

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

PUBLIC HEARING: March 17, 2020 at 11:00 am or shortly thereafter

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

March 02, 2020

PETITION TO VACATE: A Portion of NE 99th Place

Transportation File: V-2708

Proposed Ordinance: 2019-0490

A. GENERAL INFORMATION

Petitioner(s): Lake Washington School District No. 414

Location of Road: Portion of NE 99th Place
Thomas Brothers Page 538
Zoning – UR-P-SO

Adjacent Parcels: 7202420040, 7202420070 and 7202420060

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 1, 2016, with the Clerk of the King County Council, seeking the vacation of a portion of NE 99th Place in the Redmond Ridge area of unincorporated King County. The Department of Local Services, Road Services Division (Roads) reviewed the petition and determined that the subject right-of-way was dedicated to the County in 2006 as part of the Redmond Ridge Division 14 plat.

Roads circulated the request for vacation, soliciting comments from agencies within King County and utilities serving the area. The responses received are listed below.

Exhibit no.	1
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EXHIBIT 1

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The petition requests vacation of a portion of NE 99th Place in the SW Quarter of Section 34, Township 26, Range 6, W.M. and the NW Quarter Section 03, Township 25, Range 06, W.M. as appearing on Thomas Brothers Page 538. See Exhibit Maps, Exhibits #8 and 9.

The subject section of right-of-way is a short, fully open, improved and maintained cul-de-sac. The abutting properties are all owned by Petitioner, Lake Washington School District No. 414. The road only serves the Petitioner's properties and the operation of the Lake Washington School District Timberline Middle School.

C. NOTICE

Notice of this hearing was posted at the termini of the proposed vacation area on February 21, 2020 and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

Roads did not receive responses from Comcast, Frontier, Wave Broadband or the following King County agencies: Department of Executive Services, Real Estate Services Division; and the Department of Natural Resources and Parks, Open Space. A copy of the Final Notice is included as Exhibit #4.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 12/27/2016. PSE has Gas and Electric distribution in the right-of-way. PSE will need an easement for existing utilities. PSE will work directly with the petitioner to obtain the necessary operating rights. Please do not complete the vacation ordinance until we have had time to obtain rights.
2.	King County Fire District 34	Response dated 06/27/2017. Redmond Fire has no objections to the vacation of the NE 99 th Place under the conditions that all fire access requirements to the on-site buildings are able to be met by other means such as private fire access lanes.
3.	DPER	Response dated 6/23/2017. No objection provided easements for access to the drainage facilities (KC) are obtained.
4.	DNRP- Parks Div.	Response dated 12/14/2016. Parks has no objections to this request. Okay to vacate.

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5.	DNRP-WLRD Stormwater	Response dated 2/3/2017. We have concerns about the vacation of NE 99 th Place as it is currently our only means of access to Tract RD-1402. We would like to require them to provide us with permanent access prior to Vacation approval. 2/24/2017 response identified two parcels over which an easement is needed.
6.	DNRP - Wastewater	Response dated 2/2/2017. It does not appear that King County-WTD has any facilities in the proposed street vacation area. My recommendation is to go forward with the vacation.
7.	DLS ROADS- CIP & Planning Section	Response dated 1/13/2017. We have no transportation planning concerns with this road vacation.
8.	DLS ROADS- Roads Maintenance	Response dated 1/26/2017. Road Maintenance Section has no comments/concerns with the ROW vacation application.
9.	DLS ROADS- Traffic Engineering	Response dated 6/23/2017. With the information that you have provided (easements to be granted to WLRD and covenants to take over responsibilities for drainage within the ROW) Traffic has no objection to this vacation.
10.	Transit	Response dated 12/22/2016. No objections from Transit's Power & Facilities, Design & Construction and Services Development groups.
11.	DLS ROADS Survey Unit	Response dated 1/25/2017. Recommend approval with appropriate easements granted over vacated street. The legal description and exhibit provided with the vacation request are adequate for the proposed action and correctly describe the area of existing KC right-of-way that will be vacated with the minor correction noted in red to the length of roadway.
12.	DLS ROADS- Enviro Unit	Response dated 1/17/2017. No comments regarding this road vacation.
13.	DLS ROADS Drainage	Response dated 12/14/2016. No easements required. Storm drainage system, 7 catchbasins and 18" plastic pipe within right-of-way. Recommend vacation so long as the drainage system maintenance goes with it.
14.	EXEC- Landmarks & Heritage	Response dated 1/4/2017. Reviewed our data and files for the location and the adjacent parcels and find no indications of historical resources that would be affected by this road vacation. No concerns and no conditions to request.

E. OTHER COMMENTS None.

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F. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer recommends approving the petition vacating the subject portion of right-of-way with the provision for easements to serve Puget Sound Energy and King County Department of Natural Resources and Parks, Water and Land Division, and a covenant to assume responsibility for the drainage infrastructure. The subject right-of-way is useless to the county road system. The full report of the County Road Engineer is included as Exhibit #6.

The right of way serves as access to properties owned by King County Department of Natural Resources and Parks, Water and Land Division (WLRD) for stormwater maintenance. Easements have been prepared and recorded to ensure continued access by WLRD if this vacation petition is approved. A copy of the easement appears as Exhibits # 12 and 16.

The right-of-way contains drainage features serving the road. These features are road related assets of Roads. Petitioner has executed a Covenant under which it will assume full responsibility for the continued maintenance of the drainage features. If the vacation petition is approved, the Covenant will be recorded. A copy of the covenant appears as Exhibit # 13.

G. COMPENSATION

Utilizing the model prepared by King County Office of Performance, Strategy and Budget (PSB), Roads solicited from the Assessor's Office a determination of value for the vacation area that will attach to the property owned by Petitioner. See Exhibit #17. As all properties are owned by petitioner, the total area and compensation have been calculated as follows:

Lake Washington School District parcels 7202420040, 7202420070, and 7202420060

The total vacation area is 26,680 square feet. Per the Assessor's Office, the additional area would value at \$13.00 per square foot. See Exhibit #18 for the full model spreadsheet as applied to this parcel.

The subject right-of-way is opened and maintained road. Applying the \$13 per square foot to the 26,680 total square feet to be vacated, the starting value is \$346,840.00.

From the \$346,840 value:

- \$ 651 - deducted for transfer of liability or risk
- \$ 0 - deducted for expected property taxes – Petitioner is a School District, exempt for property taxes
- \$ 49,397 -deducted for management and maintenance costs for the 0.07 linear mileage to be vacated

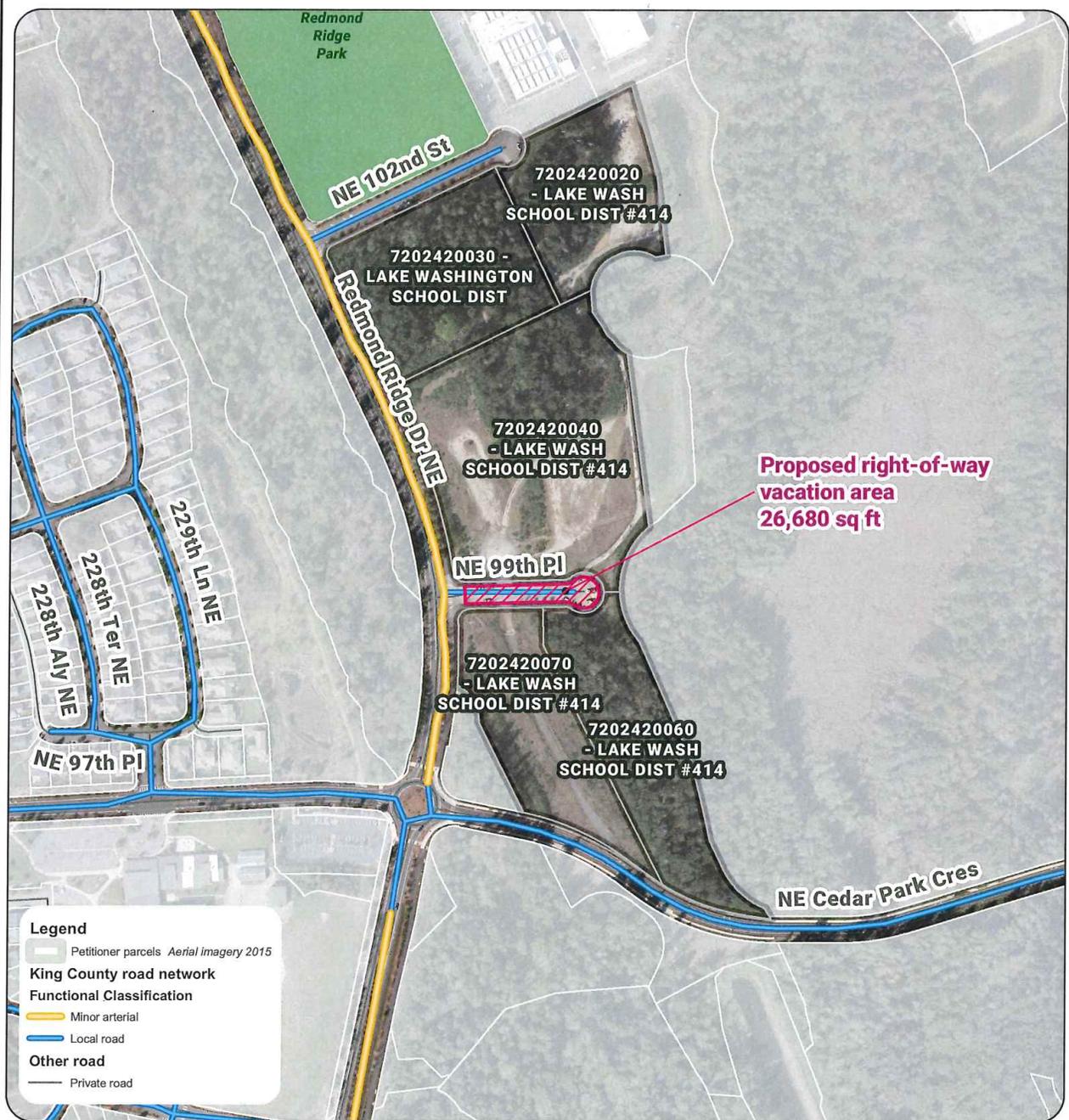
Result is a charge of \$296,793

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RCW 36.87.120 allows the County Council to consider public benefit as a factor reducing any required compensation. In this case, the petitioner is a School District and the subject right-of-way, if vacated, will become part of the newly constructed Timberline Middle School. Roads has no model to calculate the value of the public benefit associated with the incorporation, use and operation of the subject road as part of this middle school. For this reason, Roads cannot demonstrate the monetary benefit to the public. However, there is an inherent public benefit associated with the provision of public education and providing the best operational facilities to serve the public school. Additionally, the petitioner will provide the public benefit of maintaining access for WLRD to service the storm water ponds serving the area and assumption of Roads' responsibility for maintaining the drainage infrastructure. Therefore, recognizing the long-term public benefit associated with the School District taking ownership of this section of road, it is the recommendation of the County Road Engineer and the Director of Roads that this portion of right-of-way be vacated and any associated monetary compensation be waived.

H. EXHIBITS

Exhibit #	DESCRIPTION
1.	DOT Report to the Hearing Examiner February 26, 2020 with 14 attachments.
2.	Petition transmittal letter dated December 1, 2016 to the Department of Transportation from the Clerk of Council.
3.	Letter and Petition for Vacation of a County Road. Received December 1, 2016.
4.	Copy of final notice sent to stakeholders on January 20, 2017 with vicinity map, site map and aerial map showing vacation area
5.	Letter to Petitioner dated July 13, 2017, with a copy of the County Road Engineer's report, and providing an estimate of required compensation and setting out the requirements of an easement to be granted to Puget Sound Energy, King County DNRP-WLRD and entry into a covenant with King County providing for the assumption of responsibility for existing drainage infrastructure
6.	County Road Engineer Report on Vacation Petition V-2708, July 13, 2017 October 27, 2017
7.	Letter to Petitioner dated December 21, 2016 acknowledging receipt of petition
8.	Site map depicting vacation area.
9.	Aerial Map showing vacation area
10.	Letter of February 26, 2019 from Denise L. Stiffarm, attorney for Petitioner transmitting the original signed easement to Puget Sound Energy, King County DNRP – WLRD and the Declaration of Covenant regarding drainage infrastructure
11.	Easement from Lake Washington School District to Puget Sound Energy.



Proposed right-of-way vacation area
26,680 sq ft

RIGHT-OF-WAY VACATION

For Informational Use Only

NE 99th Pl

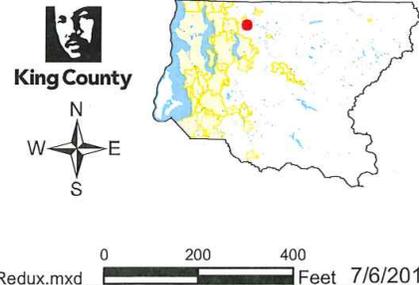
Vacation File V-2708

S34, T26, R06

S03, T25, R06

 Vacation Area

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Feet 7/6/2017

Exhibit no.	8
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Exhibit 8

King County iMap



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 Date: 12/14/2016
 V-2708 - NE 99th Place, Lake Washington School Dist



Exhibit no.	9
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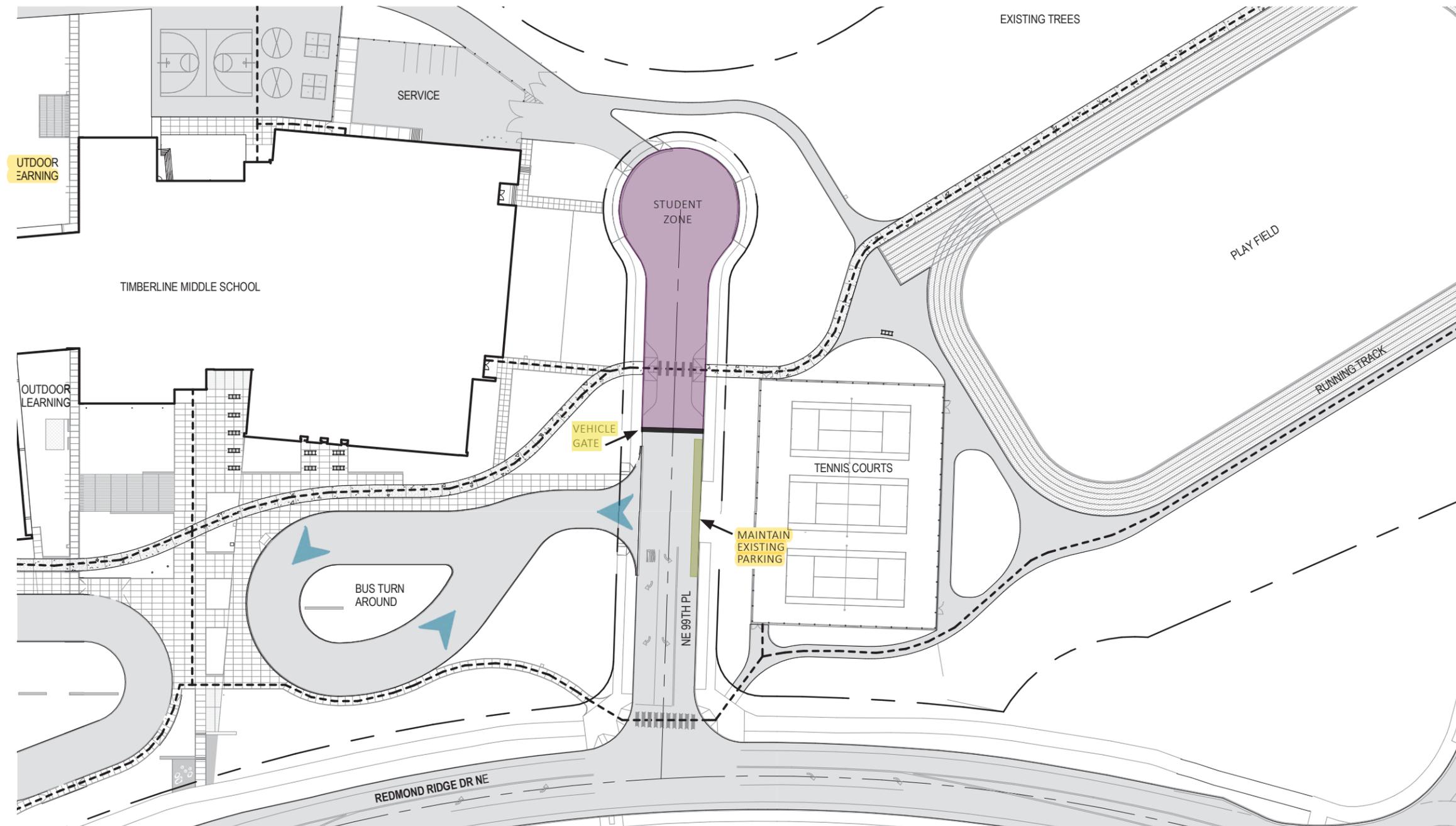
99TH PLACE - RENDERING
TIMBERLINE MIDDLE SCHOOL
LAKE WASHINGTON SCHOOL DISTRICT
APRIL 2020

Exhibit no.	25
Case name	Lake Washington School District
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-  BUS PATH
-  STUDENT ZONE
-  VEHICLE GATE
-  MAINTAIN EXISTING PARKING

99TH PLACE - SITE PLAN
TIMBERLINE MIDDLE SCHOOL
LAKE WASHINGTON SCHOOL DISTRICT
APRIL 2020

