

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

PUBLIC HEARING: July 29, 2021 at 10:00 am or shortly thereafter

**Video/Telephonic hearing by the King County Hearing Examiner’s Office
Seattle, WA 98104**

July 15, 2021

PETITION TO VACATE: A portion of SE 28th Street / Hemlock Street

Transportation File: V-2712

Proposed Ordinance: 2021-0208

A. GENERAL INFORMATION

Petitioner(s): Stephen and Megan Botulinski, John and Cynthia Conlon,
Jill and Kyle Thompson, Alfred Valvano and Traci
Shallbetter, Rex E. Currier, Adam and Jessie Buttermore and
Tom and Sharon Bilbro

Location of Road: SE 28th Street/ Hemlock St, Fall City Orchard Tracts
Thomas Brothers Page 599
Quarter Section – NW 12-24-7

Adjacent Parcels: 248070-0041, 248070-0072, 248070-0070, 248070-0082,
248070-0080, 248070-0038, 248070-0037

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 May 1, 2017 seeking the vacation of a portion of SE 28th St / Hemlock St right-of-way in the Plat of Fall City Orchard Tracts in the Fall City area of unincorporated King County. During the processing of the petition, three properties changed ownership and John and Cynthia Conlon, Jill and Kyle Thompson and Adam and Jessica Buttermore joined the Petition.

Exhibit no.	1
Case name	Stephen and Megan Botulinski and et al.
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King County acquired the subject right-of-way by dedication as Hemlock St. in the 1907 Fall City Orchard Tracts, as recorded in Volume 16 of Plats at Page 55.

The subject portion of right-of-way is unopened and unmaintained and does not provide access to any properties.

C. NOTICE

Notice of this hearing was posted at both ends of the proposed vacation area on July 7, 2021, see Exhibit #33, 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 or utility requested easements or identified a reason why the vacation petition should not be approved.

Roads did not receive responses from King County Fire District 27, Fall City Water District or the following King County agencies: Department of Natural Resources and Parks, Open Space and Water and Land Divisions; or Department of Local Services Road Services Division Maintenance section, or Environmental Engineering Section. A copy of the Notice is included as Exhibit #19.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 8/24/2017. No facilities within the right-of-way and no easements required.
2.	Frontier	Response dated 6/28/2017. Frontier does not serve this area.
3.	Comcast	Response dated 5/19/2017. Comcast does not have facilities in this area.
4.	Wave Broadband	Response dated 6/29/2017. Wave has no facilities in this area.
5.	DLS Permitting	Response dated 5/30/2017. No objections.
6.	DES Real Estate Services	Response dated 7/19/2017. Large forested lands adjacent to this road on the West, may need future access, however there is 30' remaining access area across Riverview Avenue, as shown on the plat of Fall City Orchard Tracts Vol 16, page 55. Be sure the description of the road vacation area does not go past the East boundary line of Riverview Avenue, as shown on the plat.

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7.	DNRP- Parks Div.	Response dated 5/19/2017. Parks has no objections to this request.
8.	DNRP - Wastewater	Response dated 6/29/2017. There does not appear to be any facilities in the proposed vacation area.
9.	DLS ROADS- CIP & Planning Section	Response dated 6/6/2017. We have no long range transportation planning concerns with this road vacation.
10.	DLS ROADS- Traffic Engineering	Response dated 6/29/2017. The proposed right-of-way vacation will not adversely impact traffic operations or the safety of SE 28 th St or SE 27 th Place. I would recommend approval of the proposed right-of-way vacation.
11.	Metro Transit	Response dated 6/2/17. Metro has no comment or objection to this vacation. There are no Metro routes or facilities in the outlined area.
12.	DLS ROADS Drainage	Responses dated 5/19/2017. ROW appears to be unopened and unmaintained and Roads has no drainage systems in the vicinity.
13.	EXEC Historical Preservation	Response dated 6/16/2017. No indications of historical resources that would be affected by this road vacation. We have no concerns and no conditions to request.

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 #20.

Petitioners Stephen and Megan Botulinski – APN 248070-0041:

The Botulinski parcel will receive approximately 17,692 square feet if the road vacation is approved. The Assessor's Office determined that adding 17,692 square feet would increase the value of the property by \$7,000. The valuation as applied to the compensation model results in a charge of \$2,758 to Petitioner should this 17,692 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #21.

Petitioners John and Cynthia Conlon – APN 248070-0072:

The Conlon property will receive approximately 9,820 square feet if the road vacation petition is approved. The Assessor's Office determined that adding 9,820 square feet to would result in a \$2,000 increase in value. The valuation as applied to the compensation model results in a negative number. Therefore, there is no charge to these Petitioners should this 9,820 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #22.

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Petitioners Jill and Kyle Thompson – APN 248070-0070:

The Thompson property will receive 9,831 square feet if the road vacation petition is approved. The Assessor's Office determined that adding 9,831 square feet would result in a \$2,000 increase in value. The valuation as applied to the compensation model results in a negative number. Therefore, there is no charge to these Petitioners should this 9,831 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #23.

Petitioners Alfred Valvano and Traci Shallbetter – APN 248070-0082:

The Valvano and Shallbetter property will receive approximately 16,966 square feet if the road vacation petition is approved. The Assessor's Office determined that adding 16,966 square feet would result in a \$5,000 increase in value. The valuation as applied to the compensation model results in a charge of \$799 to Petitioner should this 16,966 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #24.

Petitioner Rex E. Currier – APN 248070-0080:

The Currier property will receive approximately 2,704 square feet if the road vacation petition is approved. The Assessor's Office determined that adding 2,704 square feet to the property would result in no change in the value of the property. Therefore, there is no charge to these Petitioners should this 2,704 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #25.

Petitioners Adam and Jessi Buttermore – APN 248070-0038:

The Buttermore property will receive approximately 9,837 square feet if the road vacation petition is approved. The Assessor's Office determined that adding 9,837 square feet to the property would result in a \$6,000 increase in value. The valuation as applied to the compensation model results in a charge of \$1,779 to Petitioner should this 9,837 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #26.

Petitioners Tom and Sharon Bilbro – APN 248070-0037:

The Bilbro property will receive approximately 9,837 square feet if the road vacation petition is approved. The Assessor's Office determined that adding 9,837 square feet to the property would result in a \$6,000 increase in value. The valuation as applied to the compensation model results in a charge of \$1,779 to Petitioner should this 9,837 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #27.

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. It is the recommendation of the County Road Engineer and the

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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 condition of payment from the petitioners in the amounts as set forth above. The full County Road Engineer's Report is attached as Exhibit #30.

G. EXHIBITS

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner July 15, 2021 with 13 Attachments and 34 Exhibits.
2.	Petition transmittal letter dated May 1, 2017 to the County Road Engineer from the Clerk of Council.
3.	Petition for Vacation of a County Road. Received May 1, 2017
4.	Letter to Petitioners dated May 24, 2017 acknowledging receipt of Petition.
5.	Amended Petition with new property owners
6.	Exhibit map depicting vacation area
7.	Vicinity map
8.	Record of Survey prepared in conjunction with road vacation petition
9.	Exhibit of vacation area as prepared by Petitioners' surveyor
10.	Legal description of vacation area as prepared by Petitioners' surveyor
11.	Plat Fall City Orchard Tracts
12.	King County Assessor's information for Petitioner Botulinski property, APN 248070-0041
13.	King County Assessor's information for Petitioner Conlon property, APN 248070-0072
14.	King County Assessor's information for Petitioner Thompson property, APN 248070-0070
15.	King County Assessor's information for Petitioner Valvano and Shallbetter property, APN 248070-0082
16.	King County Assessor's information for Petitioner Currier property, APN 248070-0080
17.	King County Assessor's information for Petitioner Buttermore property, APN 248070-0038
18.	King County Assessor's information for Petitioner Bilbro property, APN 248070-0037
19.	Copy of notice sent to stakeholders on May 19, 2017 with vicinity map and site map showing vacation area
20.	Email exchange with Assessor's Office regarding valuation of vacation area.
21.	Compensation calculation model spreadsheet for Petitioner Botulinski property, APN 248070-0041
22.	Compensation calculation model spreadsheet for Petitioner Conlon property, APN 248070-0072

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23.	Compensation calculation model spreadsheet for Petitioner Thompson property, APN 248070-0070
24.	Compensation calculation model spreadsheet for Petitioner Valvano and Shallbetter property, APN 248070-0082
25.	Compensation calculation model spreadsheet for Petitioner Currier property, APN 248070-0080
26.	Compensation calculation model spreadsheet for Petitioner Buttermore property, APN 248070-0038
27.	Compensation calculation model spreadsheet for Petitioner Bilbro property, APN 248070-0037
28.	Cover letters to Petitioners dated December 21, 2020 with a copy of the County Road Engineer's Report
29.	County Road Engineer's Report
30.	Ordinance transmittal letter dated May 24, 2021 from King County Executive to Councilmember Claudia Balducci
31.	Proposed Ordinance
32.	Fiscal Note.
33.	Declaration of Posting
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 Road Services Division when they receive it.

Mailing List Road Vacation File V-2712

PROPOSED RIGHT-OF-WAY VACATION V-2712



Vacation File: V-2712
SE 28th St
NW 12-24-07

ROW Area (Approximate):
66740 FT2 or 1.53 Acres



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

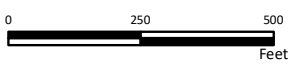
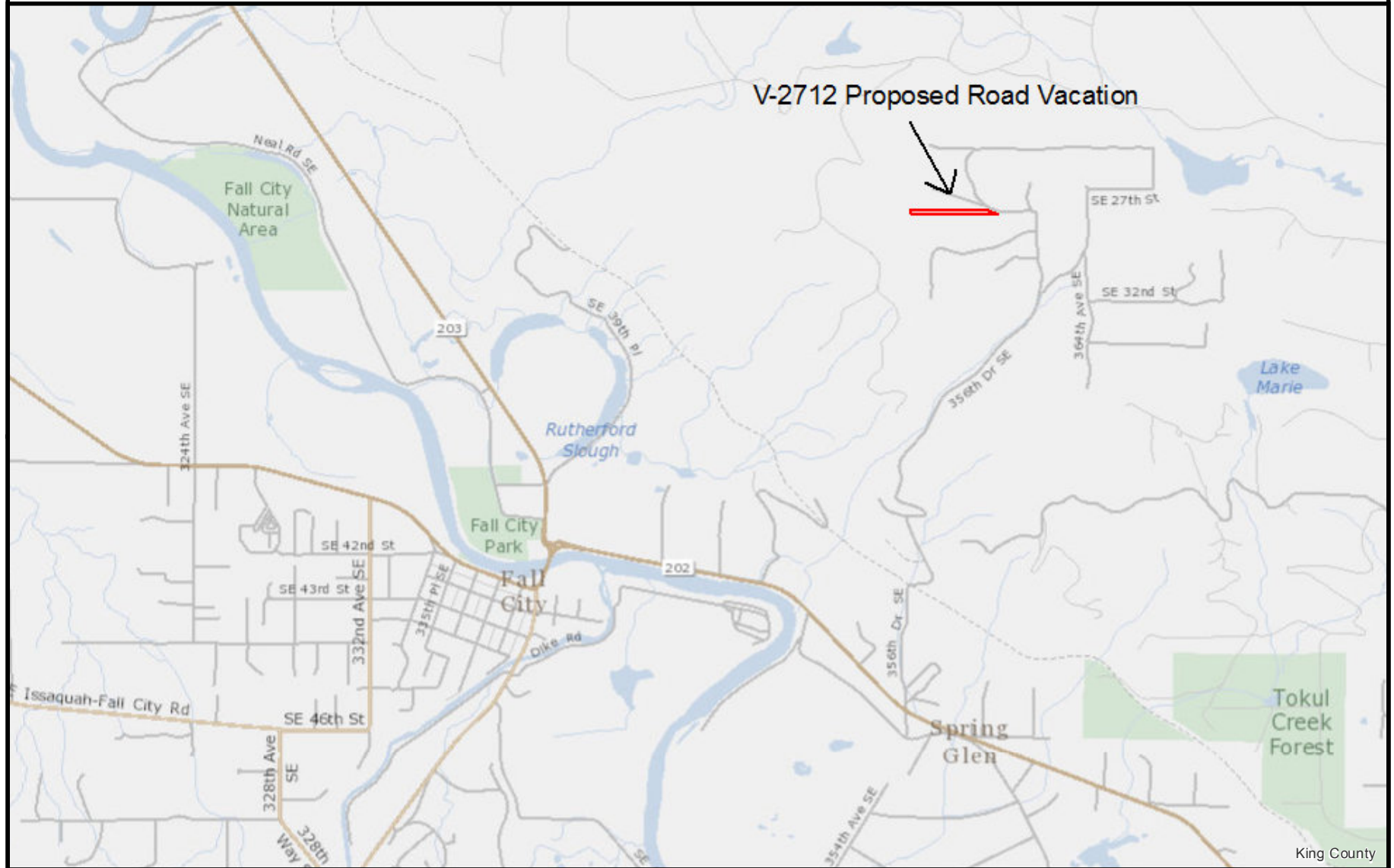


Exhibit no.	6
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V-2712 Vicinity map



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Date: 5/19/2017

Notes:

Exhibit no.	7
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