

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

**PUBLIC TELEPHONIC HEARING: April 23, 2020 at 11:30 am or shortly thereafter
Call in by dialing 1 + (206) 263-8114 Conference ID: 5804817#**

April 7, 2020

PETITION TO VACATE: A Portion of 90th Ave SW

Transportation File: V-2716

Proposed Ordinance: 2020-0064

A. GENERAL INFORMATION

Petitioner(s): Stewart Schill and Weslie Brown

Location of Road: Portion of 90th Ave SW
Thomas Brothers Page 713

Adjacent Parcel: 7558800400

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 19, 2017, with the Clerk of the King County Council, seeking the vacation of a portion of 90th Ave SW on Maury Island in 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 1965 Plat of Sandy Shores, recorded in Volume 78 of Plats, Pages 65-67, in the records of King County, Washington under recording number 5140900.

The petition requests vacation of a 2,980 square foot portion of 90th Ave SW in the NE Quarter of Section 32, Township 22, Range 3 W.M. as appearing on Thomas Brothers Page 713. See Exhibit Map, Exhibit #7.

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|------------------------------|---------------------------------|
| Exhibit no. | 1 |
| Case name | Stewart Schill and Weslie Brown |
| Case number | V-2716 |
| Date received | 4/23/2020 |
| KING COUNTY HEARING EXAMINER | |

EXHIBIT 1

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The subject section of right-of-way is a portion of a platted cul-de-sac on an open county road right-of-way. The northern portion of 90th Ave SW is maintained by the County. The vacation area is not maintained. While 90th Ave SW does provide access to several properties, including that of the Petitioners, vacation of the subject area will not impact access to any other property.

The petitioners, Stewart Schill and Weslie Brown own the property immediately adjacent to the vacation area and are the only property owners within the Plat of Sandy Shores who would obtain ownership of the subject area if the vacation petition is approved.

C. NOTICE

Notice of this hearing was posted at each end of the proposed vacation area on April 2, 2020 and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

Roads circulated the request for vacation, soliciting comments from agencies within King County and utilities serving the area. The responses received are listed below. No county division requested easements or identified a reason why the vacation petition should not be approved. Puget Sound Energy identified a need for an easement to cover its facilities and did obtain an easement from the Petitioners.

Roads did not receive responses from Frontier Communications or the following King County agencies: Department of Executive Services, Real Estate Services Division; Department of Natural Resources and Parks, Open Space; Department of Natural Resources and Parks, Water and Land Division; and the Department of Local Services Road Services Division Environmental Engineering Section. A copy of the Final Notice is included as Exhibit #5. Three notices were sent to the Vashon Fire and Rescue with no response.

| ATTACHMENTS | AGENCY | COMMENT |
|--------------------|----------------------------------|---|
| 1. | Puget Sound Energy | Response dated 3/19/2018. Proceed to vacate with easements reserved for public utilities. PSE will obtain an easement based on PSE's standard easement format. Easement obtained. See Exhibit #12__ |
| 2. | Comcast | Response dated 2/12/2018. Comcast has no system in the proposed area. |
| 3. | Wave Broadband | Response dated 1/18/2018. Wave has no facilities within the project vicinity. |
| 4. | Dockton Water Association | Response dated 4/3/2018. No objections |

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| 5. | DLS Permitting | Response dated 5/30/2018. It appears that the area to be vacated was a cul-de-sac to provide turn around etc, created with the plat of Sandy Shores. It does not appear that the cul-de-sac was fully constructed. It is currently vegetation and not utilized. There is not a physical road/access connection to SW 275 th St. As KC DOT Road Services has no objection to this vacation proposal, DPER has no objection. |
| 6. | DNRP- Parks Div. | Response dated 1/25/2018. Parks has no objections to this request. Okay to vacate. |
| 7. | DNRP - Wastewater | Response dated 2/26/2018. KC WTD does not appear to have any facilities in this area. |
| 8. | DLS ROADS- CIP & Planning Section | Response dated 1/23/2018. We have no long range transportation planning concerns with this road vacation. |
| 9. | DLS ROADS- Roads Maintenance | Response dated 3/5/2018. I went out to the site today and do not see any issues with vacating this section of road. It's already unmaintained ROW, years ago the neighbor would pay us to slope mow, but that is all we've ever done here. |
| 10. | DLS ROADS- Traffic Engineering | Response dated 1/19/2018. Road and Traffic Engineering would have no objection to this proposed road vacation. |
| 11. | Metro Transit | Response dated 1/25/2018. We have no objections. The Transit Groups (Power & Facilities, Design & Construction & Service Development) have No Objections and No Comment. |
| 12. | DLS ROADS Survey Unit | Response dated 3/2/2018. It doesn't appear that the roadway can be extended beyond this point as it is at the top of a steep hill and would exceed maximum grade restrictions. The legal description and area calculation provided are correct. It appears, however that the current roadway configuration was required as part of the platting process to provide adequate turnaround area at the end of the street for emergency response vehicles. I would not recommend approval of this vacation without a review and approval by DPER and the fire marshal. |
| 13. | DLS ROADS Drainage | Response dated 1/19/2018. No apparent drainage facilities located in the proposed vacation area. May be needed for cul-de-sac. Road Standards require a turnaround in the form of a cul-de-sac or possibly a hammer head every 1000 feet on dead end roads. The current maintained portion of this dead end road does not have a turnaround meeting the current County standards. Traffic should comment on this need. |

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| 14. | Executive Division Historical Preservation | Response dated 1/23/2018. I have reviewed our data and files for this location, and the adjacent parcels, and find no indication of historical resources that would be affected by this road vacation. We have no concerns and no conditions to request. |
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E. OTHER COMMENTS

Two reviewers within the Roads division raised the question of whether the platted cul-de-sac was needed for future use as a turnaround. Reviewers with the Department of Local Services Permitting Division and the Traffic Engineering unit of Road Services Division did not have concern about the vacation of a portion of the platted cul-de-sac. Despite three separate attempts to obtain a comment or response from the Vashon Island Fire Department, no response was received. As depicted in the photographs attached as Exhibit #16, presently, the vacation area is not accessible as a turn-around for any vehicles. 90th Ave SW from the point of the vacation area, only serves the Petitioners' property and one other. The remainder of 90th Ave SW is unopened and too steep to improve as a road.

F. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer recommends approval of the petition vacating the subject portion of right-of-way with the provision for an easement to Puget Sound Energy. The subject right-of-way is useless to the county road system. The full report of the County Road Engineer is included as Exhibit #11.

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 #8.

The total vacation area is 2,980 square feet. Per the Assessor's Office, the additional area would add no value to the property. See Exhibit #8. The full PSB model spreadsheet as applied to this parcel is attached as Exhibit #9.

90th Ave SW is an open and fully accessible county road. Only a portion of the road is maintained by King County Road Services. The area of the vacation petition is unmaintained. Under the PSB model, regardless of whether the vacation area is classified as Opened Road, Frequently Traversed Public Area or Undeveloped Unopened Right of way, the result is no charge of compensation to the petitioner due to no change in value of the property as a result of the vacation.

PROPOSED RIGHT-OF-WAY VACATION V-2716

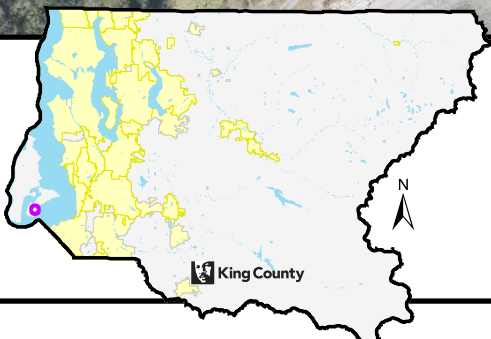
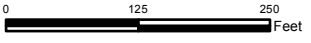






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| Exhibit no. | 7 |
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| KING COUNTY HEARING EXAMINER | |

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1/17/2018

Vacation File V-2716
90th Ave SW
 NE S32 T22 R3
 ROW Area: Approx. 2980 SF



-  Proposed Road Vacation
-  Petitioner Parcel
-  King County Local Road
-  King County Right of Way