

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

PUBLIC HEARING: September 18, 2025 at 2:30 pm

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

September 1, 2025

PETITION TO VACATE: A portion of 40th Ave S / Nevada Ave.

Road Services File: V-2749

Proposed Ordinance: 2025-0226

A. GENERAL INFORMATION

Petitioner(s): Todd and Janet Gillies

Location of Road: 40th Ave S/Nevada Ave
Thomas Brothers Page 775
Quarter Section – NW-34-21-4

Adjacent Parcels: 375060-1038
375060-1050

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 September 9, 2021, by Todd and Janet Gillies seeking the vacation of a portion of 40th Ave S / Nevada Ave in the Auburn area of unincorporated King County.

The subject right-of-way was dedicated to the County in the Plat of Jovita Addition in 1910 as Nevada Avenue. Petitioners own the lots on each side of the subject vacation area.

The subject portion of right-of-way qualifies as unopened and unmaintained county road right-of-way.

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Notice of this hearing was posted at the approximate ends of the proposed vacation area on August 26, 2025, see Exhibit 17, and published in accordance with requirements of RCW 36.87.060. Additionally, the Southern end of the vacation area was not readily accessible. Therefore, notice of the hearing and a copy of the County Road Engineer's Report and Recommendation were mailed to the two properties to the south of the vacation area.

D. REVIEWING AGENCIES AND COMMENTS

The King County Department of Local Services, Road Services Division ("Roads") solicited comments from agencies within King County and utilities serving the area regarding the impacts of vacating the original vacation area.

Roads identified drainage facilities at the intersection of 40th Ave S, Military Road and S. 368th Street. Roads worked with the Petitioners to revise the vacation area to ensure the drainage facilities are outside the vacation area.

Lumen/CenturyLink identified facilities within the vacation area and was informed that it should work with the Petitioners to secure the easement it needs. No other utility or agency identified facilities within the right-of-way nor a need to retain an easement.

Roads did not receive responses from Lakehaven Water and Sewer District and the following King County agencies: Executive Services, Division of Real Estate Services and Historic Preservation; Department of Natural Resources and Parks, Open Space, and Wastewater Divisions; and the Department of Local Services Road Services Division Archeologist. A copy of the Notice is included as Exhibit 9.

The responses received to the agency review are listed below.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 04/20/2022. OK to vacate. No PSE utilities in area.
2.	Lumen / CenturyLink	Response dated 12/21/2021. CenturyLink has active facilities on site.
3.	Comcast	Response dated 11/17/2021. Comcast has no facilities in this affected area.
4.	South King Fire and Rescue	Response dated 11/16/2021. South King Fire and Rescue has no comments or concerns for the proposed street vacation.

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5.	DLS Permitting	Response dated 11/22/2021. No objections to the proposed road vacation
6.	DNRP – Parks	Response dated 11/15/2021. Parks has no objections to this request. Response dated 08/26/2022. No Future planned Park or Trail Improvements in vicinity ROW is not necessary or useful for current or future trail
7.	DLS Roads- CIP & Planning Section	Response dated 12/13/2021. No long range transportation planning concerns with this road vacation. Response dated 05/20/2022. There are existing County roads in the immediate area that support current and future traffic needs. The existing combination of local access, private and County maintained roads in this area are adequate to meet current and future traffic needs.
8.	DNRP Water and Land Resources Division	Response dated 11/16/2021. There is no concern from the River and Floodplain Management Section.
9.	DLS Roads- Traffic Engineering	Response dated 11/16/2021. Road and Traffic Engineering Development Review staff would have no objection to this proposed road vacation.
10.	Metro Transit	Response dated 05/04/2022. King County Metro has no interest or comments on road vacation V-2749.
11.	DLS Roads – Survey Unit	Response dated 12/23/2021. Approve with any easements needed/requested. This is the classic situation that the Road Vacation program is designed to deal with-the street is not required, has never been opened and is ripe for surplussing to the adjacent owners thereby serving the people of King County by removing unused land from the tax rolls
12.	DLS Roads - Environmental Unit	Response dated 12/14/2021. The RSD Environmental Unit has no objections to this road vacation request. No critical areas present based on review of King County iMap.
13.	DLS Roads - Drainage Unit	Response dated 11/19/2021. Recommend vacation.

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Utilizing the model prepared by King County Office of Performance, Strategy and Budget (PSB), Roads solicited from the Assessor's Office determination of value for the vacation area that will attach to the properties owned by Petitioners Todd and Janet Gillies. See Exhibit 10.

The Assessor's Office determined that adding approximately 5,642 square feet to the Petitioners' Parcel 375060-1038 would result in an \$8,000 increase in value. The valuation as applied to the PSB model results in no additional charge of compensation from Petitioners should the approximately 5,642 square foot area of unopened undeveloped right-of-way be vacated. See Exhibit 11.

As to Parcel 375060-1050, the Assessor's Office determined that adding approximately 7,534 square feet to parcel would result in a \$11,000 increase in value. The valuation as applied to the PSB model with offsets for management and maintenance costs and future expected property tax, results in a charge of \$1,780 to Petitioners should the approximately 7,534 square foot area of unopened undeveloped right-of-way be vacated. See Exhibit 12.

F. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer has determined that the subject portion of right-of-way is useless to the county transportation system and that Petition V-2749 seeking to vacate this portion of 40th Ave S / Nevada Ave should be approved with the condition of providing or reserving an easement to Lumen/CenturyLink and payment of compensation in the amount of \$1,780 in accordance with the PSB model.

The full County Road Engineer's Report is attached as Exhibit 14.

G. EXHIBITS

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner September 1, 2025, with 13 Attachments and 18 Exhibits.
2.	Petition transmittal letter dated September 9, 2021, to the County Road Engineer.
3.	Petition for Vacation of a County Road received September 9, 2021.
4.	Letter to Petitioners dated September 14, 2021, acknowledging receipt of Petition.
5.	King County Assessor's information for Petitioners Todd and Janet Gillies' property, APN 3750601038
6.	King County Assessor's information for Petitioners Todd and Janet Gillies' property, APN 3750601050
7.	Plat Jovita Addition
8.	Exhibit map depicting vacation area

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9.	Copy of final notice sent of review to agencies on 04/04/2022
10.	Email exchange with Assessor's Office regarding valuation of vacation area.
11.	Compensation calculation model spreadsheet for Petitioners' property, APN 3750601038
12.	Compensation calculation model spreadsheet for Petitioners' property, APN 3750601050
13.	Cover letter to Petitioners dated May 23, 2024, with a copy of the County Road Engineer's Report
14.	County Road Engineer's Report
15.	Ordinance transmittal letter dated July 21, 2025, from King County Executive to Councilmember Girmay Zahilay, Chair, King County Council
16.	Proposed Ordinance
17.	Declaration of Posting
18.	Request for publication by Clerk of the Council

END OF STAFF REPORT TO THE HEARING EXAMINER

PROPOSED RIGHT-OF-WAY VACATION V-2749



Vacation File: V-2749

40th Ave S
NW 34 21 04

ROW Area (Approximate):
13,176 FT² or 0.3 Acres



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

0 75 150
Feet

FOR INFORMATIONAL USE ONLY

EXHIBIT 11

VALUATION OF ROADS RIGHT-OF-WAY

V-2749

Parcel # 375060-1038

Based on PSB Response to Proviso

Todd and Janet Gillies

40th Ave S

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 8,000	\$ 8,000	\$ 8,000
Subtract: Transfer of Liability or Risk	\$ 315	\$ 31	0
Subtract: Expected Property Taxes	\$ 134	\$ 134	\$ 134
Subtract: Management and Maintenance Costs	\$ 31,801	0	\$ 9,036
DLS Processing Costs	0	0	0
TOTAL	\$ (24,249)	\$ 7,835	\$ (1,170)

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 since 01/01/2019 as of 01/01/2024
- 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	\$ 8,000	See below *	Varies per parcel
"Mileage" of parcel		0.04	Parcel size in linear mileage	Varies per parcel
Average of 5 years of risk costs	ORM	\$ 1,239,907	5 year average, annual cost	Updated annually
Property tax rate - general fund	PSB / DOA	\$ 0.51	per 1,000 AV; 2023 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.43	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	\$ 451,792	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	5642	Square footage of vacation area
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Parcel size in lineal feet 210

Parcel size in "road mileage" 0.039772727

* Value of vacation area from Assessor's Office:

Parcel 375060-1038 value pre-vacation	\$93,000
Parcel 375060-1038 value post-vacation	\$101,000
Value of vacation area	\$8,000

EXHIBIT 12

VALUATION OF ROADS RIGHT-OF-WAY

Based on PSB Response to Proviso

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Parcel # 375060-1050

Todd and Janet Gillies

40th Ave S

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 11,000	\$ 11,000	\$ 11,000
Subtract: Transfer of Liability or Risk	\$ 375	\$ 37	0
Subtract: Expected Property Taxes	\$ 184	\$ 184	\$ 184
Subtract: Management and Maintenance Costs	\$ 37,858	0	\$ 9,036
DLS Processing Costs	0	0	0
TOTAL	\$ (27,417)	\$ 10,778	\$ 1,780

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 since 01/01/2019 as of 01/01/2024
- 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	\$ 11,000	See below *	Varies per parcel
"Mileage" of parcel		0.05	Parcel size in linear mileage	Varies per parcel
Average of 5 years of risk costs	ORM	\$ 1,239,907	5 year average, annual cost	Updated annually
Property tax rate - general fund	PSB / DOA	\$ 0.51	per 1,000 AV; 2023 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.43	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	\$ 451,792	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	7534	Square footage of vacation area
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Parcel size in lineal feet	250
Parcel size in "road mileage"	0.047348485

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

Parcel 375060-1050 value pre-vacation	\$127,000
Parcel 375060-1050 value post-vacation	\$138,000
Value of vacation area	\$11,000