

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

PUBLIC HEARING: September 18, 2025 at 1:00 pm

**Remote public hearing by the King County Hearing Examiner's Office
Seattle, WA 98104**

August 31, 2025

PETITION TO VACATE: A portion of NE 123rd St and NE 122nd St.

Road Services File: V-2747

Proposed Ordinance: 2025-0225

A. GENERAL INFORMATION

Petitioner(s): Ricky and Laura Callaway
Ian and Patricia Dewar

Location of Road: NE 123rd Street and NE 122nd Street
Thomas Brothers Page 509
Quarter Section – SE-27-26-7

Adjacent Parcels: 272607-9060
272607-9003

B. HISTORY AND OVERVIEW

R.C.W. 36.87 establishes the right of property owners to petition a county legislative body for the vacation of road rights-of-way. K.C.C. 14.40 establishes King County policies and procedures for accomplishing same.

The petition was filed with the Clerk of the King County Council on May 27, 2021, by Rick and Laura Callaway and Ian and Patricia Dewar seeking the vacation of a portion of NE 122nd Street and NE 123rd Street in the Carnation area of unincorporated King County.

The subject right-of-way was dedicated in the King County Short Plat S89S0232 as recorded at 9202199003 of King County records. A road vacation restores the right-of-way to the property of historical origin. The subject right-of-way was created by the Short Plat S89S0232, the same short plat that created the lot of Rick and Laura Callaway, but not the lot of Ian and Patricia Dewar.

Report to the Hearing Examiner

V-2747

Page 2 of 6

Therefore, should the vacation be approved, all of the rights-of-way will attach to the property of Rick and Laura Callaway.

The subject portion of right-of-way qualifies as unopened and unmaintained county road right-of-way.

C. NOTICE

Notice of this hearing was posted at the approximate ends of the proposed vacation area on August 26, 2025, see Exhibit 19, and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

The King County Department of Local Services, Road Services Division (“Roads”) solicited comments from agencies within King County and utilities serving the area regarding the impacts of vacating the original vacation area.

The King County Road Services Division identified drainage facilities within a portion of the subject right-of-way and required an easement to maintain the facility and access for future maintenance. An easement has been prepared by Petitioners surveyor and reviewed and approved by Roads. It may be executed upon approval of the vacation.

PSE also identified facilities within the subject right-of-way and is working with the Petitioners’ attorney to complete the necessary easement.

No other utility or agency identified facilities within the right-of-way nor a need to retain an easement.

Roads did not receive responses from King County Fire Protection District #10 and the following King County agencies: Executive Services, Division of Real Estate Services; Department of Natural Resources and Parks, Open Space, Wastewater, and Water and Land Resources Divisions; Metro Transit; and the Department of Local Services Road Services Division Archeologist. A copy of the Notice is included as Exhibit 10.

The responses received to the agency review are listed below.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 08/26/2025. An easement will be needed. Will reach out to the Petitioners attorney.
2.	Wave Broadband	Response dated 08/25/2021. Seems like we are outside the vacation area.

Report to the Hearing Examiner**V-2747****Page 3 of 6**

3.	Comcast	Response dated 06/21/2021. Comcast has no facilities in the affected vacation area.
4.	King County Water District 119	Response dated 07/13/2021. No easements needed. Ok to vacate.
5.	DLS Permitting	Response dated 06/21/2021. Permitting has no objections to this proposed road vacation.
6.	DNRP – Parks	Response dated 06/22/2021. Parks has no objections to this request.
7.	DLS Roads- CIP & Planning Section	Response dated 07/15/2021. No long range transportation planning concerns with this road vacation
8.	DLS Roads- Traffic Engineering	Response dated 06/21/2021. From a Traffic Operations perspective, I see no compelling reason for Roads to keep this section of NE 123 rd St
9.	DLS Roads – Survey Unit	Response dated 07/12/2021. Approve with any easements requested. It appears that a different alignment for a through street, NE 122 nd St, was dedicated as a condition of approval of KSCP S90S0400 on the abutting property south of the subject property making the portion in the subject Lot 2, KSCP S89S0262 unnecessary.
10.	DLS Roads - Environmental Unit	Response dated 07/21/2021. The proposed vacation occurs adjacent to a culvert on NE 122nd St. that may need to be replaced in the future. As part of the culvert replacement (which may require a separate easement for construction and maintenance), it may be necessary to provide mitigation in the form of aquatic area buffer enhancement. A permanent easement along the portion of the right-of-way adjacent to NE 122nd St. is requested
11.	DLS Roads - Drainage Unit	Response dated 06/28/2021 Need an easement for the 24” Concrete pipe crossing on NE 122 St just west of the driveway to 33513 NE 122 St. This current pipe may extend outside of the ROW for NE 122 nd and into the ROW for NE 123 St and may need to be fish passable when replaced so extra room is needed for future maintenance. Please let me know if I need to determine the size of the easement needed as additional field investigation is required before this can be estimated. Vacate once easement is determined.

Report to the Hearing Examiner**V-2747****Page 4 of 6**

12.	Executive Services – Historical Preservation	Response dated 07/21/2025. No Recommendation, no concerns with the vacation.
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E. COMPENSATION

Utilizing the model prepared by King County Office of Performance, Strategy and Budget (PSB), Roads solicited from the Assessor's Office determination of value for the vacation area that will attach to the property owned by Petitioners Rick and Laura Calloway. See Exhibit 11.

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 PSB model results in no additional charge of compensation to Petitioners should the approximately 33,522 square foot area of unopened undeveloped right-of-way be vacated. See Exhibit 12.

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.

F. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer has determined that the subject portion of right-of-way is useless to the county transportation system and that Petition V-2747 seeking to vacate this portion of NE 122nd Street and NE 123rd Street should be approved with the condition of providing easements to King County for drainage and Puget Sound Energy, and without payment of compensation in accordance with the PSB model.

The full County Road Engineer's Report is attached as Exhibit 14.

G. EXHIBITS

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner August 30, 2025, with 12 Attachments and 20 Exhibits.
2.	Petition transmittal letter dated May 27, 2021, to the County Road Engineer.
3.	Petition for Vacation of a County Road received May 27, 2021.
4.	Letter to Petitioners dated June 7, 2021, acknowledging receipt of Petition.
5.	King County Assessor's information for Petitioners Ricky and Laura Callaway's property, APN 2726079060

Report to the Hearing Examiner**V-2747****Page 5 of 6**

6.	King County Assessor's information for Petitioners Ian and Patricia Dewar's property, APN 2726079003
7.	Assessor's Quarter Section map for SE272607
8.	King County Short Plat S89S0262 rec 199202199003
9.	Exhibit map depicting vacation area
10.	Copy of final notice sent of review to agencies on 07/26/2021
11.	Email exchange with Assessor's Office regarding valuation of vacation area.
12.	Compensation calculation model spreadsheet for Petitioners' property, APN 2726079060
13.	Cover letter to Petitioners dated April 16, 2024, with a copy of the County Road Engineer's Report
14.	County Road Engineer's Report
15.	PSE Easement
16.	Permanent Easement in favor of King County
17.	Ordinance transmittal letter dated July 21, 2025, from King County Executive to Councilmember Girmay Zahilay, Chair, King County Council
18.	Proposed Ordinance
19.	Declaration of Posting
20.	Request for publication by Clerk of the Council

END OF STAFF REPORT TO THE HEARING EXAMINER

PROPOSED RIGHT-OF-WAY VACATION V-2747



Vacation File: V-2747

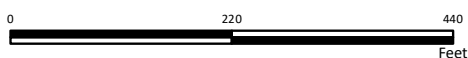
123rd St NE and 122nd St NE
SE 27 26 07

ROW Area (Approximate):

33,522 FT² or 0.8 Acres



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



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

EXHIBIT 16

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.

EASEMENT

Dated: _____, 2024

Ricky Callaway

Laura Callaway

Accepted and Approved

KING COUNTY

By: _____
Tricia Davis, Director

Date: _____

STATE OF WASHINGTON)

) ss.

COUNTY OF _____)

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.

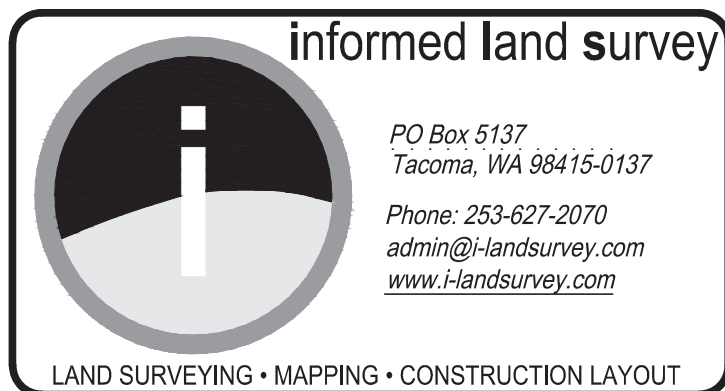
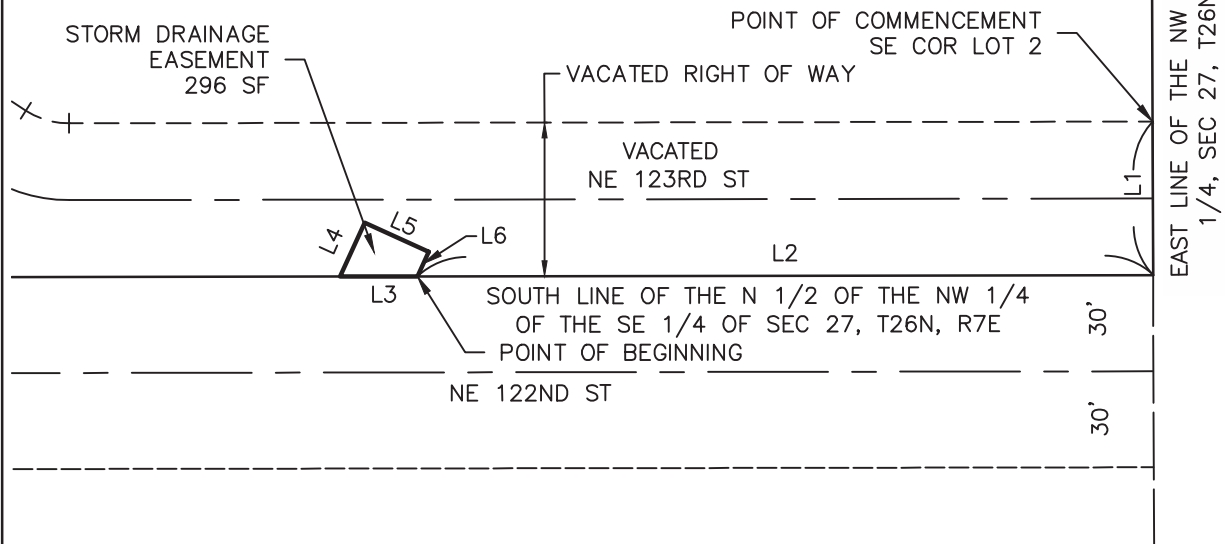


EXHIBIT A

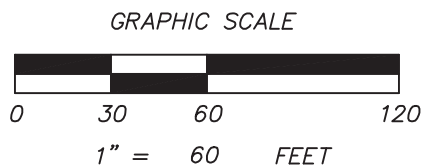
PAGE 2

LOT 2

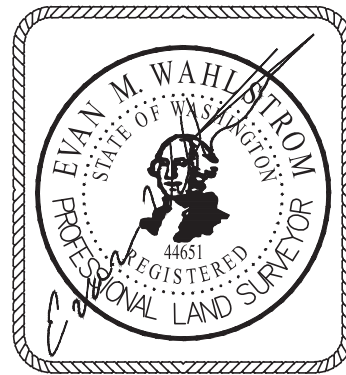
KING COUNTY
SHORT PLAT
REC NO 9202199003
APN 2726079060



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