

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

**PUBLIC HEARING: November 15, 2023 at 10:00 am**

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

**October 30, 2021**

**PETITION TO VACATE: A portion of 152<sup>nd</sup> Ave SE**

**Road Services File: V-2745**

**Proposed Ordinance: 2023-0299**

**A. GENERAL INFORMATION**

Petitioner(s): Micah and Florine Palmer

Location of Road: 15205 SE 142<sup>nd</sup> Street, Renton  
Plat of Cedar River Five Acre Tracts  
Thomas Brothers Page 657  
Quarter Section – SW 14-23-5

Adjacent Parcels: 1463400035

**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 April 1, 2021, by Micah and Florine Palmer seeking the vacation of a portion of 152<sup>nd</sup> Ave SE in the Renton area of unincorporated King County.

King County acquired the subject right-of-way by dedication in the Plat of Cedar River Five Acre Tracts, recorded in Volume 16 of Plats, Page 52, recording number 19071023516124. Exhibit 6. The plat dedicates to the use of the public forever, all streets and avenues hereon shown.

The subject portion of right-of-way qualifies as unopened and unmaintained road right-of-way and does not provide access to any properties. The subject portion of right-of-way does contain a steep slope.

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The vacation area is adjacent to a parcel held by King County Department of Executive Services, Facility Management Division (FMD), APN 1072000450. On April 14, 2021, FMD signed the petition joining as an additional Petitioner. Exhibit 4. While the FMD property abuts the subject portion of right-of-way, if the petition is approved the vacation area will attach to the property of Micah and Florine Palmer, APN 1463400035. The subject right-of-way and the Palmers' property were all created under the Plat of Cedar River Five Acre Tracts. The FMD property is not a part of that Plat.

### C. NOTICE

Notice of this hearing was posted at the approximate ends of the proposed vacation area on October 23, 2023, see Exhibit 17, and published in accordance with requirements of RCW 36.87.060. See Exhibit 18.

### D. REVIEWING AGENCIES AND COMMENTS

Roads solicited comments from agencies within King County and utilities serving the area regarding the impacts of vacating the subject area. The responses received are listed below. No utility or agency identified infrastructure within the subject right-of-way or requested an easement over the vacation area.

Roads did not receive responses from King County Fire District No. 25, King County Water District 90, and the following King County agencies: Executive Services, Division of Real Estate Services and Historical Preservation; Department of Natural Resources and Parks, Open Space, and Water and Land Resources; Metro Transit; and the Department of Local Services Road Services Division Maintenance Section and Archeologist. A copy of the Notice is included as Exhibit 10.

ATTACHMENTS	AGENCY	COMMENT
1.	<b>Puget Sound Energy</b>	Response dated 07/23/2021. PSE has no equipment in the proposed vacation area.
2.	<b>Comcast</b>	Response dated 06/17/2021. Comcast has no facilities in the proposed vacation area.
3.	<b>Lumen/ CenturyLink</b>	Response dated 08/25/2021. No objection to the vacation. Please save and except an easement to CenturyLink preserving our rights to any existing easement or rights we have on the site.
4.	<b>DLS Permitting</b>	Response dated 06/18/2021. – Permitting Division has no objections to the proposed vacation.
5.	<b>DNRP – Parks</b>	Response dated 06/22/2021. No objections. Response dated 8/26/2022. ROW not necessary or useful for planned trail or park improvements.

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6.	<b>DNRP – Wastewater</b>	Response dated 07/21/2021. Recommend proceed with vacation.
7.	<b>DLS Roads- CIP &amp; Planning Section</b>	Response dated 07/13/2021. We have no long range transportation planning concerns with this road vacation. Response dated 5/20/2022. There is a steep drop-off immediately south of this right-of-way, making any potential road improvement a dead-end. This prevents it from being a useful addition to the existing or future County road system. There are existing county-owned roads in the vicinity of this right of way that are adequate to handle existing and future traffic needs. King County does not have any future planned improvements in the immediate vicinity of this right of way. The existing combination of local access, private, and County-owned roads in this area are adequate to meet current and future traffic needs.
8.	<b>DLS Roads- Traffic Engineering</b>	Response dated 06/18/2021. No objection to this proposed road vacation and no compelling reason to keep this section of 152 <sup>nd</sup> Ave SE.
9.	<b>DLS Roads – Survey</b>	Response dated 07/12/2021. ROW is unbuildable due to steep slope and 70 foot deep ravine. Recommend approval with any easements requested.
10.	<b>DLS Roads Environmental Unit</b>	Response dated 07/19/2021. No objection to this vacation request. Petitioners should be aware that the requested portion of right-of-way occurs within a steep slope hazard zone and associated buffer, as well as the buffer for a fish-bearing stream.
11.	<b>DLS Roads Drainage</b>	Response dated 07/21/2021. Recommendation - vacate.

**E. 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 Petitioners. See Exhibit 11.

The property of Petitioners, parcel number 1463400035, will receive approximately 6,250 square feet if the petition is approved. The Assessor’s Office determined that adding 6,250 square feet to the property would result in a \$15,000 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 \$10,600 in compensation to Petitioners should the 6,250 square foot area of unopened undeveloped right-of-way be vacated. See Exhibit 12.

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The County Road Engineer has determined that the subject portion of right-of-way is useless to the county transportation system. 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 as applied to this road vacation petition, the subject portion of right-of-way be vacated with the requirement of additional payment from the Petitioners as set forth above. The full County Road Engineer's Report is attached as Exhibit 14.

**G. EXHIBITS**

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner October 30, 2023, with 11 Attachments and 19 Exhibits.
2.	Petition transmittal letter dated April 1, 2021, to the County Road Engineer.
3.	Petition for Vacation of a County Road received April 1, 2021
4.	King County FMD joins the Petition April 14, 2021
5.	Letter to Petitioners dated April 20, 2021, acknowledging receipt of Petition.
6.	Plat of Cedar River Five Acre Tracts, recorded in Volume 16 of Plats, Page 52, recording number 19071023516124
7.	King County Assessor's information for Petitioners' property, APN 1463400035
8.	BLA L09L0017 recorded 2009624900005
9.	Exhibit map depicting vacation area
10.	Copy of final notice sent of review to agencies on 07/20/2021.
11.	Email exchange with Assessor's Office regarding valuation of vacation area.
12.	Compensation calculation model spreadsheet for Petitioners' property, APN 1463400035
13.	Cover letter to Petitioners dated November 18, 2021, with a copy of the County Road Engineer's Report
14.	County Road Engineer's Report
15.	Ordinance transmittal letter dated August 23, 2023, from King County Executive to Councilmember Dave Upthegrove
16.	Proposed Ordinance
17.	Declaration of Posting
18.	Publication in the Seattle Times for November 1 and 8
19.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

**H. ISSUES**

Exhibit #19, 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.



# PROPOSED RIGHT-OF-WAY VACATION V-2745



EXHIBIT 9

152nd Ave SE

SE 142nd St

V-2745

Parcel #: 1463400035  
PALMER  
MICAH+FLORINE

The information on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or quality of the information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

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IMAGE\_Ortho2019KCNAT  
8/17/2021

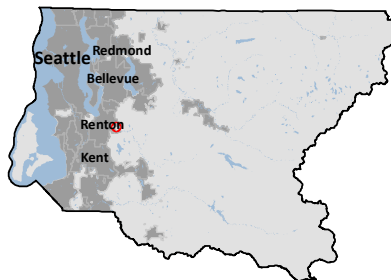
### Vacation File: V-2745





152nd Ave SE and 142nd St SE

SW 14 23 05

### ROW Area (Approximate):

6,002 FT2 or 0.1 Acres



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

