

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

PUBLIC VIDEO/TELEPHONIC HEARING: June 23, 2020 at 10:30 am or shortly thereafter

June 8, 2020

**PETITION TO VACATE: A Portion of SW Luana Beach Drive/Skalberg Road/
County Road #834**

Roads Services File: V-2724

Proposed Ordinance: 2020-0174

A. GENERAL INFORMATION

Petitioner(s): Lawrence and Suzie Kuznetz

Location of Road: Portion of SW Luana Beach Drive, Maury Island
Thomas Brothers Page 684

Adjacent Parcel: 1422039052

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 September 7, 2018 with the Clerk of the King County Council, seeking the vacation of a portion of SW Luana Beach Road/Skalberg Road/County Road #384 on Maury Island in unincorporated King County. The Department of Local Services, Road Services Division (Roads) reviewed the petition and determined that King County acquired the subject right-of-way by quit claim deed in 1906. The road was then identified by the names Skalberg Road and County Road #834.

The petition requests vacation of a 2,157 square foot portion of SW Luana Beach Road in the SE Quarter of Section 14, Township 22, Range 3 W.M. as appearing on Thomas Brothers Page 684. See Exhibit Map, Exhibit #8.

Exhibit no.	D1
Case name	Lawrence and Suzie Kuznetz
Case number	V-2724
Date received	6/23/2020
KING COUNTY HEARING EXAMINER	

Report to the Hearing Examiner**V-2724****Page 2 of 9**

The subject section of right-of-way is a portion of an open and improved county road right-of-way. Petitioners, Lawrence and Suzie Kuznetz own the property immediately adjacent to the vacation area and are the only property owners 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 May 28, 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 or utility requested easements or identified a reason why the vacation petition should not be approved.

Roads did not receive responses from Vashon Fire and Rescue, Comcast or the following King County agencies: Department of Executive Services, Real Estate Services Division; Department of Executive Services, Historical Preservation; Department of Natural Resources and Parks, Open Space; Department of Natural Resources and Parks, Water and Land Division; Metro Transit; and the Department of Local Services Road Services Division Environmental Engineering Section. A copy of the Final Notice is included as Exhibit #7.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 10/11/2018. Puget Sound Energy does not have facilities in the proposed vacate area, therefore we have no objection or need to obtain any easements for this vacation.
2.	Frontier Communications	Response dated 9/24/2018. Frontier does not have any facilities in this area.
3.	Wave Broadband	Response dated 9/24/2018. Wave has no facilities in this area.

Report to the Hearing Examiner

V-2724

Page 3 of 9

4.	CenturyLink	Response dated 10/15/2018. CenturyLink has checked the location of our existing buried cable adjacent to the premises and area in question. Our buried telephone lines run within 4 feet of the edge of current pavement on Luana Beach Rd. Therefore, we do not believe our underground utilities will be adversely affected by this vacation. Wave has no facilities within the project vicinity. Please note also that during the locates, the Cable TV company marked No Facilities in the area as well, in case you haven't heard back from them. That would be Comcast Cable.
5.	DLS Permitting	Response dated 10/30/2018. No objections
6.	DNRP- Parks Div.	Response dated 10/11/2018. Parks has no objections to this request.
7.	DNRP - Wastewater	Response dated 10/26/2018. Recommendation – Approve vacation
8.	DLS ROADS- CIP & Planning Section	Response dated 10/5/2018. No long range transportation planning concerns with this road vacation.
9.	DLS ROADS- Roads Maintenance	Response dated 11/28/2018. Maintenance has no concerns regarding this ROW vacation request.
10.	DLS ROADS- Traffic Engineering	Response dated 10/17/2018 From a land development and traffic engineering perspective, I would have no objection to this proposed road vacation.
11.	DLS ROADS Survey Unit	Response dated 11/13/2018. Recommend that right-of-way be vacated as requested in petition. In my opinion, there is sufficient existing r/w for road purposes after partial road vacation requested by this action.
12.	DLS ROADS Drainage	Response dated 10/23/2018. No apparent drainage within the area proposed for vacation. Recommend vacate.

E. OTHER COMMENTS

None.

F. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer recommends approval of the petition vacating the subject portion of right-of-way. The subject right-of-way is useless to the county road system. The full report of the County Road Engineer is included as Exhibit #12.

Report to the Hearing Examiner

V-2724

Page 4 of 9

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 #9.

The total vacation area is 2,157 square feet. Per the Assessor’s Office, the additional area would add \$3,000 in value to the property. See Exhibit #9. The full PSB model spreadsheet as applied to this parcel is attached as Exhibit #10.

SW Luana Beach Drive is a open and maintained road. Applying the PSB model for open and maintained right of way, results in the following calculation:

From the \$3,000 value:

- \$ 153 - deducted for transfer of liability or risk
- \$ 59 - deducted for expected property taxes – Petitioner is a School District, exempt for property taxes
- \$ 11,596 -deducted for management and maintenance costs for the 0.07 linear mileage to be vacated

Result is a negative 8,807. Therefore, there is no charge of compensation to the Petitioners under the PSB model for this road vacation.

It is the recommendation of the County Road Engineer and the Director of Road Services that, consistent with the application of the PSB compensation model, this portion of road right-of-way be vacated without the requirement of additional payment from the Petitioners.

H. EXHIBITS

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner June 8, 2020 with 12 attachments and 18 exhibits.
2.	Letter from Clerk of the Council to County Road Engineer dated September 7, 2018 transmitting Petition for Vacation of a County Road
3.	Survey document submitted by Petitioner in support of Petition
4.	Letter to Petitioner dated September 19, 2018 acknowledging receipt of Petition.
5.	King County Assessor’s information for Petitioners’ Properties, APN 1422039052, 1422039057 and 1422039058
6.	2007 survey by Jerold O’Hare recorded at King County Recording number 2019070790007

Report to the Hearing Examiner**V-2724****Page 5 of 9**

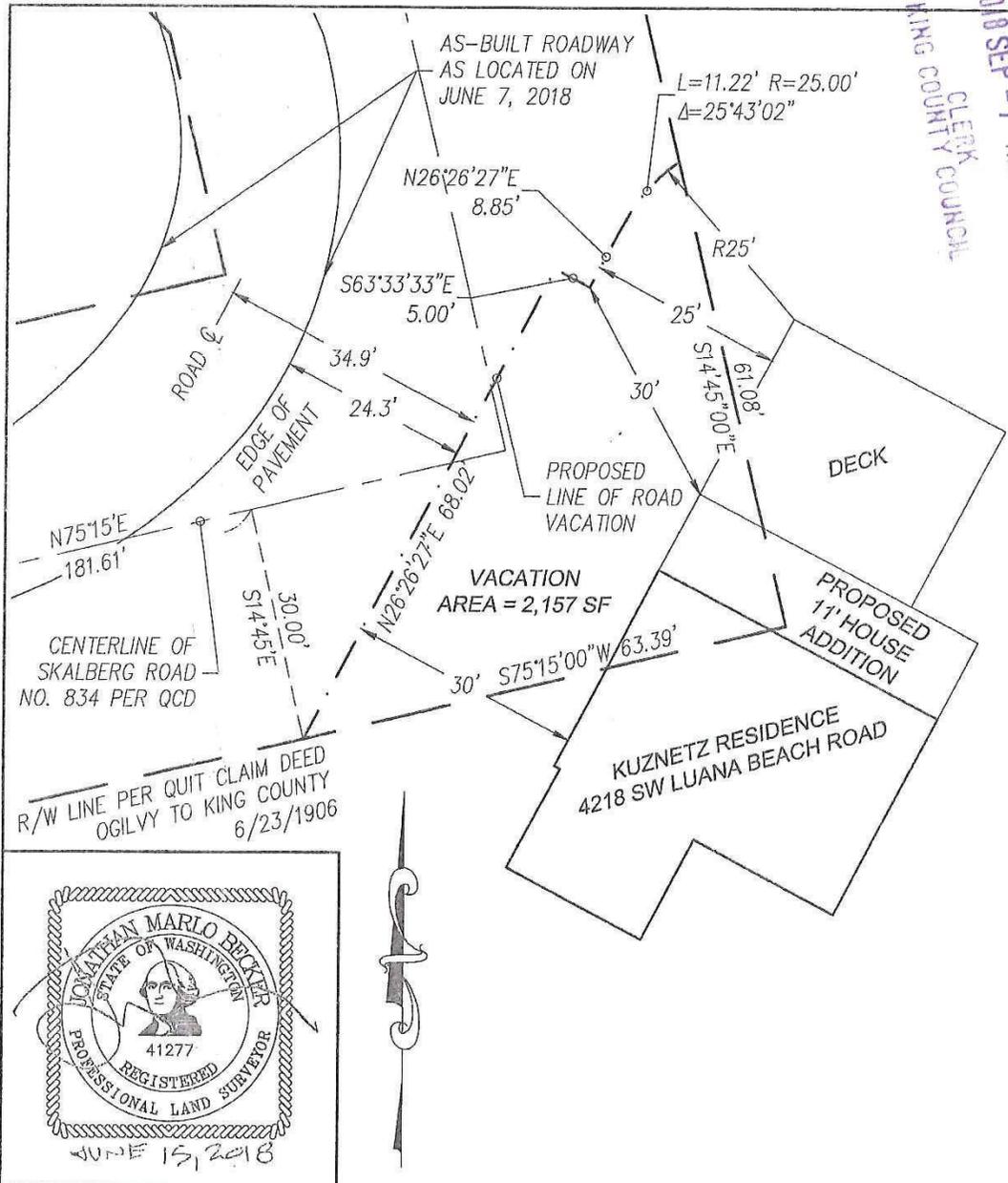
7.	Copy of second notice sent to stakeholders on October 26, 2018 with Petitioner's survey and map, and site map showing vacation area
8.	Site map depicting vacation area.
9.	Email from Adam Neel, King County Department of Assessments dated August 29, 2019 with valuation information.
10.	Compensation calculation model spreadsheet for V-2724
11.	Letter to Petitioner with County Road Engineer Report on Vacation Petition V-2724
12.	County Road Engineer Report on Vacation Petition V-2724
13.	Ordinance transmittal letter dated April 10, 2020 from King County Executive to Councilmember Claudia Balducci.
14.	Proposed Ordinance
15.	Fiscal Note.
16.	General photos of vacation area November 2019
17.	Declaration of Posting
18.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

G. ISSUES:

Exhibit # 18, Affidavit of Publication, is typically received either on the day of the hearing or shortly thereafter. The Clerk of Council should 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-2724

RECEIVED
 2018 SEP -7 AM 9:31
 KING COUNTY COUNCIL CLERK



DUNCANSON
 Company, Inc.
 Civil Engineering · Surveying · Land Planning
 145 SW 156th Street, Ste. 102 - Seattle, Washington 98166
 Phone: (206) 244-4141 Fax: (206) 244-4465

DRAWN: JMB	DATE: 6/15/2018	SHEET: 1
SCALE: 1"=20'	PROJECT: 18668	

LARRY KUZNETZ

ROAD VACATION EXHIBIT

PROPOSED RIGHT-OF-WAY VACATION V-2724



Vacation File: V-2724

SW Luana Beach Road, Skalberg Road
County Road #834

SE 14-22-03

ROW Area: Approx. 2157 SF
or 0.05 Acres

