

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

PUBLIC HEARING: July 7, 2020 at 1:00 pm or shortly thereafter

**Video/Telephonic hearing by the King County Hearing Examiner’s Office
Seattle, WA 98104**

June 22, 2020

PETITION TO VACATE: A Portion of 200th Ave NE//John O’Holland Road

Transportation File: V-2725

Proposed Ordinance: 2020-0180

A. GENERAL INFORMATION

Petitioner(s): Michael Murray and Lake Washington School District #414

Location of Road: Portion of 200th Ave NE/John O’Holland Road
Thomas Brothers Page 537
Quarter Section – SW 05-26-06
Zoning – RA5

Adjacent Parcels: 0525069036, 0525069022, and 0525069010

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 on March 14, 2019, with the Clerk of the King County Council, seeking the vacation of a portion of 200th Ave NE/John O’Holland Road/ J.O. Holland Rd in the Redmond area of unincorporated King County. The Department of Local Services, Road Services Division (Roads) reviewed the petition and determined that the subject right-of-way was established by County Commissioner’s Order dated 6-6-32 and recorded in Volume 32, Page 272 of Commissioner’s Records.

Exhibit no.	D1
Case name	Michael Murray and Lake Washington School District
Case number	V-2725
Date received	7/7/2020
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The petition requests vacation of a portion of 200th Ave NE/John O'Holland Road/J.O. Holland Rd right-of-way in the SW Quarter of Section 05, Township 25, Range 06, W.M. as appearing on Thomas Brothers Page 537. See Exhibit Map, Exhibit # 12.

The subject section of right-of-way is a short, unopened and unmaintained section of right-of-way.

The petition was initiated by Michael Murray. Exhibit #3. After review by Roads, it was determined that the subject right-of-way extended north into the property owned by Lake Washington School District #414. At Roads suggestion, Lake Washington School District joined the petition so that the complete section of 200th Ave NE/John O'Holland Road could be vacated. When possible, Roads seeks to not leave remnants of unopened right-of-way through the vacation process.

The petition was revised, and Lake Washington School District joined the petition in May 2019. See Exhibit #8.

The subject section of right-of-way is unopened and unimproved and does not provide access to any property not owned by a Petitioner.

C. NOTICE

Notice of this hearing was posted at the southern end of the proposed vacation area and at the gate to the Lake Washington School District on June 16, 2020 and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

Roads circulated the request for vacation, soliciting comments from agencies within King County and utilities serving the area. The responses received are listed below. No county division requested easements or identified a reason why the vacation petition should not be approved. Puget Sound Energy and Union Hill Water Association very recently identified a need for easements to cover its facilities and, as of this writing is, were working with Petitioner Michael Murray to complete the easements.

Roads did not receive responses from Wave Broadband, King County Fire District #34 and the following King County agencies: Department of Executive Services, Real Estate Services Division; Department of Natural Resources and Parks, Open Space; Department of Local Services Road Services Division Environmental Engineering Section; and Executive Services, Historical Preservation. A copy of the Final Notice is included as Exhibit #9.

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ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 8/12/2019. PSE initially reported no facilities within the vacation area. By response dated 6/11/2020, PSE reported that it has no objections to the vacation but will need an easement for facilities that are located within the southern 30 feet of the vacation area. PSE would contact the petitioner to secure the easements.
2.	CenturyLink	Response dated 8/16/2019. This does not appear to be in Centurylink area.
3.	Comcast	Response dated 6/10/2019. Comcast has no facilities in this area.
4.	Union Hill Water Association	Response dated 6/18/2020. Union Hill Water Association has no objections to the vacation. Requests that an easement be executed for currently installed facilities. Petitioner notified.
5.	DLS Permitting	Response dated 9/4/2019. No objections.
6.	DNRP- Parks Div.	Response dated 6/13/2019. Parks has no objections to this request. Okay to vacate.
7.	DNRP - Wastewater	Response dated 5/28/2019. No facilities in the right-of-way. Recommendation is: proceed with vacation.
8.	DLS ROADS- CIP & Planning Section	Response dated 5/30/2019. We have no long range transportation planning concerns with this road vacation.
9.	DLS ROADS- Roads Maintenance	Response dated 8/06/2019. Road Maintenance has reviewed this proposed vacation of the 200 th Ave NE/John O'Holland Rd ROW, north of NE 85 th St. This is an unopened, unmaintained right-of-way, and Road Maintenance has no plans to open or develop it. Thus, we have no comments/concerns/issues with the proposed vacation request. According to iMap and the 2013 Critical Areas Designation (attached) for Tax Parcel 052506-9010, there appears to be a Type N Stream crossing the subject ROW. As such, a Permitting Division clearing and Grading permit would be required for any work within a minimum of 65 feet from that stream.
10.	DLS ROADS- Traffic Engineering	Response dated 5/30/2019. Traffic Engineering would have no objection to this road vacation.
11.	Metro Transit	Response dated 6/20/2019. Metro Transit has no interest or comment in this proposed road vacation V-2725
12.	DLS ROADS Survey Unit	Response dated 8/9/2019. Road appears to have never been opened. Recommend approval of road vacation.

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13.	DLS ROADS Drainage	<p>Responses dated 6/24/2019, 7/5/2019, 11/12/2019, and June 22, 2020. Initial response of June 2019: 2 drainage systems identified on NE 85th St that discharge at the end of the County maintained portion of the road and these systems need to be maintained.</p> <p>Response of July 2019: The drainage is more complex. The development plans from the plat to the South of 85th show some of what is going on. They do not show much on the drainage on the north side but this currently flows across the 200th NE ROW into a fenced are that looks like a storm water facility. I was unable to find any records showing a stormwater facility.</p> <p>Response of November 2019: Follow up with WLRD</p> <p>Response June 22, 2020: If no WLRD storm drainage infrastructure, I am fine with the vacation.</p>
14.	DNRP – Water and Land Resources	<p>Response dated 11/26/2019. I visited the site last week and found no evidence of drainage infrastructure on site. We have no qualms with the vacation approval.</p>

E. OTHER COMMENTS

The newly identified need for easements in favor of Puget Sound Energy and Union Hill Water Association is being addressed between the utilities and the petitioner, Michael Murray. It is anticipated that executed easements will be available prior to approval by the County Council. Additionally, the proposed Ordinance approving the road vacation contains the following language specifically to address the situation where utilities may be present but have not been identified: The vacation shall not extinguish the rights of any utility company to any existing easements for facilities or equipment within the vacation area.

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 and recommends approving the petition vacating the subject portion of right-of-way. The full report of the County Road Engineer is included as Exhibit #14.

G. 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 #15.

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Parcel 052506-9036 owned by Petitioner Lake Washington School District will receive approximately 3,016.20 square feet upon approval of this road vacation.

The Assessor's Office reported: "Per the area land schedule, the increase in lost size of 3,016.20 sf does not change the land value, so no change." The full PSB model spreadsheet as applied to this parcel is attached at Exhibit #16.

Petitioner Michael Murray

Parcel 052506-9010 will receive approximately 34,566.40 square feet upon approval of this road vacation.

Parcel 052506-9022 will receive approximately 36,366.40 square feet upon approval of this road vacation.

The Assessor's Office reported: "Parcel #0525069022 and 0525069010 are roughly 37 acres and 25 acres respectively. Both were valued as multiple building sites and the sf increase due to the road vacation would not be enough to change the estimated number of sites. So no value change for either parcel." The full PSB model spreadsheet as applied to this parcel is attached at Exhibit #17.

200th Ave NE/John O'Holland Rd is an unopened and unmaintained County right-of-way. Under the PSB model, with no change in value as a result of the proposed road vacation, the result is no charge of compensation to the petitioners for this road vacation.

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, this portion of useless right-of-way be vacated without the requirement of additional payment from the Petitioners.

H. EXHIBITS

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner June 22, 2020 with 14 attachments and 23 exhibits.
2.	Petition transmittal letter dated March 13, 2019 to the County Road Engineer from the Clerk of Council.
3.	Petition for Vacation of a County Road. Received March 13, 2019.
4.	Letter to Petitioner dated March 19, 2019 acknowledging receipt of Petition.
5.	Order of Establishment June 6, 1932 John O. Holland Road
6.	Email communication between Roads and Attorney for Lake Washington School District regarding potential to join petition for road vacation.

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7.	Letter to Petitioner dated May 13, 2019 regarding revision to petition and addition of Lake Washington School District as a Petitioner.
8.	Revised Petition as fully executed by Petitioners Michael Murray and Lake Washington School District.
9.	Copy of final notice sent to stakeholders on August 6, 2019 with vicinity map and site map showing vacation area
10.	King County Assessor's information for Petitioner Lake Washington School District property, APN 0525069036
11.	King County Assessor's information for Petitioner Michael Murray properties, APN 0525069022 and 0525069010
12.	Site map depicting vacation area.
13.	Letter to Petitioners dated December 24, 2019, with a copy of the County Road Engineer's report.
14.	County Road Engineer Report on Vacation Petition V-2725, December 24, 2019 with attachments
15.	Email from Elizabeth Shirer, King County Department of Assessments dated October 30, 2019 with valuation information.
16.	Compensation calculation model spreadsheet for Petitioner Lake Washington School District property APN 0525069036, with square footage correction.
17.	Compensation calculation model spreadsheet for Petitioner Michael Murray properties, APN 0525069022 and 0525069010
18.	Ordinance transmittal letter dated April 22, 2020 from King County Executive to Councilmember Claudia Balducci
19.	Proposed Ordinance
20.	Fiscal Note.
21.	Photo of NE 85 th St in area of vacation
22.	Declaration of Posting
23.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

G. ISSUES:

Exhibit #23, 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.

Mailing List Road Vacation File V-2725

PROPOSED RIGHT-OF-WAY VACATION V-2725



The information on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, regarding the accuracy, completeness, or timeliness of the information.

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IMAGE_Ortho2017KCNAT, King County

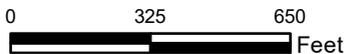
Vacation File: V-2725

200th Ave NE & John O'Holland Rd
SW 05-25-06

ROW Area: Approx. 73949 SF
or 1.7 Acres



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



FOR INFORMATIONAL USE ONLY

