

DEPARTMENT OF LOCAL SERVICES
ROAD SERVICES DIVISION
COUNTY ROAD ENGINEER REPORT ON VACATION PETITION V-2759

November 30, 2023

Petition to Vacate: Minnesota Avenue/45th Avenue S

Vacation file: V-2759

Petitioners: Terry L. Swanson and Dean B. Swanson

Recommendation: The County Road engineer has determined that the subject portion of right-of-way may not be vacated pursuant to RCW 36.87.130 and recommends that the Road Vacation Petition V-2759 be denied.

Petitioners Terry L. Swanson and Dean B. Swanson submitted a petition for the vacation of a portion of Minnesota Avenue/45th Avenue S on August 3, 2022. The subject right-of-way is an unopened and unmaintained road right-of-way located in the Auburn 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. Petitioners own the majority of the lineal footage of the frontage of the portion of right-of-way proposed for vacation.

B.1 - The portion of right-of-way proposed to be vacated has been examined and it is recommended the Road Vacation Petition be denied pursuant to RCW 36.87.130.

B.2 – The subject portion of Minnesota Avenue/45th Avenue S is classified as unopened and unmaintained King County right-of-way. However, private improvements have been made within the right-of-way. The subject right-of-way was dedicated to the County in the 1910 Plat Jovita Addition recorded in Volume 19 of Plats, page 14.

B.3 – The subject portion of Minnesota Avenue/45th Avenue S is an unopen and unmaintained county road right-of-way. However, approximately 30 feet of the 40-foot right-of-way has been improved and is in use by Petitioners.

B.4 – The subject portion of right-of-way is not needed as part of the county transportation system of the present or future and it is not advisable to preserve any of the specific portion of the right-of-way for future transportation use. However, as public platted right-of-way leading to Trout Lake, it is a point of public access to a body of fresh water. Therefore, the subject portion of right-of-way must be retained, and the Petition denied.

B.5 - The public will not be benefited by the vacation of the subject right-of-way.

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.

Petitioners have sought to vacate 30 feet of the 40-foot-wide right-of-way for Minnesota Avenue/45th Avenue S. As this right-of-way was dedicated in a plat, should the right of way be vacated in full, only the western 20 feet would attach to Petitioners' property and the eastern 20 feet would attach to a separate property not a party to this petition. There is no known basis or mechanism for Petitioners to receive the 30 feet sought, more than one-half of the right-of-way. Therefore, the compensation calculation below is based upon a vacation of one-half of the right-of-way, a strip 20 feet wide and approximately 109 feet long.

The Assessor's Office determined that adding approximately 2,171 square feet to the Petitioners' property, Assessor's Parcel number 3750602793, would result in a \$23,000 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 a charge of \$16,135 to the Petitioners should the 2,171 square foot area be vacated.

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, should the petition to vacation a 20-foot-wide portion of Minnesota Avenue/45th Avenue S be approved, the subject portion of right-of-way be vacated with the condition of payment of \$16,135 by the Petitioners.

B.7 - The subject portion of right-of-way serves as access to the Petitioners' property and Trout Lake.

B.8 – No utilities have been identified within the subject vacation area.

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 abuts a body of fresh water – Trout Lake. RCW 36.87.130 provides that no county shall vacate a county road or part thereof which abuts a body of salt or freshwater unless specific exceptions are met. Petitioners property does not meet the explicit exceptions. The property is zoned R4, not industrial, and is not to be used for a public purpose.

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 not needed as part of the county transportation system of the present or future and it is not advisable to preserve any of the specific portion of the right-of-way for future transportation use. However, as public platted right-of-way leading to Trout Lake, it does provide public access to a body of fresh water. Therefore, petition V-2759 must be denied pursuant to RCW 36.87.130.

DocuSigned by:



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

DocuSigned by:



Thia Davis, Director
Road Services Division

Attachments:

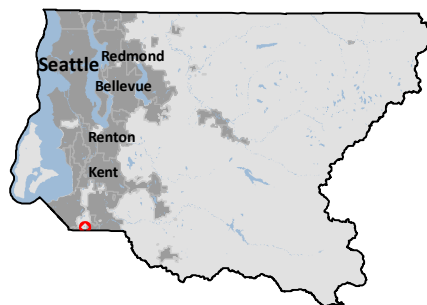
Exhibit A – Site Map






Compensation Calculation Spreadsheet

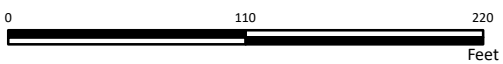
PROPOSED RIGHT-OF-WAY VACATION V-2759



Vacation File: V-2759
 44th Ave S
 SE 34-21-04
ROW Area (Approximate):
 3,256 FT² or 0.07 Acres



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



FOR INFORMATIONAL USE ONLY

VALUATION OF ROADS RIGHT-OF-WAY

V-2759

**Parcel 3750602793
Terry L and Dean B
Swanson**

Based on PSB Response to Proviso

Minnesota Ave.

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 23,000	\$ 23,000	\$ 23,000
Subtract: Transfer of Liability or Risk	\$ 339	\$ 34	0
Subtract: Expected Property Taxes	\$ 339	\$ 339	\$ 339
Subtract: Management and Maintenance Costs	\$ 16,436	0	\$ 6,526
DLS Processing Costs	0	0	0
TOTAL	\$ 5,886	\$ 22,627	\$ 16,135

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 01/01/2018-01/01/2023
- 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	\$ 23,000	See below *	Varies per parcel
"Mileage" of parcel		0.02	Parcel size in linear mileage	Varies per parcel
Average of 5 years of risk costs	ORM	\$ 2,583,310	5 year average, annual cost	Updated annually
Property tax rate - general fund	PSB / DOA	\$ 0.47	per 1,000 AV; 2023 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.24	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	\$ 326,302	Total annual costs; future average	Updated annually
DLS Processing costs	N/A	\$ -	N/A	

Square footage and lineal measurement of vacation area:

Parcel Size in square feet	Roads	2171	Square footage of vacation area 20 x108.54
Parcel size in lineal feet		108.54	
Parcel size in "road mileage"		0.020556818	

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

Parcel 3750602793 value pre-vacation	\$224,000
Parcel 3750602793 value post-vacation	\$247,000
Value of vacation area	\$23,000