

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

PUBLIC HEARING: February 7, 2024 at 10:00 am

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

January 22, 2024

PETITION TO VACATE: A portion of S. 370th Street/9th Street

Road Services File: V-2731

Proposed Ordinance: 2023-0441

A. GENERAL INFORMATION

Petitioner(s): Marcus Curtis and John and Suzanne Schreier

Location of Road: Plat of Jovita Heights
Thomas Brothers Page 775
Quarter Section – NW 32-21-4

Adjacent Parcels: 375160-6296 and 375160-6320

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 April 27, 2020, by Marcus Curtis and John and Suzanne Schreier, seeking the vacation of a portion of S. 370th Street/9th Street right-of-way in the Auburn area of unincorporated King County.

King County acquired the subject right-of-way by dedication in the 1911 plat, Jovita Heights, as recorded in Volume 20 of Plats at Page 12 at Recorders number 19110710755919. Exhibit 5. The plat dedicates to the use of the public forever, all streets and avenues shown thereon.

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

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C. NOTICE

Notice of this hearing was posted at the approximate ends of the proposed vacation area on January 17, 2024, see Exhibit 17, and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

Roads solicited comments from agencies within King County and utilities serving the area regarding the impacts of vacating the subject area. The responses received are listed below. Lakehaven Water and Sewer District identified a need for an easement over the vacation area and provided Petitioners with copies of a proposed easement. Puget Sound Energy identified a potential need for an easement and then withdrew the response.

Roads did not receive responses from South King Fire District, Lumen/CenturyLink, and the following King County agencies: Executive Services, Division of Real Estate Services; Metro Transit; Department of Natural Resources and Parks, Open Space, and Water and Land Resources; and the Department of Local Services Road Services Division Maintenance Section and Archeologist. A copy of the Notice is included as Exhibit 9.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 04/15/2021. PSE does not have the need for easement reserved for the right-of-way under this petition.
2.	Comcast	Response dated 07/31/2020. Comcast has no facilities in the affected area.
3.	DLS Permitting	Response dated 06/02/2020. No objections to this vacation.
4.	DNRP – Parks	Response dated 01/22/2024. No objections. No future planned park or trail improvements in the vicinity and ROW not necessary or useful for current or future trail.
5.	DNRP – Wastewater	Response dated 08/05/2020. Recommend proceed with vacation.
6.	DLS Roads- CIP & Planning Section	Response dated 06/18/2020. We have no long range transportation planning concerns with this road vacation.
7.	DLS Roads- Traffic Engineering	Response dated 06/03/2020. No objection to this proposed road vacation.
8.	DLS Roads – Survey	Response dated 08/21/2020. Approve with utility easements as requested.

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9.	DLS Roads Environmental Unit	Response dated 06/23/2020. No objection to this vacation request. No critical areas or other environmental issues present.
10.	DLS Roads Drainage	Response dated 07/05/2020. Recommendation - vacate.
11.	EXEC Historical Preservation	Response dated 06/02/2020. Recommendation – Approve vacation.
12.	Lakehaven Water and Sewer District	Response dated 06/03/2020. Existing water service lines and future water main within the right-of-way. Lakehaven will attempt to acquire necessary easements and hold those until ROW is vacated and then send to record.

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 10.

The property of Petitioners John S. and Suzanne Schreier, parcel number 375160-6296, will receive approximately 1,673 square feet if the petition is approved. The Assessor’s Office determined that adding 1,700 square feet to the property would result in a \$1,000 increase in value. The valuation as applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB) with offsets for management and maintenance costs and future expected property tax, results in no charge to Petitioner should this 1,673 square foot area of unopened undeveloped right-of-way be vacated. See Exhibit 11.

The property of Petitioner Marcus E. Curtis, parcel number 375160-6320, will receive approximately 1,700 square feet if the petition is approved. The Assessor’s Office determined that adding 1,700 square feet to the property would result in a \$1,000 increase in value. The valuation as applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB) with offsets for management and maintenance costs and future expected property tax, results in no charge to Petitioner should this 1,700 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. 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 as applied to this road vacation petition, the subject portion of right-of-way be vacated with no requirement of additional payment from the Petitioners as set forth above, but with the reservation of an easement in favor of Lakehaven Water and Sewer District. The full County Road Engineer’s Report is attached as Exhibit 14.

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G. EXHIBITS

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner January 19, 2024, with 12 Attachments and 17 Exhibits.
2.	Petition transmittal letter dated April 27, 2020, to the County Road Engineer from the Clerk of Council.
3.	Petition for Vacation of a County Road received April 27, 2020.
4.	Letter to Petitioners dated May 8, 2020, acknowledging receipt of Petition.
5.	Plat Jovita Heights
6.	King County Assessor’s information for Petitioners’ property, APN 3751606296
7.	King County Assessor’s information for Petitioners’ property, APN 3751606320
8.	Exhibit map depicting vacation area
9.	Copy of final notice sent of review to agencies on 06/01/2020.
10.	Email exchange with Assessor’s Office regarding valuation of vacation area.
11.	Compensation calculation model spreadsheet for Petitioners’ property, APN 3751606296
12.	Compensation calculation model spreadsheet for Petitioners’ property, APN 3751606320
13.	Cover letter to Petitioners dated December 29, 2020 with a copy of the County Road Engineer’s Report
14.	County Road Engineer’s Report
15.	Ordinance transmittal letter dated December 7, 2023 from King County Executive to Councilmember Dave Upthegrove
16.	Proposed Ordinance
17.	Declaration of Posting
18.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

H. ISSUES:

Exhibit #18, 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.

Petitioners have indicated that they will work with Lakehaven Water and Sewer after the vacation is complete to provide Lakehaven with an easement to serve the utilities current and/or future needs.

END OF STAFF REPORT TO THE HEARING EXAMINER

PROPOSED RIGHT-OF-WAY VACATION V-2731

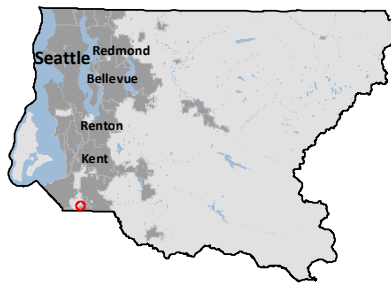


Vacation File: V-2731

S 370th St
NW 35-21-04

ROW Area (Approximate):

Marcus Curtis - 1,700 FT2 or 0.04 Acres
John Schreier - 1,673 FT2 or 0.04 Acres
Total: 3373 FT2 or 0.08 Acres



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

