

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

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REPORT AND RECOMMENDATION

SUBJECT: Department of Transportation file no. **V-2740**
Proposed ordinance no. **2025-0224**

GREGORY/RHONDA ENGLISH & COURTNEY/MITCH EADEN

Road Vacation Petition

Location: a portion of 52nd Avenue South/Indiana Ave, Auburn

Petitioners: **Gregory and Rhonda English**
5118 S. 354th St
Auburn, WA 98001
Telephone: (206) 920-2907
Email: GBigfoot52@comcast.net

Petitioners: **Courtney Gray-Eaden and Mitch Eaden**
5204 S 354th St
Auburn, WA 98001
Email: court.eaden@gmail.com; Mitch.eaden@gmail.com

King County: Department of Local Services
represented by **Leslie Drake**
Department of Local Services
201 S Jackson Street
Seattle, WA 98104
Telephone: (206) 477-7764
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FINDINGS AND CONCLUSIONS:

Overview

1. Rhonda and Gregory English, along with Courtney Gray-Eaden and Mitch Eaden, petition the County to vacate an approximately 8,000 square-foot stretch of public right-of-way labeled as a portion of 52nd Avenue South (originally Indiana Avenue), where it intersects S 354th Street in the Lakeland South unincorporated area near Auburn. The Department of Local Services, Road Services Division (Roads), recommends vacation with a compensation requirement of \$809. On September 18, 2025, we conducted a remote public hearing on behalf of the King County Council. After hearing witness testimony, studying the exhibits entered into evidence, and considering the parties' arguments and the relevant law, we recommend that the Council vacate the right-of-way and not require compensation.

Background

2. Except as provided below, we incorporate the facts set forth in Roads' report and in proposed ordinance no. 2025-0224. 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.¹
3. Chapter 36.87 RCW governs the vacation of county roads, and King County Code (K.C.C.) chapter 14.40 establishes the procedures for a road vacation in King County. To vacate a county road, state law requires (1) a finding that the road is useless to the county road system, and (2) a finding that the public will be benefited by the vacation. If those two conditions are met, then the Council has the discretion to vacate the road.² State law allows the Council to require those benefiting from the vacation to compensate the county, up to the appraised value of the vacated road. The Council may reduce the compensation amount to account for the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit.³

Is Vacation Warranted?

4. 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.⁴
5. There is a pathway that connects S 354th Street with 52nd Avenue S, but this pathway is actually located just within the boundaries the English property, running parallel to the right-of-way but not within in. The subject right-of-way segment itself is not currently

¹ See Exhibit 1 at 001-005 and Exhibit 17.

² See RCW 36.87.060.

³ See RCW 36.87.120.

⁴ See K.C.C. 14.40.0102.B.

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 County Road Engineer's report states that the right-of-way is not necessary for the present or future public road system.

6. Puget Sound Energy and Lakehaven Water and Sewer District identified a need for an easement over a portion of the vacation area to preserve existing or future infrastructure. Puget Sound Energy has obtained the easement it needs to preserve its infrastructure should the vacation be approved. Lakehaven Water and Sewer District is currently working with petitioners to obtain the easements it needs. At the hearing, the petitioners seemed confident that an agreement would be reached with Lakehaven. No other utility or agency identified facilities within the right-of-way or a need to retain an easement.
7. We find that the subject right-of-way is useless to the county road system. We also find that the public will benefit from its vacation, since its inclusion in the public tax rolls will reduce property taxes for all others in the same taxing districts. In addition, vacation will likely reduce expected costs to the county associated with management and maintenance, discussed below. We conclude that vacation here is warranted.

What Compensation is Due?

8. The county may require compensation up to the appraised value of the vacated road. The King County Assessor determines the increase in value due to the vacation for each abutting parcel separately. The original petition included seven different parcels abutting the original vacation area, and the Assessor determined a valuation for all of these parcels in 2021. Subsequent to that valuation, all but two property owners withdrew from the petition; the vacation area was substantially revised, and the County Road Engineer produced a revised report in 2024. However, it does not appear that the Assessor ever updated its valuation for the two remaining petitioners. The Assessor determined in 2021 that the vacation would increase the value of the English parcel by \$5,000 and the value of the Gray-Eaden parcel by \$3,000.
9. State law allows the Council to reduce the compensation amount to reflect the expected value to the public from avoided liability risk, increased property taxes, and eliminated management or maintenance costs. The Office of Performance, Strategy, and Budget (PSB) created a model for calculating these adjustments, updated annually. Roads then applies those figures to each parcel separately. The model estimates that the county will receive an additional \$104 in property taxes from the English parcel and reduced management and maintenance costs of \$4,087 for the area attaching to that parcel. Since this combined total is less than the \$5,000 value determined by the Assessor, the model recommends that Gregory and Rhonda English owe the difference of \$809 in compensation to the county.⁵ Conversely, the model estimates that the county will receive an additional \$63 in property taxes from the Gray-Eaden parcel and the same

⁵ See Exhibit 19 at 005.

reduced management and maintenance costs of \$4,087 for the smaller area attaching to their parcel. Since this combined total is more than the \$3,000 value determined by the Assessor, the model recommends that Courtney Gray-Eaden and Mitch Eaden owe no compensation to the county.⁶

Model Methodology Concerns

10. The PSB model uses a flat amount per abutting parcel to estimate reduced management and maintenance costs each year.⁷ This means the estimated savings for the county does not vary based on the size or nature of the vacated road, but instead on how many parcels abut the vacation area and which year those abutting landowners happened to file their petition.
11. For example, the estimated amount of management and maintenance costs per parcel in 2021 was \$4,087, but it had more than doubled to \$9,036 in 2024. This means that if the petitioners had submitted their petition three years later, they would now owe no compensation for the same vacation under the PSB model.
12. Conversely, the flat amount ignores the size of the vacation. The area attaching to the English parcel is a third larger than the area attaching to the Gray-Eaden parcel, but the PSB model assumes each will have the same reduction in management and maintenance costs.
13. Furthermore, PSB intended the flat amount to equal to two percent of total expenditures over five years for clean-up, research, enforcement, and administrative actions associated with unopened rights-of-way. In other words, the PSB model estimates that each abutting parcel of a vacated, unopened right-of-way saves the county 10% of these annual costs. This means that the PSB model would estimate that a single vacated roadway could save an entire year's worth of these costs if it had 10 abutting parcels.
14. Finally, the total amount PSB estimates the county will save from the vacation is not reflected in the total amount of compensation PSB calculates is owed. For example, the PSB model considers the cost impact of the two parcels separately; this table shows those separate calculations as well as if the calculations were combined:

	English	Gray-Eaden	Combined
Assessor Value	\$5,000	\$3,000	\$8,000
County Savings	\$4,191	\$4,150	\$8,341
Value – Savings	\$809	-\$1,150	-\$341
Compensation	\$809	\$0	\$809

⁶ See Exhibit 19 at 006.

⁷ This is only true for unopened and undeveloped land. For opened roads or frequently traversed public areas, PSB's estimate of costs scales based on the length of the vacation area.

For the smaller parcel, the cost savings for the county exceed the value of the vacation area, so no compensation is due. For the larger parcel, the savings are less than the value, and the difference is owed in compensation. When combined, however, the total assessed value is less than the total county savings. By only considering the parcels separately, the excess county savings for the smaller parcel are ignored when determining overall compensation. It is not clear why the county should require compensation when the vacation as a whole will save the county money.

15. Taken together, all these methodological choices make it difficult to reliably and consistently estimate what compensation is due for any given road vacation. There are a variety of different ways to address each concern above, and each way would come with its own assumptions and judgment calls. Until PSB refines its methodology, it seems equity would demand that we use the same PSB model that has been applied to past road vacation petitions.⁸
16. In this case, however, there is one more wrinkle: the petition was substantially revised. The County Road Engineer prepared a new report in 2024, but the numbers feeding into the PSB model were not updated. If they had been, the flat amount per parcel for saved management and maintenance costs would have been \$9,036. This updated amount far exceeds the assessed value of either vacation area. Therefore, neither the English nor the Gray-Eadens owe compensation to the county based on the PSB model when updated to the year of the revised petition.

RECOMMENDATION:

1. We recommend that Council APPROVE proposed ordinance no. 2025-0224 to vacate the subject road right-of-way abutting parcel 375160-2073, with no compensation requirement, but CONTINGENT on Petitioners delivering a signed easement in favor of the Lakehaven Water and Sewer District within 90 days of the date Council takes final action on this ordinance. If King County does not receive the signed easement by that date, there is no vacation and the associated right-of-way remains King County's. If the signed easement is timely received, the Clerk shall record an ordinance against parcel 375160-2073. Recording an ordinance signifies that all contingencies are satisfied and that the right-of-way associated with parcel 375160-2073 is vacated.
2. We recommend that Council APPROVE proposed ordinance no. 2025-0224 to vacate the subject road right-of-way abutting parcel 375160-2125, with no compensation requirement, but CONTINGENT on Petitioners delivering a signed easement in favor of the Lakehaven Water and Sewer District within 90 days of the date Council takes final action on this ordinance. If King County does not receive the signed easement by that date, there is no vacation and the associated right-of-way remains King County's. If the

⁸ See, for example, V-2754-Baraja, Kim, Anderson (October 25, 2024), where a prior hearing examiner expressed misgivings about the Assessor's methodology for determining the values of road vacations to abutting properties. The hearing examiner explained why the Assessor is likely undervaluing the benefit to petitioners but ultimately concluded the petitioners could take advantage of the same terms offered to past petitioners.

signed easement is timely received, the Clerk shall record an ordinance against parcel 375160-2125. Recording an ordinance signifies that all contingencies are satisfied and that the right-of-way associated with parcel 375160-2125 is vacated.

DATED October 2, 2025.



Peter Heineccius
Hearing Examiner pro tem

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 ***October 27, 2025***, 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 SEPTEMBER 18, 2025, HEARING ON THE ROAD
VACATION PETITION OF GREGORY/RHONDA ENGLISH &
COURTNEY/MITCH EADEN, DEPARTMENT OF TRANSPORTATION FILE
NO. V-2740**

Peter Heineccius was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake, Mitch Eaden, and Gregory English.

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

Exhibit no. 1	Roads Services report to the Hearing Examiner, sent August 29, 2025, with 15 attachments and 25 exhibits
Exhibit no. 2	Petition transmittal letter dated October 8, 2020, to the County Road Engineer
Exhibit no. 3	Petition for Vacation of a County Road received October 8, 2020
Exhibit no. 4	Letter to Petitioners dated October 15, 2020, acknowledging receipt of Petition.
Exhibit no. 5	King County Assessor's information for Gregory and Rhonda English's property, APN 375160-2073
Exhibit no. 6	King County Assessor's information for Courtney Gray's parcel, APN 375160-2125
Exhibit no. 7	Exhibit map depicting original vacation area
Exhibit no. 8	Plat of Jovita Heights
Exhibit no. 9	Copy of final notice sent of review to agencies on
Exhibit no. 10	Email exchange with Assessor's Office regarding valuation of vacation area.
Exhibit no. 11	Compensation calculation model spreadsheet for Gregory and Rhonda English's property, APN 375160-2073
Exhibit no. 12	Compensation calculation model spreadsheet for Courtney Gray's parcel, APN 375160-2125
Exhibit no. 13	Cover letter to Petitioners dated July 23, 2021, with a copy of the County Road Engineer's Report
Exhibit no. 14	Cover letter to Non-Petitioning property owners dated July 23, 2021, with a copy of the County Road Engineer's Report
Exhibit no. 15	County Road Engineer's Report
Exhibit no. 16	Withdrawal of some Petitioners
Exhibit no. 17	Revised exhibit map of vacation area
Exhibit no. 18	Cover letter to Petitioners dated June 4, 2024, with a copy of the Revised County Road Engineer's Report

Exhibit no. 19	Revised County Road Engineer's Report
Exhibit no. 20	Easement to Puget Sound Energy
Exhibit no. 21	Easements requested by Lakehaven Water and Sewer District
Exhibit no. 22	Ordinance transmittal letter dated July 21, 2025, from King County Executive to Councilmember Girmay Zahilay, Chair, King County Council
Exhibit no. 23	Proposed Ordinance
Exhibit no. 24	Declaration of Posting
Exhibit no. 25	Request for publication by Clerk of the Council

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

Exhibit no. P1	Comment, from John and Sonja West, submitted September 14, 2025
Exhibit no. P2	Comment, from Robert Murphy, submitted September 11, 2025