



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19688

**Proposed No.** 2023-0204.2

**Sponsors** Upthegrove

1                   AN ORDINANCE authorizing the vacation of a portion of  
 2                   S. 372nd Street/8th Street, V-2741; Petitioners: Rufus M.  
 3                   Sprague, Jr., and Ann S. Sprague, Vicki M. Sherer and  
 4                   Duane E. Groscost.

5                   **STATEMENT OF FACTS:**

- 6                   1. A petition was filed requesting vacation of a portion of S. 372nd  
 7                   Street/8th Street, hereinafter described.
- 8                   2. The department of local services notified utility companies serving the  
 9                   area and King County departments of the proposed vacation and was  
 10                  advised that Puget Sound Energy requires an easement over the vacation  
 11                  area. The vacation shall not extinguish the rights of any utility company  
 12                  to any existing easements for facilities or equipment within the vacation  
 13                  area.
- 14                  3. The department of local services's records indicate that this segment of  
 15                  right of way is unopened and unmaintained.
- 16                  4. The department of local services considers the subject portion of right  
 17                  of way useless as part of the county road system and believes the public  
 18                  would benefit by the return of this segment of right of way to the public  
 19                  tax rolls and recommends approval of the vacation.

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20 5. Pursuant to K.C.C. 14.40.020 and RCW 36.87.120, the value of the  
21 vacation area is offset by the costs to King County to manage and  
22 maintain this segment of unopened right of way and the present value of  
23 future property tax resulting in a determination of: \$3,746 as  
24 compensation for the vacation of 7,200 square feet of S. 372nd Street/8th  
25 Street right of way to the property of Petitioner Duane E. Groscost, King  
26 County Assessor's Parcel Number 375060-2185; no compensation  
27 required for the vacation of 3,600 square feet of S. 372nd Street/8th Street  
28 right of way to the property of Petitioners Rufus M. Sprague, Jr., and Ann  
29 S. Sprague, King County Assessor's Parcel Number 375060-2673; and a  
30 determination of no compensation required for the vacation of 3,600  
31 square feet of S. 372nd Street/8th Street right of way to the property of  
32 Petitioner Vicki M. Sherer, King County Assessor's Parcel Number  
33 375060-2694.

34 6. Due notice was given in the manner provided by law. The office of the  
35 hearing examiner held the public hearing on September 20, 2023.

36 7. As detailed in the October 2, 2023, recommendation, the hearing  
37 examiner found that the road segment subject to this petition is not useful  
38 as part of the King County road system, concluded that the vacation of this  
39 segment of road will benefit the public through the transfer of  
40 responsibility for management and return of the property to the public tax  
41 roll, and recommended requiring \$3,746 in compensation from Petitioner  
42 Duane E. Groscost as a condition of vacation and no further compensation

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43 from Petitioners Rufus M. Sprague, Jr., and Ann S. Sprague and Vicki M.  
44 Sherer.

45 8. For the reasons stated in the examiner's report and recommendation,  
46 the council determines that it is in the best interest of the citizens of King  
47 County to grant said petition and vacate the right of way.

48 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

49 SECTION 1. The council, on the effective date of this ordinance, hereby vacates  
50 and abandons a portion of S. 372nd Street/8th Street, right of way as dedicated to King  
51 County by the recording of the plat of Jovita, recorded in Volume 19 of Plats, Page 14,  
52 records of King County Washington as described below:

53 ALL OF SOUTH 372ND STREET (8TH STREET) LYING BETWEEN  
54 BLOCK 45 AND BLOCK 53 OF THE PLAT OF JOVITA ACCORDING  
55 TO THE PLAT THEREOF FILED IN VOLUME 19 AT PAGE 14 OF  
56 PLATS, RECORDS OF THE KING COUNTY RECORDER.  
57 SITUATE IN THE NORTHWEST QUARTER OF SECTION 34,  
58 TOWNSHIP 21 NORTH, RANGE 4 EAST, WILLAMETTE  
59 MERIDIAN, COUNTY OF KING, STATE OF WASHINGTON.

60 Containing 14,400 square feet, more or less.

61 SECTION 2. For the right of way abutting parcels 375060-2673  
62 (Sprague) and 375060-2694 (Sherer), there is no compensation requirement or  
63 contingencies, and vacation is operative on the effective date of this ordinance.

64 SECTION 3. For the right-of-way abutting parcel 375060-2185  
65 (Grosco), vacation is CONTINGENT on petitioner paying \$3746 to King

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66 County within ninety days of the date the council takes final action on this  
67 ordinance. If King County does not receive \$3746 by that date, there is no  
68 vacation and the associated right-of-way remains King County's. If payment is  
69 timely received, the clerk shall record an ordinance against parcel 375060-2185.  
70 Recording an ordinance will signify that payment has been received, the

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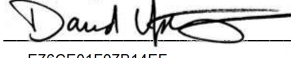
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- 71 contingency is satisfied, and the right-of-way associated with parcel 375060-2185  
72 is vacated.


Ordinance 19688 was introduced on 6/6/2023 and passed by the Metropolitan King County Council on 11/7/2023, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
  
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Dave Upthegrove, Chair

ATTEST:

DocuSigned by:  
  
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Melani Hay, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 11/14/2023, \_\_\_\_\_.

DocuSigned by:  
  
4FBCAB8196AE4C6...  
Dow Constantine, County Executive

**Attachments:** A. Hearing Examiner Report dated October 2, 2023

October 2, 2023

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND RECOMMENDATION**

SUBJECT: Department of Transportation file no. **V-2741**; proposed ord. **2023-0204**  
Adjacent parcel nos. **3750602673, 3750602694, and 3750602185**

**SPRAGUE, SHERER, GROSCOST**

Road Vacation Petition

Location: a portion of S. 372nd Street/8th Street

Applicants: **Duane and Marty Grosco**  
37117 42nd Ave S  
Auburn, WA 98001  
Telephone: (253) 927-3493  
Email: [dmgrosco@comcast.net](mailto:dmgrosco@comcast.net)

Applicant: **Vicky Sherer**  
37205 42nd Ave S  
Auburn, WA 98001  
Telephone: (253) 797-2682  
Email: [thesherers@comcast.net](mailto:thesherers@comcast.net)

Applicants: **Rufus and Ann Sprague**  
P.O. Box 1945  
Milton, WA 98354  
Telephone: (253) 740-1000  
Email: [rufusmsprague@gmail.com](mailto:rufusmsprague@gmail.com)

King County: Department of Local Services  
*represented by* **Leslie Drake**  
201 S Jackson Street  
Seattle, WA 98104  
Telephone: (206) 477-7764  
Email: [leslie.drake@kingcounty.gov](mailto:leslie.drake@kingcounty.gov)

## FINDINGS AND CONCLUSIONS:

### Overview

1. Applicants petition the County to vacate an approximately 14,400 square-foot stretch of public right-of-way at a portion of S. 372nd Street/8th Street. The Department of Local Services, Road Services Division (Roads), urges vacation and a waiver of compensation for two of the parcels (Sprague and Sherer) and vacation with the compensation requirement for the remaining parcel (Groscost). On September 20, 2023, we conducted a remote public hearing on behalf of the Council. After hearing witness testimony and observing their demeanor, studying the exhibits entered into evidence, and considering the parties' arguments and the relevant law, we recommend that Council vacate the right-of-way outright (meaning no compensation requirement or other contingencies) for the Sprague and Sherer parcels, and vacate with the right-of-way with a compensation requirement for the Groscost parcel.

### Background

2. Except as provided below, we incorporate the facts set forth in Roads' report and in proposed ordinance no. 2023-0204. That report, and a map showing the area to be vacated and the vicinity of the proposed vacation, are in the hearing record and will be attached to the copies of our recommendation submitted to Council. Exs. D1 at 001-05, D5 at 001.
3. Chapter RCW 36.87 sets the general framework for county road vacations, augmented by KCC chapter 14.40. There are at least four somewhat interrelated inquiries. The first two relate to whether vacation is warranted: is the [1] road useless to the road system and [2] would vacation benefit the public? If the answers to these are both yes, the third and fourth relate to compensation: [3] what is the appraised (or perhaps assessed) value of the right-of-way, and [4] how should this number be adjusted to capture avoided County costs? We analyze each of those below.

### Is Vacation Warranted?

4. A petitioner has the burden to show that the "road is [1] useless as part of the county road system and [2] that the public will be benefitted by its vacation and abandonment." RCW 36.87.020. "A county right of way may be considered useless if it is not necessary to serve an essential role in the public road network or if it would better serve the public interest in private ownership." KCC 14.40.0102.B. While denial is mandatory ("*shall* not" vacate) where a petitioner fails to make that showing, approval is discretionary where a petitioner shows uselessness and public benefit ("*may* vacate"). RCW 36.87.060(1) (emphasis added).
5. The subject right-of-way segment is not currently opened, constructed, or maintained for public use, and it is not known to be used informally for access to any property. It is basically a treed area between the Sprague and Sherer properties to the south and the Groscost property to the north. As one County commenter phrased it, this stretch of right-of-way is an:

Excellent example of a street the County should divest itself of responsibility for. The adjacent properties are fully developed to have better access to the local street system through driveways connecting to other streets. This [stretch of right-of-way] is not cost-effective to construct a through street on this alignment whereas it represents only a liability to the County for having to clear danger trees from the wooded right-of-way that might, in the future, pose a danger to houses on the adjacent lots that are constructed without the normal setback to the street [right-of-way].

Ex. D1 at 033.

6. Vacation would have no adverse effect on the provision of access and fire and emergency services to the abutting properties and surrounding area. The petitioners have already provided, or will provide, the necessary utility easements. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
7. We find that the road is useless to the county road system. We also find that the public will benefit from its vacation, with the savings in expected avoided management and maintenance costs and increased property taxes discussed below. We conclude that vacation here is warranted.

#### What Compensation is Due?

8. Where vacation is appropriate, we calculate compensation by [3] starting with the increase in property values the receiving parcel will garner from the extra square footage the (formerly) public right-of-way area adds to the parcel; this figure is generated by the Assessor. However, that is only the starting point, because [4] State and County law allow local legislative branches to adjust the appraised value to reflect the expected value to the public from avoided liability risk, eliminated management costs, and jettisoned maintenance costs, along with increased property taxes. RCW 36.87.070; KCC 14.40.020.A.1. Performance, Strategy, and Budget created a model for calculating these adjustments, updated annually. Roads then applies those figures to a given parcel. Exs. 12-14.
9. This means that the appropriate level of compensation to require is a somewhat individualized inquiry, producing different results for different parcels. Here, there are three different parcels. The increase in property values the Sprague property and the Sherer property would see from adding the right-of-way square footage is slightly *less* than the expected value to the County from jettisoning the right-of-way. Exs. 12-13. Thus, if Council approves the vacation there would be no further action for the Spragues or Sherers to take.
10. However, the increase in property values the Groscost property would see from adding the right-of-way square footage exceeds the expected value to the County. Ex. 14. Thus, if Council approves the vacation, the Groscosts would need to decide whether or not to pay \$3746 to enhance the size of their property. If they determine it is not worth it, that portion of the right-of-way would remain public.
11. There are scenarios where vacation should be an all-or-nothing proposition. For example, suppose the right-of-way went through the Sprague property, then the Sherer property, then dead-ended on the Groscost property. Vacating the right-of-way just through the Sprague



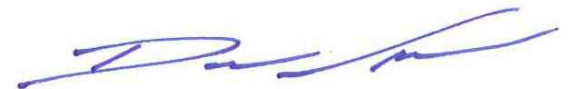
and Sherer properties would be a bad idea, leaving an orphaned public in-holding on the Groscost property the County could not easily access if, for example, someone dumped waste on the remaining, isolated public right-of-way stretch.

12. That is not the case here. If the Groscosts elect not to participate, the entire southern half of the right-of-way will merge into the Sprague and Sherer properties, while the northern half of the right-of-way would remain, extending between two actually-constructed public streets. And at 30 feet in width, the northern half would be plenty of space for the County to navigate if for some reason they needed to get in there. There is no need to condition the Sprague or Sherer vacation on what the Groscosts choose to do.

#### RECOMMENDATION:

1. We recommend that Council APPROVE proposed ordinance no. 2023-0204 to vacate the subject road right-of-way abutting parcels 375060-2673 (Sprague) and 375060-2694 (Sherer), with no compensation requirement or contingencies.
2. We recommend that Council APPROVE proposed ordinance no. 2023-0204 to vacate the subject road right-of-way abutting parcel 375060-2185 (Groscost), CONTINGENT on petitioner paying \$3746 to King County within 90 days of the date Council takes final action on this ordinance. If King County does not receive \$3746 by that date, there is no vacation and the associated right-of-way remains King County's. If payment is timely received, the Clerk shall record an ordinance against parcel 375060-2185. Recording an ordinance will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 375060-2185 is vacated.

DATED October 2, 2023.



David Spohr  
Hearing Examiner

#### NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on **October 26, 2023**, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement

must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the Clerk does not actually receive the fee and the appeal statement within the applicable time period.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council will place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner's recommended action.

If the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about "next steps."

**MINUTES OF THE SEPTEMBER 20, 2023, HEARING ON THE ROAD VACATION  
PETITION OF SPRAGUE, SHERER, GROSCOST, DEPARTMENT OF  
TRANSPORTATION FILE NO. V-2741**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake, Vicky and Ron Sherer, and Rufus and Ann Sprague.

The following exhibits were offered and entered into the hearing record:

Exhibit no. D1	Roads Services report to the Hearing Examiner
Exhibit no. D2	Petition transmittal letter, dated October 2, 2020, to the County Road Engineer
Exhibit no. D3	Petition for Vacation of a County Road, received October 1, 2020
Exhibit no. D4	Letter to Petitioners, dated October 21, 2020, acknowledging receipt of Petition.
Exhibit no. D5	Exhibit map depicting vacation area
Exhibit no. D6	Plat Jovita Heights Addition
Exhibit no. D7	King County Assessor's information for Petitioners Sprague's property, APN 3750602673
Exhibit no. D8	King County Assessor's information for Petitioner Sherer's property, APN 3750602694
Exhibit no. D9	King County Assessor's information for Petitioner Groscost's property, APN 3750602185
Exhibit no. D10	Final notice sent of review to agencies on February 10, 2021
Exhibit no. D11	Email exchange with Assessor's Office regarding valuation of vacation area.
Exhibit no. D12	Compensation calculation model spreadsheet for Petitioners Sprague's property, APN 3750602673
Exhibit no. D13	Compensation calculation model spreadsheet for Petitioner Sherer's property, APN 3750602694
Exhibit no. D14	Compensation calculation model spreadsheet for Petitioner Groscost's property, APN 3750602185
Exhibit no. D15	Cover letter to Petitioners dated June 7, 2021, with a copy of the County Road Engineer's Report

- Exhibit no. D16 County Road Engineer’s Report
- Exhibit no. D17 Signed easement between Rufus and Ann Sprague and PSE
- Exhibit no. D18 Signed easement between Vicki M. Brown and Ronald K Brown and PSE
- Exhibit no. D19 Signed easement between Duane Groscost and PSE
- Exhibit no. D20 Ordinance transmittal letter, dated May 25, 2023, from King County Executive to Councilmember Dave Upthegrove
- Exhibit no. D21 Proposed Ordinance
- Exhibit no. D22 Declaration of Posting
- Exhibit no. D23 Confirmation of publication in the Seattle Times for Sept 6 and 13
- Exhibit no. D24 Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council

**Certificate Of Completion**

Envelope Id: 3CC9B5E06C854F9F87510CB2EF72441F	Status: Completed
Subject: Complete with DocuSign: Ordinance 19688.docx, Ordinance 19688 Attachment A.pdf	
Source Envelope:	
Document Pages: 5	Signatures: 3
Supplemental Document Pages: 6	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Enveloped Stamping: Enabled	401 5TH AVE
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

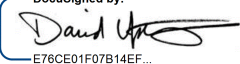
**Record Tracking**

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Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

**Signer Events**

Dave Upthegrove  
dave.upthegrove@kingcounty.gov  
Chair  
Security Level: Email, Account Authentication (None)

**Signature**


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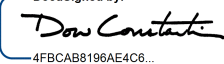
Melani Hay  
melani.hay@kingcounty.gov  
Clerk of the Council  
King County Council  
Security Level: Email, Account Authentication (None)

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**Electronic Record and Signature Disclosure:**  
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Dow Constantine  
Dow.Constantine@kingcounty.gov  
King County Executive  
Security Level: Email, Account Authentication (None)

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Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Kaitlyn Wiggins kwiggins@kingcounty.gov Executive Legislative Coordinator King County Executive Office Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<div style="border: 2px solid blue; padding: 5px; display: inline-block;"><b>COPIED</b></div>	Sent: 11/13/2023 12:25:06 PM Viewed: 11/13/2023 12:27:56 PM
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Notary Events	Signature	Timestamp
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Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, King County-Department of 02 (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact King County-Department of 02:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov)

### **To advise King County-Department of 02 of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from King County-Department of 02**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with King County-Department of 02**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.