



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19723

Proposed No. 2023-0299.2

Sponsors Upthegrove

1 AN ORDINANCE authorizing the vacation of a portion of
2 152nd Ave SE, Renton, file no. V-2745; Petitioners: Micah
3 and Florine Palmer.

4 **STATEMENT OF FACTS:**

5 1. A petition has been filed requesting vacation of a portion of 152nd Ave
6 SE in the Renton area of unincorporated King County, hereinafter
7 described.

8 2. The department of local services notified utility companies serving the
9 area and King County departments of the proposed vacation and no
10 agency or utility requested an easement over the vacation area. The
11 vacation shall not extinguish the rights of any utility company to any
12 existing easements for facilities or equipment within the vacation area.

13 3. The department of local services's records indicate that this segment of
14 right of way is unopened and unmaintained.

15 4. The department of local services considers the subject portion of right
16 of way useless as part of the county road system and believes the public
17 would benefit by the return of this segment of right of way to the public
18 tax rolls and recommends approval of the vacation.

19 5. Pursuant to K.C.C. 14.40.020 and RCW 36.87.120, the value of the
20 vacation area is somewhat offset by the costs to King County to manage

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21 and maintain this segment of unopened right of way and the present value
22 of future property tax, resulting in a determination of \$10,600 as
23 compensation for the vacation of this 6,250 square foot portion of 152nd
24 Ave SE to the property of Petitioners Micah and Florine Palmer, King
25 County Assessor's Parcel Number 146340-0035. Compensation must be
26 received by King County within ninety days of approval of the ordinance
27 vacating the right of way.

28 6. Due notice was given in the manner provided by law. The office of the
29 hearing examiner held the public hearing on November 15, 2023.

30 7. As detailed in the November 15, 2023, recommendation, the hearing
31 examiner found that the road segment subject to this petition is not useful
32 as part of the King County road system, concluded that the vacation of this
33 segment of road will benefit the public through the transfer of
34 responsibility for management and return of the property to the public tax
35 roll, and recommended approval of the vacation petition with the
36 requirement of payment of \$10,600 by Petitioners as a condition of
37 vacation.

38 8. For the reasons stated in the examiner's report and recommendation,
39 the council determines that it is in the best interest of the citizens of King
40 County to grant said petition and vacate the right of way.

41 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

42 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
43 and abandons a portion of 152nd Ave SE right of way as described below:

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44 That portion of the 30-foot unopened right of way of 152nd Avenue
45 Southeast, also being a portion of the Southeast Quarter of the Southwest
46 Quarter of Section 14, Township 23 North, Range 5 East, W.M. More
47 particularly described as follows:

48 Beginning at the Northwest corner of Lot A, King County Boundary Line
49 Adjustment No. L09L0017, recorded under Auditor's file number
50 20090624900005, also being the Southeast Quadrant of the intersection of
51 Southeast 142nd Street and said unopened right-of-way of 152nd Avenue
52 Southeast; thence South 00°34'28" West along the West line of said Lot A
53 and the East margin of said corner of said Lot A and a point on the East
54 margin of said unopened right of way; thence North 88°32'28" West 30.00
55 feet to a point on the West line of the Southeast Quarter of the Southwest
56 Quarter of Section 14, Township 23 North, Range 5 East, W.M.; thence
57 North 00°34'28" East along said line a distance of 208.35 feet to a point on
58 the South margin of Southeast 142nd Street; thence South 88°32'28" East
59 along said South margin a distance of 30.00 feet to the point of beginning.

60 Situate in the County of King, State of Washington.

61 Containing 6,250 SF.

62 SECTION 2. Recording of the approved vacation is contingent on delivery of
63 \$10,600 to King County within ninety days of the date of enactment of this ordinance. If
64 King County does not receive \$10,600 by that date, there is no vacation and the
65 associated right-of-way remains King County's. If payment is timely received, the clerk
66 shall record an ordinance against parcel 146340-0035. Recording an ordinance will


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67 signify that payment has been received, the contingency is satisfied, and the right-of-way
68 associated with parcel 146340-0035 is vacated.


Ordinance 19723 was introduced on 9/5/2023 and passed by the Metropolitan King County Council on 1/9/2024, by the following vote:

Yes: 9 - Balducci, Baron, Dembowski, Dunn, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...

Melani Hay, Clerk of the Council

APPROVED this _____ day of 1/18/2024, _____.

DocuSigned by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: A. Hearing Examiner Report dated November 16, 2023

November 16, 2023

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND RECOMMENDATION

SUBJECT: Department of Transportation file no. **V-2745**
Proposed ordinance no. **2023-0299**
Adjacent parcel no. **1463400035**

MICAH AND FLORINE PALMER

Road Vacation Petition

Location: a portion of 152nd Ave SE, Renton

Applicants: **Micah and Florine Palmer**
15205 SE 142nd Street
Renton, WA 98059
Telephone: (206) 697-8092
Email: fopalmer3@comcast.net

King County: Department of Local Services
represented by **Leslie Drake**
Department of Local Services, Road Services Division
201 S Jackson Street
Seattle, WA 98104
Telephone: (206) 477-7764
Email: leslie.drake@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. Micah and Florine Palmer petition the County to vacate a public right-of-way. Road Services Division (Roads) urges vacation. On November 15, 2023, we conducted the Council's public hearing. After hearing witness testimony and observing demeanor, studying the exhibits, and considering the parties' arguments and the relevant law, we recommend that Council vacate the right-of-way, contingent on payment of \$10,600.

Background

2. Except as provided below, we incorporate the facts set forth in Roads’ report and in proposed ordinance no. 2023-0299. That report, and a map showing the area to be vacated and the vicinity of the proposed vacation, are in the hearing record and will be attached to the copies of our recommendation submitted to Council. Ex. D1 at 1-5; D9.
3. Chapter RCW 36.87 sets the general framework for county road vacations, augmented by KCC chapter 14.40. There are at least four somewhat interrelated inquiries. The first two relate to whether vacation is warranted: is the [1] road useless to the road system and [2] would vacation benefit the public? If the answers to these are both yes, the third and fourth relate to compensation: [3] what is the appraised (or perhaps assessed) value of the right-of-way, and [4] how should this number be adjusted to capture avoided County costs? We analyze each of those below.

Is Vacation Warranted?

4. A petitioner has the burden to show that the “road is [1] useless as part of the county road system and [2] that the public will be benefitted by its vacation and abandonment.” RCW 36.87.020. “A county right of way may be considered useless if it is not necessary to serve an essential role in the public road network or if it would better serve the public interest in private ownership.” KCC 14.40.0102.B. While denial is mandatory (“*shall* not” vacate) where a petitioner fails to make that showing, approval is discretionary where a petitioner shows uselessness and public benefit (“*may* vacate”). RCW 36.87.060(1) (emphasis added).
5. The subject right-of-way segment is not currently opened, constructed, or maintained for public use, and it is not known to be used informally for access to any property. Vacation would have no adverse effect on the provision of access and fire and emergency services to the abutting properties and surrounding area. The right-of-way is not necessary for the present or future public transportation system (including trails) or for utility purposes.
6. We find that the road is useless to the county road system. We also find that the public will benefit from its vacation, with the savings in expected, avoided management and maintenance costs and increased property taxes discussed below. We conclude that vacation here is warranted.

What Compensation is Due?

7. Where vacation is appropriate, we calculate compensation by [3] starting with the increase in property values the receiving parcel will garner from the extra square footage the (formerly) public right-of-way area adds to the parcel; this figure is generated by the Assessor. Here, adding the 6,250 square-foot stretch to be vacated increases the value of the Palmer property by approximately \$15,000. Ex. D12.
8. However, that is only the starting point, because [4] State and County law allow local legislative branches to adjust the appraised value to reflect the expected value to the

public from avoided liability risk, eliminated management costs, and jettisoned maintenance costs, along with increased property taxes. RCW 36.87.070; KCC 14.40.020.A.1. Performance, Strategy, and Budget created a model for calculating these adjustments, updated annually. Roads then applies those figures to a given parcel. Here, jettisoning the right-of-way would be expected to benefit the County to the tune of \$4087. That means the amount the Palmer owe is \$10,600. Ex. D12.

RECOMMENDATION:

1. We recommend that Council APPROVE proposed ordinance no. 2023-0299 to vacate the subject road right-of-way abutting parcel 146340-0035, CONTINGENT on petitioner paying \$10,600 to King County within 90 days of the date Council takes final action on this ordinance.
2. If King County does not receive \$10,600 by that date, there is no vacation and the associated right-of-way remains King County's. If payment is timely received, the Clerk shall record an ordinance against parcel 146340-0035. Recording an ordinance will signify that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel 146340-0035 is vacated.

DATED November 16, 2023.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on **December 11, 2023**, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

**MINUTES OF THE NOVEMBER 15, 2023, HEARING ON THE ROAD VACATION
PETITION OF MICAH AND FLORINE PALMER, DEPARTMENT OF
TRANSPORTATION FILE NO. V-2745**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Jeri Breazeal, Leslie Drake, Micah and Florine Palmer, and Vlad Sirbu.

The following exhibits were offered and entered into the hearing record:

Exhibit no. D1	Roads Services report to the Hearing Examiner, sent October 30, 2023
Exhibit no. D2	Letter from Clerk of the Council to Road Engineer, transmitting petition, dated April 1, 2021
Exhibit no. D3	Petition for vacation of a county road, received April 1, 2021
Exhibit no. D4	Email, King County FMD joins petition, dated April 14, 2021
Exhibit no. D5	Letter to Petitioner acknowledging receipt of petition and explaining road vacation process, dated April 20, 2021
Exhibit no. D6	Plat map
Exhibit no. D7	Assessor's information for property APN 1463400035
Exhibit no. D8	BLA L09L0017 recorded 2009624900005
Exhibit no. D9	Vacation area map
Exhibit no. D10	Final stakeholder notification, sent July 20, 2021, with comment deadline of August 25, 2021
Exhibit no. D11	Email from Assessor's Office on valuation
Exhibit no. D12	Compensation calculation model for APN 1463400035
Exhibit no. D13	Letter to Petitioner recommending approval, dated November 18, 2021
Exhibit no. D14	Road Engineer report
Exhibit no. D15	Letter to Chair, recommending approval and transmitting proposed ordinance, dated August 23, 2023
Exhibit no. D16	Proposed ordinance
Exhibit no. D17	Declaration of posting, noting posting date of October 23, 2023
Exhibit no. D18	Publication
Exhibit no. D19	Affidavit of publication – to be supplied by Clerk of Council

Certificate Of Completion

Envelope Id: 94F3A7EF62074E79B9F4E1B9B1915A7C	Status: Completed
Subject: Complete with DocuSign: Ordinance 19723.docx, Ordinance 19723 Attachment A.pdf	
Source Envelope:	
Document Pages: 4	Signatures: 3
Supplemental Document Pages: 4	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Enveloped Stamping: Enabled	401 5TH AVE
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

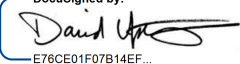
Record Tracking

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Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
Security Level: Email, Account Authentication (None)

Signature


DocuSigned by:

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Signature Adoption: Uploaded Signature Image
Using IP Address: 198.49.222.20

Timestamp

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Signed: 1/10/2024 2:30:46 PM

Electronic Record and Signature Disclosure:
Accepted: 1/10/2024 2:30:32 PM
ID: 9a944403-c840-4904-a94f-75b2443f0909

Melani Hay
melani.hay@kingcounty.gov
Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

DocuSigned by:

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Signature Adoption: Pre-selected Style
Using IP Address: 198.49.222.20

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Dow Constantine
Dow.Constantine@kingcounty.gov
King County Executive
Security Level: Email, Account Authentication (None)

DocuSigned by:

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Using IP Address: 146.129.84.117

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Viewed: 1/18/2024 3:11:46 PM
Signed: 1/18/2024 3:12:03 PM

Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Kaitlyn Wiggins kwiggins@kingcounty.gov Executive Legislative Coordinator King County Executive Office Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 1/10/2024 2:40:45 PM Viewed: 1/11/2024 9:07:16 AM
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Mickayla Rogers mirogers@kingcounty.gov Administrator I King County Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 1/10/2024 4:35:13 PM Viewed: 1/12/2024 11:44:33 AM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	1/10/2024 4:35:12 PM
Certified Delivered	Security Checked	1/18/2024 3:11:46 PM
Signing Complete	Security Checked	1/18/2024 3:12:03 PM
Completed	Security Checked	1/18/2024 3:12:03 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact King County-Department of 02:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

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- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.