

DEPARTMENT OF TRANSPORTATION
ROAD SERVICES DIVISION
COUNTY ROAD ENGINEER REPORT ON VACATION PETITION V-2692

October 27, 2017

Petition to Vacate: A Portion of NE 32nd Street – Solomon Korkela Extension County Road.

Vacation file: V-2692

Petitioners: Good Ground, LLC and Girl Scouts of Western Washington

Recommendation: The County Road engineer has determined and does recommend that the subject right-of-way should be vacated.

Petitioners, Good Ground, LLC and Girl Scouts of Western Washington, submitted a petition on March 16, 2015, for the vacation of a portion of NE 32nd Street in the Carnation area of unincorporated King County. The area of vacation was expanded by the petitioners in February 2016.

The subject right-of-way is opened and improved. See site map attached as Exhibit A.

King County acquired the right-of-way by deed in conjunction with the establishment of Solomon Korkela Extension County Road.

Pursuant to King County Code section 14.40.0104 B, the following report is submitted.

KCC 14.40.0104 B. - The petition has been reviewed and determined to be valid. Petitioners own the majority of the lineal footage of the frontage of the right-of-way proposed for vacation.

B.1 - The right-of-way proposed to be vacated has been examined and it is recommended that it should be vacated and abandoned.

B.2 - The right-of-way proposed to be vacated has been examined and it has been determined that the subject right-of-way is in use and has been used as a county road. The right-of-way is abutted by properties owned by petitioners and King County Department of Natural Resources and Parks, Water and Land Division (DNRP/WLRD). The right-of-way does not provide connectivity to the county road system.

B.3 - The subject right-of-way is currently opened, constructed and maintained for public use. It is known to provide access to the petitioners' properties and that of DNRP/WLRD.

B.4 - The subject right-of-way is not needed as part of the county transportation system of the future and it is not advisable to preserve any portion of the right-of-way for the future county transportation system.

B.5 - The public will benefit from the vacation of the right-of-way. The subject vacation area is not necessary or useful to the county road system. The public will benefit from the incorporation of the right-of-way into the abutting properties and be included in the petitioners' land subject to property tax and levies. Petitioners would like to gate the access to their properties and control and monitor access. Vacation of the subject right-of-way will allow the petitioners to control entry and access to their properties as well as benefit the public by saving the county the costs of maintenance and those arising out of general liability and risk associated with ownership and obligations for the right-of-way.

B.6 - Pursuant to KCC 14.40.020, the assessed land value of parcels adjacent to the county right-of-way proposed for vacation may be properly considered for valuation of the subject right-of-way.

Operating under the King County Code as it existed prior to December 2016, compensation was calculated to be \$59,298.40 for the vacation of 105,890 square feet of right-of-way. This calculation was based upon the averaged assessed land value of \$0.56 per square foot. Petitioners were notified of the compensation calculation by letter dated September 20, 2016.

Petitioners requested a re-evaluation and reduction of the compensation calculation to \$29,649.20. The request was based in part upon the anticipated grant of an easement to DNRP/WLRD. Upon examination of the request, Roads agreed to reduce the compensation to the amount requested by petitioners.

The petitioners' properties are zoned A10 and RA 10. The Girl Scouts' property is used as a large camp site for the organization. The Good Ground, LLC property consists of several parcels. A portion of which is used in the operation of Remlinger Farms, a commercial amusement and retail business.

The Girl Scouts' property is currently 353 acres. The additional 27,311 square feet that will vacate to the Girl Scouts' property will not measurably change the development potential for the property.

The Good Ground, LLC parcels on the north side of the right-of-way are fully utilized as part of the commercial operation. All parcels to the south of the right-of-way are part of their family owned farm operations. The additional square footage will have little impact on use or development potential. The smaller parcels are already non-conforming and the additional square footage will not increase the size enough to change the status.

The vacation will allow the Remlinger commercial operation to fully incorporate the portions of right-of-way abutting Remlinger properties into the properties and utilize the area to serve the needs of the business. Petitioners have indicated a desire to gate the road in order to provide better security and control access to the properties. Good Ground, LLC has also indicated that in conjunction with making improvements to the road, it may choose to better incorporate the road into other features of the Remlinger Farms business.

In conjunction with the vacation of NE 32nd Street, the petitioners will be granting an easement to DNRP/WLRD for ingress and egress to the County's property and access to additional easements to WLRD facilities on the Tolt River. The negotiations for this easement have been protracted and caused this road vacation petition to be placed on hold for more than eleven months. Ultimately, the parties reached an easement where under DNRP/WLRD shall the access it needs and will not be responsible for the cost of regular maintenance of the road.

RCW 36.87.120 as revised in 2016, allows the County to adjust the appraised value of proposed vacation area "to reflect 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."

The County Road Engineer recommends that the County accept the non-monetary benefits of reduction of liability, the avoided obligations of maintenance and enforcement, the addition to the property tax rolls, and public benefit from the vacation of the right-of-way and waive any payment by petitioners. In reaching this recommendation, the following factors have been considered:

- Upon vacation King County Department of Transportation Road Services Division (Roads) is relieved of obligation and liability associated with maintenance, repair, improvement, enforcement, monitoring and management of the right-of-way;
- Upon vacation King County Department of Transportation Road Services Division (Roads) is relieved of liability that can arise as an owner of open right-of-way running through an active amusement and farming operation;
- Petitioners are granting DNRP/WLRD an easement for access to its property and necessary improvements serving the Tolt river;
- Upon vacation the petitioners will assume maintenance responsibility for the road and right-of-way serving the WLRD property; and
- Upon vacation, the area will be added to the petitioners' property and subject to property taxation.

Roads' cost to maintain roadway, drainage, roadside and traffic has ranged from approximately \$16,000 per road mile in 2008 to \$17,000 in 2010, and is currently budgeted at \$18,486 for 2017.

Roads maintains approximately 1500 miles of roadway within unincorporated King County. Roads' staff also respond to complaints regarding use of opened and unopened right-of-way. Every maintenance or improvement activity, enforcement action or investigation that Roads must respond to, regardless of whether it involves opened or unopened, improved or unimproved right-of-way, is an opportunity cost and loss to Roads.

Furthermore, Roads is at risk of a liability claim for every section of open and unopened right-of-way. Vacation of this right-of-way reduces Roads exposure to liability claims. King County Office of Risk Management Services informed Roads that as of March 2017 it had closed 428 claims on behalf of Roads for the five year period of January 1, 2012 through December 31, 2016. Of the 428 claims closed, 152 (64%) were closed with payments. In 2016, the Office of Risk Management Services paid \$3,022,232 to resolve 21 claims on behalf of Roads and closed 2016 with 42 additional open claims remaining.

For every mile of roadway and every piece of unopened right-of-way held by Roads, Roads faces costs of management, maintenance and/or enforcement, and the potential liability for injuries to persons and property. The cost of just one claim can far surpass the straight calculated compensation for the vacation of this road. This right-of-way has the added potential for liability due to the amusement and farming activities alongside the improved open road.

Roads seeks to reduce potential obligations, opportunity costs, and liability risk while benefiting the citizens of King County through the vacation of this portion of right-of-way. The dollars Roads might obtain from the petitioners through the vacation of this portion of right-of-way is insignificant in comparison to the County's potential liability from its mere retention.

It is the recommendation of the County Road Engineer and the Director of Road Services that this right-of-way be vacated and any associated monetary compensation be waived. The reduction in liability and obligations for maintenance and enforcement, the benefit to DNRP/WLRD of the easement and associated access without the cost of regular maintenance plus the addition of the property to the tax rolls are valuable consideration for the vacation of this right-of-way.

B.7 - The subject right-of-way does serve as access to DNRP/WLRD property, the Girl Scouts' property, and property owned by Home Farm, LLC, an entity related to Petitioner Good Ground, LLC. The grant of such easements is a recommended condition of granting this vacation.

B.8 – Puget Sound Energy and CenturyLink have facilities within the right-of-way. The grant of easements to each utility is a recommended condition of granting this vacation.

B.9 - No fees have been charged nor costs incurred for this vacation beyond the \$100 filing fee.

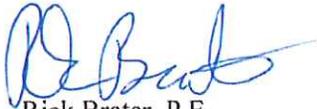
B.10 - The subject right-of-way does not abut a body of salt or fresh water.

B.11 – DNRP/WLRD is the only property owner abutting the portion of right-of-way proposed to be vacated who is not a petitioner to this vacation.

B.12 – Under KCC 14.40.0106, discretion was exercised and petitioner is not charged any fees or costs in association with this Petition beyond the filing fee. As no additional fees were assessed under 14.40.0106 B, there are no costs to be waived under 14.40.0106C and no costs incurred to list.

In conclusion, the subject right-of-way is useless to the county transportation system and petition V-2692 to vacate a portion of NE 32nd Street should be approved.

Approved:



Rick Brater, P.E.
Count Road Engineer