

May 15, 2019

**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 Local Services, Roads file no. **V-2700**
Proposed ordinance no. **2018-0007**
Adjacent parcel nos. **0221059057, 7861000050**

ROBERT AND VALERIE WYMAN

Road Vacation Petition

Location: a portion of 156th Avenue SE and SE 300th Street, Kent

Petitioners: **Robert and Valerie Wyman**
29920 154th Avenue SE
Kent, WA 98042
Telephone: (253) 569-1456
Email: valerie.wyman@yahoo.com

King County: Department of Local Services
represented by **Leslie Drake**
201 S Jackson Street
Seattle, WA 98104
Telephone: (206) 684-1481
Email: leslie.drake@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve vacation, waive all compensation
Examiner's Recommendation:	Approve vacation, conditioned on receiving \$1,921 in compensation

FINDINGS AND CONCLUSIONS:

1. This matter involves Robert and Valerie Wymans' petition to vacate 26,362 square feet of public right-of-way on a portion of 156th Avenue SE and SE 300th Street, Kent. After hearing witness testimony and observing demeanor, studying the exhibits entered into evidence, and considering the parties' arguments and the relevant law, we recommend that Council vacate the right-of-way upon payment of \$1,921 of compensation.
2. This recommendation is one of three road vacation reports we are sending up today. The substantive analysis for how we approach the initial valuation of rights-of-way and adjustments to that valuation is contained in our companion recommendation in V-2692.¹ We incorporate that analysis by reference. This document addresses only Wyman-specific information.
3. We held an initial, truncated hearing in March 2018. That hearing showed that vacation is appropriate. The right-of-way "is useless as part of the county road system and...the public will be benefitted by its vacation and abandonment." RCW 36.87.020. Never improved as a road, it does not provide 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 road system for travel or utilities purposes.
4. The sticking point was compensation. The Department of Local Services, Roads Services Division (Roads) asserted that all compensation should be waived. As Roads could not come up with a comprehensive methodology for calculating the downward adjustments RCW 36.87.120 allowed, we stayed this case, along with all other pending vacation petitions, to allow the Office of Performance, Strategy and Budget (PSB) to create a quantitative model.
5. After PSB developed the model and presented it in January 2019, we held a prehearing conference, and then set a re-hearing. PSB calculated that the value of adding the right-of-way to the Wymans' parcel was \$4,000. From this, PSB subtracted \$79 as the present value of anticipated, property tax revenue the County would receive, and subtracted another \$2,000 for unopened right-of-way maintenance and management costs. This results in compensation of \$1,921. Ex. 26.
6. We held a brief and uneventful hearing on April 30. The Wymans are eager to proceed with vacation. We see no reason why they should need to wait any longer.

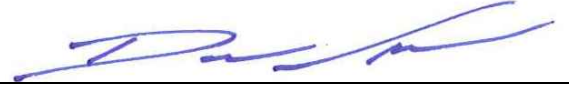
RECOMMENDATION:

APPROVE proposed ordinance no. 2018-0007 to vacate the subject road right-of-way, provided that within 90 days of the date Council takes final action, the Wymans pay to King County

¹ https://www.kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/applications/road%20vacation/2019/V-2692_GoodGround_GirlScoutsWW_Report_CDversion.ashx?la=en.

\$1,921, or other such amount of compensation Council shall determine. If King County does not receive the required compensation by the specified date, there is no vacation and the right-of-way remains King County's.

DATED May 15, 2019.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on **June 10, 2019**, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the Clerk does not actually receive the fee and the appeal statement within the applicable time period.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council will place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner's recommended action.

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."

MINUTES OF THE MARCH 26, 2018, HEARING ON THE ROAD VACATION PETITION OF ROBERT AND VALERIE WYMAN, DEPARTMENT OF TRANSPORTATION FILE NO. V-2700

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake and Robert and Valerie Wyman.

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

Exhibit no. 1	Roads Services report to the Hearing Examiner, sent March 13, 2018
Exhibit no. 2	Letter from Clerk of the Council to KCDOT transmitting petition, dated March 11, 2016

Exhibit no. 3	Petition for vacation of a county road, transmitted March 11, 2016
Exhibit no. 4	Vacation area map
Exhibit no. 5	Letter from KCDOT to Petitioner acknowledging receipt of petition, explaining road vacation process, and proposing expansion of vacation area, dated January 4, 2017
Exhibit no. 6	Revised petitioner for vacation of a county road
Exhibit no. 7	Vicinity map
Exhibit no. 8	Vacation area map
Exhibit no. 9	Aerial photograph
Exhibit no. 10	King County iMap with environmentally sensitive areas overlay
Exhibit no. 11	Soos Creek Five Acre Tracts plat map
Exhibit no. 12	Notification of petition to stakeholders, emailed July 25, 2016
Exhibit no. 13	Letter from KCDOT to Petitioner recommending approval, conveying County Road Engineer report, proposing compensation waiver, dated July 13, 2017
Exhibit no. 14	Road Engineer report, dated July 13, 2017
Exhibit no. 15	Notification of petition letter to Tracy Ahlstrom-Layton, dated January 30, 2018
Exhibit no. 16	Notification of petition letter to Donald Songras, dated January 30, 2018
Exhibit no. 17	Letter from KCDOT to KC Council recommending approval and transmitting proposed ordinance, dated October 11, 2017
Exhibit no. 18	Proposed ordinance
Exhibit no. 19	Fiscal note
Exhibit no. 20	Photograph of intersection of the two portions of right-of-way, taken March 2, 2018
Exhibit no. 21	Photograph of approximate location northern end of right-of-way
Exhibit no. 22	Photograph depicting slope drop-off near Petitioners' home, taken March 2, 2018
Exhibit no. 23	Affidavit of notice, noting posting date of March 2, 2018, and notice mailing date of March 1, 2018
Exhibit no. 24	Affidavit of publication

The following exhibits were offered and entered into the hearing record on April 30, 2019:

Exhibit no. 25	Roads supplemental report to the Hearing Examiner, transmitted April 15, 2019
Exhibit no. 26	Compensation calculation worksheet
Exhibit no. 27	Affidavit of posting, noting posting date of March 20, 2019
Exhibit no. 28	Affidavit of publication, noting publication dates of April 18 and 25, 2019
Exhibit no. 29	Email from Justin Johnson regarding valuations, sent April 5, 2019