

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

PUBLIC HEARING: April 30, 2019 at 1:45 pm or shortly thereafter

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

April 12, 2019

PETITION TO VACATE: Portion of 166th Avenue SE (Kendall Avenue)

Transportation File: V-2684

Proposed Ordinance: 2018-0012

A. GENERAL INFORMATION

Petitioner(s): Michael L. and Valerie J. Creighton

Location of Road: Portion of 166th Avenue SE (Kendall Avenue)
Thomas Brothers Page 627
NW Quarter of Section 12, Township 23 N, Range 5 E., W.M.
Zoning – RA5

Adjacent Parcels: 5229300240

Initial Hearing : March 15, 2018

B. HISTORY

This petition was filed on September 11, 2013 with the Clerk of the King County Council and the revised petition submitted March 24, 2014. A hearing on this petition was conducted by the County Hearing Examiner on March 15, 2018. An Interlocutory Order in this matter was issued by the Hearing Examiner on March 21, 2018 holding the matter open until the County Office of Performance Strategy and Budget (PSB) prepared a model for calculating compensation in road vacation petitions. Such model has been created and was presented to the County Council.

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C. NOTICE OF HEARING

Notice of this continued hearing was posted at the termini of the proposed vacation area on March 29, 2019 and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

After the March 2018 hearing, Roads did not solicit or receive new comments or responses from stakeholders regarding this petition.

E. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer recommends the petition V-2684 to vacate a portion of 166th Avenue SE (Kendall Avenue) be approved. The subject right-of-way is useless to the County Road System. The full report of the County Road Engineer was submitted with Roads' initial Staff Report to the Hearing Examiner as Exhibit #18.

F. COMPENSATION

Utilizing the model prepared by PSB, Roads solicited from the Assessor's Office a determination of value of the 13,089 square feet of right-of-way to be vacated under this petition. See Exhibit 32 for the full model spreadsheet as applied to this road vacation.

The Assessor's Office provided the following information:

Value of Parcel 522930-0240 pre-vacation at 145,926 square feet - \$225,000

Value of Parcel 522930-0240 post-vacation at 159,015 square feet - \$230,000

Difference in value as a result of the 13,089 square foot vacation area being added to the parcel - \$5,000.

The category of this section of right-of-way is Undeveloped Unopened ROW under the PSB mode.

From the \$5,000 valuation:

\$ 98 is deducted for the present value of anticipated property tax revenue
\$2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of-way.

Result is a charge of \$2,902.00.

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Roads' intention in its approach to road vacation compensation under the County Code was to reduce its inventory of right-of-way useless to the County Road system and reduce costs, obligations and liability exposure. The dollars Roads might obtain from the petitioners through the vacation of this portion of right-of-way is insignificant in comparison to the County's potential liability from its mere retention. Roads reiterates that under the County Code, a requirement of compensation for a road vacation is discretionary with the County Council. KCC 14.40.020 specifically provides that compensation may be required as a condition of a road vacation. Roads understands the concerns that gave rise to the request for a compensation model and will follow the directions of the County Council in applying such model. However, Roads remains very concerned that requiring compensation, particularly to vacate unopened right-of-way, will present barriers to eliminating these useless and often problematic sections of right-of-way leaving the county to continue to carry full responsibility for these random pieces of property.

G. EXHIBITS

In addition to Exhibits 1-30 submitted with the Roads Report to the Hearing Examiner, Roads submits the following;

Exhibit #	DESCRIPTION
31.	DLS Supplemental Report to the Hearing Examiner April 12, 2019.
32.	Compensation calculation model spreadsheet
33.	Affidavit of posting for hearing with notice of hearing
34	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

H. ISSUES:

Exhibit #34 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 Roads when they receive it.