2 – The subject portions of NE 122nd Street and NE 123rd Street are not in use as a road nor in use by the traveling public. However, there is a King County drainage structure within a portion of the vacation area for NE 122nd Street that serves the improved portion of NE 122nd St. No other records have been located indicating use, improvement, or maintenance of the area by King County. The subject right-of-way was dedicated in the King County Short Plat S89S0232 as recorded at 9202199003 of King County records. This same short plat created the parcel of Petitioners Ricky Callaway and Laura Callaway.

B.3 – The subject portions of NE 122nd Street and NE 123rd Street are unopen and unmaintained county road right-of-way.

B.4 – The subject portion of NE 122nd Street and NE 123rd Street are not needed as part of the county transportation system of the future, and it is not advisable to preserve the subject portion of the right-of-way for future transportation use. The subject portion of NE 122nd Street runs immediately parallel to an open and improved 60-foot-wide right-of-way also named NE 122nd Street. The additional 48 feet of the subject vacation area of NE 122nd Street are not useful to the county transportation system. The subject portion of NE 12rd St. only serves as access to the property of Petitioners Ricky and Laura Callaway.

B.5 - The public will benefit from the vacation of the right-of-way. The subject vacation area is not necessary or useful to the county road system and the public will benefit from the incorporation of the right-of-way into the Petitioners' property returning this area to the public tax rolls.

B.6 – Roads obtained from the King County Assessor's Office a determination of the value for the vacation area associated with the Petitioners' property.

The Assessor's Office determined that adding approximately 33,522 square feet to the property of Petitioners Ricky and Laura Callaway, Assessors' Parcel 272607-9060, would result in a \$9,000 increase in value. The valuation as applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB), see attached, with offsets for management and maintenance costs and future expected property tax, results in no additional charge of compensation from Petitioners should the approximately 33,522 square foot area of unopened undeveloped right-of-way be vacated.

Should this road vacation be approved, no portion of the subject vacation area will attach to the property of the co-petitioners, Ian and Patricia Dewar. Therefore, no calculation of compensation was performed for the Dewar property, Parcel 272607900.

It is the recommendation of the County Road Engineer and the Director of Road Services that, consistent with the application of the PSB compensation model to this road vacation petition, the subject portion of right-of-way be vacated without the condition of additional payment from the Petitioners.

B.7 - The subject portion of right-of-way does not serve as access to any property other than that of Petitioners Ricky and Laura Callaway.

B.8 – There is a King County drainage facility within the subject vacation area of NE 122nd Street. This drainage facility serves the improved portions of NE 122nd Street and is an important part of the county road system. It is important that the facility remain in place and be accessible to King County for future repair, maintenance and/or replacement. A permanent easement benefiting King County for the continued access, maintenance, repair and replacement of the drainage facility should be a condition of the final approval of the Petition. No other agency or utility identified facilities within the subject vacation area or a plan to install facilities in the future. Therefore, no additional easements are a requirement of final approval of this petition.

B.9 - No fees have been charged nor costs incurred for this vacation beyond the \$200 filing fee.

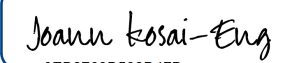
B.10 – The right-of-way to be vacated does not abut a body of salt or fresh water.

B.11 – No property owners abut the portion of right-of-way proposed to be vacated who are not petitioners to this vacation.

B.12 – Under KCC 14.40.0106, discretion was exercised, and petitioner is not charged any fees or costs in association with this Petition beyond the filing fee. As no additional fees were assessed under 14.40.0106 B, there are no costs to be waived under 14.40.0106C and no costs incurred to list.

In conclusion, the subject portion of right-of-way is useless to the county road system and petition V-2747 seeking to vacate this portion of NE 122nd Street and NE 123rd Street should be approved with the condition of granting the above-described permanent easement in favor of King County and without payment of compensation in accordance with the PSB model.

DocuSigned by:


JoAnn Kosai-Eng, P.E.
County Road Engineer.

DocuSigned by:


Tricia Davis, Director
Road Services Division

Attachments:

Exhibit A – Site Map

Compensation Calculation Spreadsheet

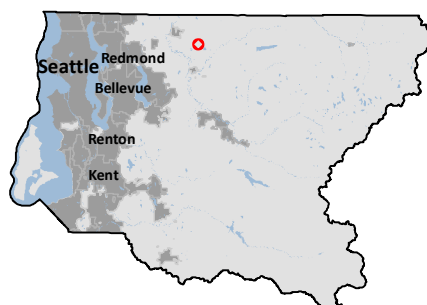
PROPOSED RIGHT-OF-WAY VACATION V-2747**Vacation File: V-2747**

123rd St NE and 122nd St NE

SE 27 26 07

ROW Area (Approximate):

36,303 FT2 or 0.8 Acres



- Pending Road Vacation
- Petitioner Parcel
- Roadlog - Unincorporated, Maintained Streets
- King County Right of Way

0 220 440
Feet

FOR INFORMATIONAL USE ONLY

VALUATION OF ROADS RIGHT-OF-WAY**V-2747****Parcel #2726079060****Ricky M. and Laura L****Callaway****Based on PSB Response to Proviso****NE 123rd St and NE 122nd St**

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 9,000	\$ 9,000	\$ 9,000
Subtract: Transfer of Liability or Risk	\$ 1,042	\$ 104	0
Subtract: Expected Property Taxes	\$ 151	\$ 151	\$ 151
Subtract: Management and Maintenance Costs	\$ 105,245	0	\$ 9,036
DLS Processing Costs	0	0	0
TOTAL	\$ (97,438)	\$ 8,745	\$ (186)

ANNUAL UPDATES:

The factors identified in the table need to be updated annually. These include:

- 1) Claims, judgments, settlements, and reserved expenses per mile. Claims with a loss date since 01/01/2019 as of 01/01/2024
- 2) General Fund and Roads Fund property tax rates. <https://kingcounty.gov/depts/assessor/Reports/levy-rate-info.aspx>
- 3) Total road mileage in the system.
- 4) Roads operating budget (use half of the biennial budget).

Factor:	Provider:	Number		
Value of vacation area	DOA	\$ 9,000	See below *	Varies per parcel
"Mileage" of parcel		0.13	Parcel size in linear mileage	Varies per parcel
Average of 5 years of risk costs	ORM	\$ 1,239,907	5 year average, annual cost	Updated annually
Property tax rate - general fund	PSB / DOA	\$ 0.51	per 1,000 AV; 2023 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.43	per 1,000 AV; 2023 number	Updated annually
Road miles in system	Roads	1500		Updated annually
Roads annual operating budget	Roads	\$ 125,191,849	Half of biennial operating budget	Updated annually
Roads costs for clean-up	Roads	\$ 451,792	Total annual costs; future averag	Updated annually
DLS Processing costs	N/A	\$ -	N/A	

Square footage and lineal measurement of vacation area:

Parcel Size in square feet	Roads	33522	Square footage of vacation area
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Parcel size in lineal feet	695
Parcel size in "road mileage"	0.131628788

*** Value of vacation area from Assessor's Office:**

Parcel 272607-9060 value pre-vacation	\$325,000
Parcel 272607-9060 value post-vacation	\$334,000
Value of vacation area	\$9,000

After recording return document to:

KING COUNTY Road Services Division
King Street Center, Rm. 313
201 S. Jackson St.
Seattle, WA 98104

Document Title: EASEMENT

Reference Number of Related Document: N/A

Grantor(s): Ricky Callaway and Laura Callaway

Grantee: KING COUNTY

Legal Description: LOT 2 OF KC SHORT PLAT S89S0262

Additional Legal Description is on Page of Document N/A

Assessor's Tax Parcel Number: 2726079060

PERMANENT EASEMENT

NE 122nd St

The Grantor(s), **Ricky Callaway and Laura Callaway, husband and wife**, being the owners of LOT 2, KING COUNTY SHORT PLAT NO. S89S0262 RECORDED UNDER RECORDING NO. 9201990003 RECORDS OF KING COUNTY, WASHINGTON, for and in consideration of mutual benefits, as part of road vacation V-2747, and other good and valuable consideration, hereby convey(s) and grant(s) unto the **KING COUNTY, a home rule charter county and a political subdivision of the State of Washington**, and its assigns, Grantee, an easement over, under, upon and across the hereinafter described lands ("Easement Area") for the purpose of ingress and egress over and the right to use and occupy the Easement Area to access, construct, operate, maintain, monitor, repair, replace, improve, inspect, remove and upgrade drainage facilities, plantings, and restoration areas, and all other purposes not inconsistent with the Grantee's use upon Grantors' property to maintain, repair and replace drainage infrastructure serving NE 122nd St. as herein before set forth.

Said Easement Area being situated in King County, State of Washington, and described as set forth and depicted in Exhibit A attached hereto and made a part hereof.

It is understood and agreed that delivery of this easement is hereby tendered and that the terms and obligations hereof shall not become binding upon **KING COUNTY** unless and until accepted and approved hereon in writing for **KING COUNTY**, by its authorized agent.

Dated: _____, 2024

Laura Callaway

KING COUNTY

By: _____
Tricia Davis, Director

Date:

On this _____ day of _____, 202____, I certify that I know or have satisfactory evidence that RICKY CALLAWAY is the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the State of _____
 Printed Name: _____
 Residing at _____
 My appointment expires: _____

EASEMENT

STATE OF WASHINGTON)

) ss.

COUNTY OF _____)

On this _____ day of _____, 202____, I certify that I know or have satisfactory evidence that LAURA CALLAWAY is the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the State of _____

Printed Name: _____

Residing at _____

My appointment expires: _____

EXHIBIT A

PAGE 1

STORM DRAINAGE EASEMENT LEGAL DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, KING COUNTY SHORT PLAT NUMBER S89S0262, RECORDED UNDER RECORDING NUMBER 9202199003, RECORDS OF KING COUNTY, WASHINGTON ALSO BEING A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 26 NORTH, RANGE 07 EAST, W.M.;

THENCE SOUTH 00°12'04" EAST ALONG SAID EAST LINE 48.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89°54'32" WEST ALONG SAID SOUTH LINE 229.82 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°54'32" WEST 24.20 FEET;

THENCE NORTH 24°31'24" EAST 18.48 FEET;

THENCE SOUTH 65°28'36" EAST 22.00 FEET;

THENCE SOUTH 24°31'24" WEST 8.40 FEET TO THE POINT OF BEGINNING;

CONTAINING 296 SQUARE FEET.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

A PORTION OF THE NW 1/4 OF THE SE 1/4 OF
SECTION 27, T26N, R7E, W.M.

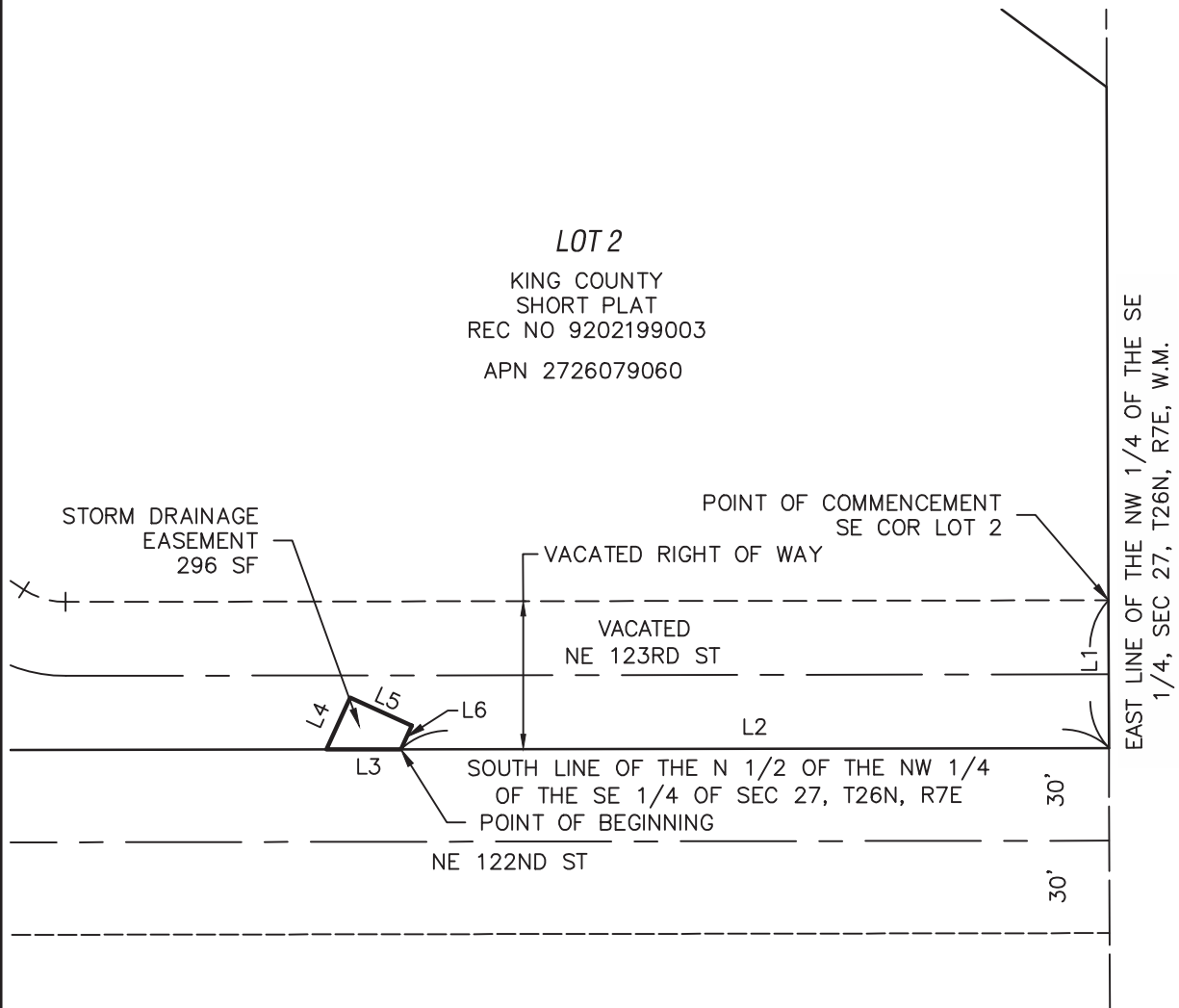


EXHIBIT A

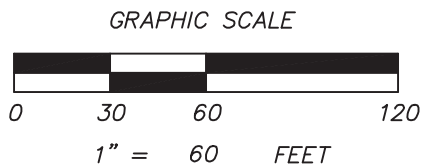
PAGE 2

LOT 2

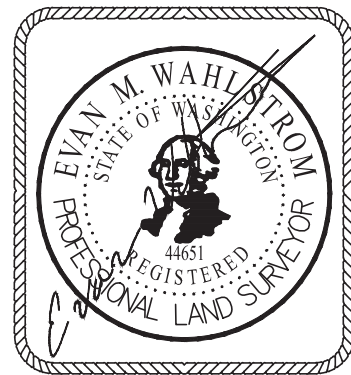
KING COUNTY
SHORT PLAT
REC NO 9202199003
APN 2726079060



LINE	BEARING	DISTANCE
L1	S00°12'04"E	48.00'
L2	S89°54'32"W	229.82'
L3	S89°54'32"W	24.20'
L4	N24°31'24"E	18.48'
L5	S65°28'36"E	22.00'
L6	S24°31'24"W	8.40'



A PORTION OF THE NW 1/4 OF THE SE 1/4 OF
SECTION 27, T26N, R7E, W.M.



1/23/2024