

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

PUBLIC HEARING: October 24, 2016 at 9:30:00 AM or shortly thereafter

**King County Hearing Examiner's Office
516 Third Avenue, Room 1200
Seattle, WA 98104**

September 29, 2016

PETITION TO VACATE: B.W. Redding Road Extension No. 1 right-of-way

Transportation File: V-2680

Proposed Ordinance: 2016-0457

A. GENERAL INFORMATION

Petitioner(s): Claremont Forest, LLC
 Attn: Liway Hsi
 34121 SE Ash Street
 Snoqualmie, WA 98065
 (909) 525-8610

Location of Road: Portion of the B.W. Redding Road Extension No. 1 right-of-way
 also known as County Road No. 494
 Thomas Brothers Page 630, E2
 Zoning – RA-5

Adjacent Parcel: #292408-9033, and 292408-9001

B. HISTORY

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 on December 12, 2013 with the Clerk of the King County Council. The Department of Transportation, Road Services Division (Roads) circulated the request for vacation, soliciting comments from the agencies listed below. The petition requested vacation of portions of the B.W. Redding Road Extension No. 1 right-of-way, also known as County Road No. 494, as

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shown in King County Large Lot Segregation No. EMSC 13-0004, King County recording no. 20130816900001, records of King County, Washington.

A search of records by staff of the Roads found that King County acquired the subject portions of right-of-way by the recording of a Quit Claim Deed dated August 14, 1912, recorded in Volume 681 of Deeds, on Page 44, records of King County, Washington. No public funds were expended in this acquisition. The subject portions of the right-of-way are currently unopened for public use and are not maintained by the County. Therefore in accordance with King County Code 14.40.020 and Ordinance 9164 we consider the subject right-of-way to be "C-Class".

Compensation for "C-Class" right-of-way is based on 50 percent of the assessed valuation as determined by a county staff review appraiser. The compensation fee is calculated to be \$39.96 based on a total area of 22,515 square feet. (Please see the Compensation Worksheet in Exhibit #20) The petitioner has transmitted the necessary fees to King County.

Notice of this hearing was posted at the termini of the proposed vacation area on September 28, 2016 and published in accordance with requirements of RCW 36.87.060.

C. REVIEWING AGENCIES AND COMMENTS

Roads did not receive responses from Puget Sound Energy, or the following King County agencies: DOT Environmental, DES Real Estate Services, or DNRP Water and Land Resources, Office of Open Space. The final agency notice informed the stakeholders that if Roads did not receive a response by July 15, 2016, then we would assume that they have no concerns and we would proceed with the vacation process. A copy of the Final Notice is included as Exhibit #18.

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ATTACHMENTS	AGENCY	COMMENT
1.	CenturyLink	<p>Updated response dated 1/18/2016. CenturyLink has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation.</p> <p>With the stipulation that if CenturyLink facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities. All relocations will be done under the supervision of a CenturyLink inspector.</p> <p>Response dated 3/24/2014. CenturyLink has reviewed the request for vacation as referenced above and finds that telephone facilities exist within the area referenced in Vacation Request V-2680. In order to protect these facilities, we request that an easement be excepted there from to CenturyTel of Washington, Inc. d/b/a CenturyLink on, over, in, under, across, above and along that certain real property.</p> <p>Please save and except the following: An easement to CenturyTel of Washington, Inc. d/b/a CenturyLink on, over, in, under, across, above and along the entire area described in V-2680.</p> <p>It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.</p>
2.	Frontier	<p>Response dated 7/5/2016. Frontier does not have any issues with the road vacation.</p>
3.	Wave Broadband	<p>Response dated 6/30/2016. We have no facilities in this location.</p>
4.	Comcast	<p>Response dated 2/26/2014.</p> <ul style="list-style-type: none"> • Nature of public utilities, if any, in right-of-way: None. • Are easements desired: No. • Do you have any additional comments: Comcast has no system at that location. <p>What is your recommendation: None.</p>

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5.	KC DPER	Response dated 2/21/2014. No objections.
6.	KC Traffic Engineering	Response dated 2/27/2014. <ul style="list-style-type: none">• Nature of public utilities, if any, in right-of-way: None.• Is right-of-way improved for travel: No.• Is right-of-way necessary for present or future road systems, either for travel or public utilities: No.• Are easements desired: No..• Is right-of-way maintained: No.• Has it been maintained or county funds expended: No.• What is your recommendation: Approve.
7.	KC Roads Maintenance	Response dated 7/7/2016. According to the aerial imagery in Road Viewer and iMap, neither of these sections of ROW are opened. The Road Maintenance Section (RMS) does not maintain any roadway or drainage improvements there, either, though the main section of SE 70 th Drive is maintained for both roadway and drainage by RMS. Also, according to the Assessor's info, the adjacent properties are currently owned by Claremont Forest, LLC...is this a new owner? (Note: The petitioner, Liway Hsi, is the owner of Claremont Forest LLC)
8.	Wastewater	Response dated 7/5/2016. WTD does not anticipate any impacts to our existing facilities.
9.	Transportation Planning	Response dated 7/8/2016. From a transportation planning perspective, we have no objection to approving this road vacation. There are no short or long term transportation improvements planned for this right of way, and no funded County road improvements in the surrounding area. This right of way is not a documented transportation need for the present or future county road system.
10.	KC Parks Division	Response dated 2/21/2014. Parks has no objections to this request. Okay to vacate.

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11.	Transit	Response dated 7/5/2016. Transit has conducted a review of the above referenced street vacation. We've concluded that the subject vacate will have no effect on transit facilities or operations.
12.	Historical Preservation	Response dated 7/5/2016. I've checked our data for this property and find no indications of historical resources that would be affected by this road vacation. We have no concerns and no conditions to request.
END OF ATTACHMENTS		

D. OTHER COMMENTS:

None.

E. ISSUES:

Exhibit #27 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.

F. COUNTY ROAD ENGINEER RECOMMENDATION

The Department of Transportation recommends vacating the right-of-way.

G. EXHIBITS

Exhibit #	DESCRIPTION
1.	DOT Report to the Hearing Examiner dated September 29, 2016 with 12 attachments.
2.	Petition transmittal letter dated December 12, 2013 to the Department of Transportation from the Clerk of Council.
3.	Petitioner's cover letter stating reason for the request dated December 12, 2013.
4.	Petition for Vacation of a County Road.
5.	Legal descriptions of Petitioner's properties.
6.	Petitioner's maps of vacation area.
7.	Claremont Forest LLC license.
8.	Copy of Filing Fee - Check No. 562 from petitioners.

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9.	Receipt No. 00988, dated December 12, 2013, from the King County Council for Filing Fee.
10.	Letter dated February 24, 2014 to petitioner notifying him that we have received his petition and explaining the vacation process.
11.	Petitioner provided surveys and legal descriptions of vacation area dated January 20, 2015.
12.	Updated petitioner provided legal description of vacation area dated February 23, 2015.
13.	Vicinity Map - Thomas Brothers Page 630, Grid E-2.
14.	Quit Claim Deed dated August 14, 1912, recorded in Volume 681 of Deeds, on Page 44.
15.	Site map depicting vacation area.
16.	Aerial Map.
17.	King County Large Lot Segregation No. EMSC 13-0004.
18.	Copy of final agency notice sent to stakeholders on June 29, 2016, including comment sheet, vicinity map, and maps of vacation area.
19.	Letter dated August 5, 2015 to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet.
20.	Compensation Worksheet dated August 5, 2015.
21.	Copy of compensation check in the amount of \$39.96.
22.	Deposit receipt no. 9652, dated August 21, 2015.
23.	Ordinance transmittal letter dated September 7, 2016 from King County Executive to Councilmember Joe McDermott. (note: signed copy unavailable)
24.	Proposed Ordinance 2016-0457
25.	Fiscal Note
26.	Affidavit of posting for hearing & Notice of hearing.
27.	Affidavit of Publication for date of hearing.
END OF EXHIBITS	

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Mailing List Road Vacation File V-2680
September 22, 2016

Petitioner

Claremont Forest LLC
Attn: Liway Hsi
34121 SE Ash Street
Snoqualmie, WA 98065
ngfy90t@yahoo.com
(909) 525-8610

Puget Sound Energy
P.O. Box 97034
MS : EST-06W
Bellevue, WA 98009
Attn: Michela Potts
Michela.Potts@pse.com
(425) 462-3026

CenturyLink
23315 66th Avenue S
Kent, WA 99032
Attn: Alex Harb
Alex.Harb@centuryLink.Com
(206) 345-4476

Frontier Communications

Attn: Justin Fontes
Justin.Fontes@ftr.com
(425) 263-4018

Clerk of the Council
MS - KCC-CC-1200

King County DOT - Road Services Division
MS - KSC-TR-0313
Attn: Lydia Reynolds-Jones, Managing
Engineer
Strategic Business Operations Section
Project Support Services
(206) 477-3631

Appellants

Comcast Cable
1525 75th Street SW, Suite 200
Everett, WA 98203
Attn: Jeffrey Burris
Jeffrey_Burris@cable.comcast.com
(425) 263-5353

Wave Broadband
10427 MLK Jr Way S
Tukwila, WA 98178
Attn: Jim Biggs
jbiggs@WaveBroadband.com
(206) 926-2906

Comcast Cable
1525 75th Street SW, Suite 200
Everett, WA 98203
Attn: Raymond Pilkenton
Raymond_Pilkenton@cable.comcast.com
(425) 263-5332

King County DOT - Road Services Division
MS - KSC-TR-0313
Attn: Rick Brater, P. E., County Road Engineer
(206) 477-3601

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King County DOT - Road Services Division
MS – KSC-TR-0313
Attn: Nicole Keller-Ritz, Program Manager
Strategic Business Operations Section
(206) 477-7615

King County DES – Facilities Management
Division
MS - ADM-ES-0830
Attn: Michael Kulish, Supervisor
Real Estate Services Section
(206) 477-9375

King County DNRP - Wastewater Treatment
Division
MS - KSC-NR-0512
Attn: Claire Christian, Real Property Agency
IV
Environmental and Community Services
Section
Regulatory Compliance & Land Acquisition
Services
(206) 477-5452

King County DNRP - Water & Land Resources
Division
MS - KSC-NR-0600
Attn: Robert Jackson, Title & Escrow Officer
Rural and Regional Services Section
Open Space Acquisitions
(206) 477-4604

King County DOT - Road Services Division
MS – RSD-TR-0100
Attn.: Jim Ballweber, Site Development
Specialist II
Maintenance Section
Environmental Unit
(206) 477-2374

King County DOT - Road Services Division
MS – KSC-TR-0313
Attn: Chris Treichel, Engineer II
Strategic Business Operations Section
(206) 477-3639

King County DOT - Road Services Division
MS – KSC-TR-0313
Attn: Cindy Torkelson, Program Manager II
Strategic Business Operations Section
(206) 477-3638

King County DNRP - Water & Land
Resources Division
MS - KSC-NR-0600
Attn: Andrew McDonald, Engineer III
Storm Water Services
Asset Management Unit
(206) 477-4768

King County DOT - Road Services Division
MS - KSC-TR-0313
Attn.: Tine Morehead, Senior Environmental
Engineer
Maintenance Section
Environmental Unit
(206) 477-3551

King County DOT - Road Services Division
MS - KSC-TR-0313
Attn.: Jim Ishimaru, Transportation Planner
III
Strategic Business Operations Section
Policy, Planning & Grant Administration
(206) 477-3623

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King County DOT – Transit
MS - KSC-TR-0431
Attn: Jennifer Altschuler, Real Property
Agent III
Design & Construction
Real Estate/Land Use/ Environmental Planning
Phone: (206) 477-5925

King County DPER
MS – SNO-DP-0210
Attn: Kim Claussen, Program Manager III
Current Planning Section
(206) 477-0329

King County DNRP - Parks and Recreation
Division
MS - KSC-NR-0700
Attn: Robert Nunnenkamp, Property Agent III
Capital Planning and Land Management
Phone: (206) 477-4581

King County DOT - Road Services Division
MS – KSC-TR-0313
Attn: Robert Eichelsdoerfer, Engineer III
Engineering Services Section
Road Design & Traffic Engineering
(206) 477-3652

King County DNRP
MS – KSC-NR-0700
Attn: Ivy Freitag, Preservation Planner
Historic Preservation Program
(206) 477-7976

END OF MAILING LIST

End of Report to the Hearing Examiner

EXHIBITS
1 THROUGH 27