



King County

Department of Local Services
Road Services Division

DEPARTMENT OF LOCAL SERVICES
ROAD SERVICES DIVISION
COUNTY ROAD ENGINEER REPORT ON VACATION PETITION V-2726

Date: May 5, 2020

Petition to Vacate: Portion of S.A. Nelson Road

Vacation File: V-2726

Petitioners: Gary B. Habenicht and Richard and Wendy Melewski

Recommendation: The County Road engineer has determined that the subject portion of right-of-way is useless to the county road system and should be vacated.

Petitioners Gary B. Habenicht and Richard and Wendy Melewski submitted a petition for the vacation of a portion of S.A. Nelson Road May 16, 2019. The vacation area was reviewed and revised by Road Services Division Survey Unit. The subject right-of-way is an unopened and unmaintained portion of right-of-way located in the Ravensdale area of unincorporated King County. See site map attached as Exhibit A.

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 portion of right-of-way proposed to be vacated has been examined and it is recommended that it should be vacated and abandoned. S.A. Nelson Road is the subject of King County Engineer's Office Survey No. 1885 of November 13, 1922 and Order of the King County Board of Commissioners, Volume 24-233, and Treasurer's Deed 6064. From all available information, the northern 15 feet of S.A. Nelson Road, while the subject of the Road Establishment Order, was never deeded to King County. The Southern 15 feet was deeded for road purposes under Treasurer's Deed 6064. However, the Northern 15 feet as referenced in the establishment documents appears as County right-of-way on Assessor's maps creating an encumbrance on Petitioner's property.

B.2 - S.A. Nelson Road is an unopened and unmaintained road right-of-way not in use by the traveling public. No records have been located indicating use, improvement or maintenance of the area by King County and there is a lack of documentation showing perfection of the right-of-way in the Northern 15 feet.

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Richard and Wendy Melewski
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B.3 - S.A. Nelson Road is an unopen and unmaintained county road right-of-way.

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

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 and the unclear state of establishment for the Northern 15 feet appears to create some confusion and burden for the property owners. The public will benefit from the incorporation of the right-of-way into the Petitioners' property returning this area to the public tax rolls.

B.6 - Roads obtained from the King County Assessor's Office a determination of the value for the vacation area associated with each Petitioners' property.

Regarding parcel number 884740-0085, owned by Petitioners Richard and Wendy Melewski, the Assessor's Office determined that adding 9,572 square feet to the property would result in a \$3,000 increase in value. The valuation as applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB), see attached, results in no charge to Petitioner should this 9,572 square foot area of unopened undeveloped right-of-way be vacated.

Regarding parcel number 884740-0167, owned by Petitioner Gary B. Habenicht, the Assessor's Office determined that adding 1,350 square feet to the property would result in a change 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), see attached, results in no charge to Petitioner should this 1,350 square foot area of unopened undeveloped right-of-way be vacated.

Regarding parcel number 242206-9118, owned by Petitioner Gary B. Habenicht, the Assessor's Office determined that by adding 21,795 square feet to the property would result in a \$8,000 increase in value. The valuation as applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB), see attached, results in a charge of \$3,747 to Petitioner should this 21,795 square foot area of unopened undeveloped right-of-way be vacated.

It is the recommendation of the County Road Engineer and the Director of Road Services that the compensation calculation resulting from the application of the PSB compensation model apply for each of the properties for which Petitioners sought this vacation; parcels 884740-0085 and 884740-0167.

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Petitioners did not seek the vacation of right-of-way to property 242206-9118. This additional area was added to this vacation by Road Services Division. The northern 15 feet of S.A. Nelson Road appears as County held right-of-way on some documents, including Assessor's maps, and creates an apparent encumbrance on Petitioner's property. From all available research, there are questions as to whether the right-of-way was fully established over the northern 15 feet and the County's interest may be more of a shadow than a fully established right-of-way for this portion S.A. Nelson Road.

Additionally, surveyors for Road Services have identified apparent errors in historic surveys that have caused confusion on the true and proper location of the right-of-way for SE 256th St., an open and improved County Road lying north of the subject vacation area. The vacation of the northern 15 feet running all along parcel 242206-9118 may eliminate future conflict or confusion regarding the location of SE 256th St. Therefore, it is the recommendation of the County Road Engineer and Director of Road Services that this additional area, 21,795 along parcel 242206-9118 be vacated without the requirement of additional compensation from Petitioner Habenicht.

B.7 - The subject portion of right-of-way does not serve as access to any property. No access easements are required.

B.8 - No utilities have been identified within the subject portion right-of-way. Therefore, no easements are required as part of this petition.

B.9 - No fees have been charged nor costs incurred for this vacation beyond the \$200 filing fee.

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

B.11 - No property owners abut the portion of right-of-way proposed to be vacated who are not petitioners 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.

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In conclusion, the subject portion of right-of-way is useless to the county transportation system and petition V-2726 seeking to vacate this portion of S.A. Nelson Road should be approved.

APPROVED:

DocuSigned by:

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JoAnn Kosai-Eng, P.E.
County Road Engineer

DocuSigned by:

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Rick Brater, P.E., Director
Road Services Division

PROPOSED RIGHT-OF-WAY VACATION V-2726



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IMAGE_Ortho2019KCNAT

Vacation File: V-2726

S.A. Nelson Rd
NE 25-22-06

ROW Area (Approximate):

Primary - 10,922 FT2 or 0.25 Acres
Secondary - 21,795 FT2 or 0.50 Acres
Total: 32,717 FT2 or 0.75 Acres



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



SE 296TH ST.

21,795 S.F.

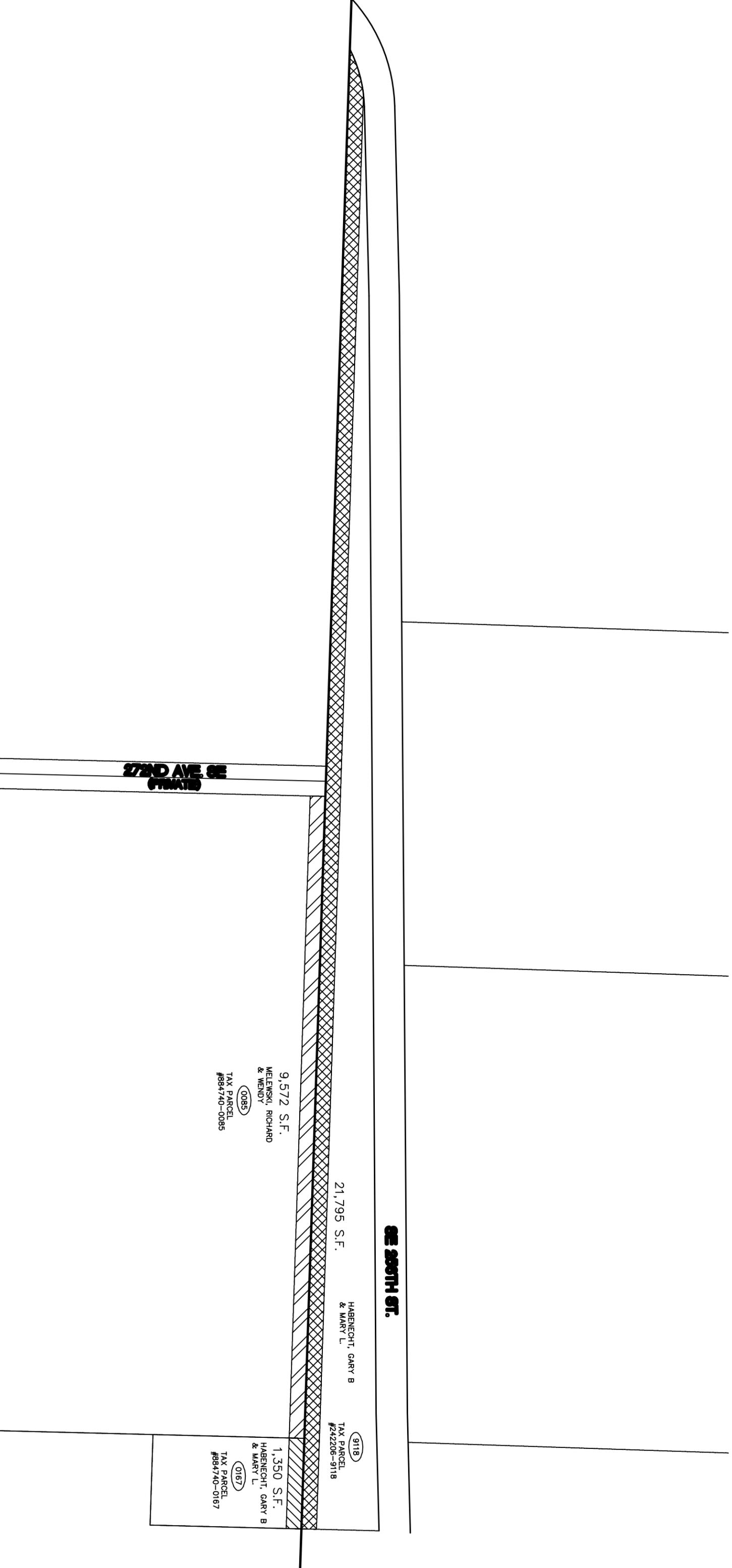
HABENECHT, GARY B
& MARY L.

(9118)
TAX PARCEL
#242206-9118

9,572 S.F.
MELEWSKI, RICHARD
& WENDY
(0085)
TAX PARCEL
#884740-0085

1,350 S.F.
HABENECHT, GARY B
& MARY L.
(0167)
TAX PARCEL
#884740-0167

**272ND AVE SE
(PRIVATE)**



VALUATION OF ROADS RIGHT-OF-WAY

V-2726

Parcel # 884740-0085

Based on PSB Response to Proviso

Richard and Wendy Melewski

S.A. Nelson Road

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 3,000	\$ 3,000	\$ 3,000
Subtract: Transfer of Liability or Risk	\$ 1,522	\$ 152	0
Subtract: Expected Property Taxes	\$ 59	\$ 59	\$ 59
Subtract: Management and Maintenance Costs	\$ 84,041	0	\$ 4,096
DLS Processing Costs	0	0	0
TOTAL	\$ (82,622)	\$ 2,789	\$ (1,155)

ANNUAL UPDATES:

The factors identified in the table need to be updated annually. These include:

- 1) Claims, judgments, settlements, and reserved expenses per mile. The Office of Risk Management Services has developed a complete methodology for this calculation.
- 2) General Fund and Roads Fund property tax rates.
- 3) Total road mileage in the system.
- 4) Roads operating budget (use half of the biennial budget).

Factor:	Provider:	Number		
Value of vacation area	DOA	\$ 3,000	See below *	Varies per parcel
"Mileage" of parcel		0.12	Parcel size in linear mileage	Varies per parcel
Average of 5 years of risk costs	ORM	\$ 1,972,679	5 year average, annual cost	Updated annually
Property tax rate - general fund	PSB / DOA	\$ 0.61	per 1,000 AV; 2019 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.67	per 1,000 AV; 2019 number	Updated annually
Road miles in system	Roads	1500		Updated annually
Roads annual operating budget	Roads	\$ 108,900,000	Half of biennial operating budget	Updated annually
Roads costs for clean-up	Roads	\$ 204,813	Total annual costs; future averag	Updated annually
DLS Processing costs	N/A	\$ -	N/A	

Square footage and lineal measurement of vacation area:

Parcel Size in square feet	Roads	9572	Square footage of vacation area
Parcel size in lineal feet		638	
Parcel size in "road mileage"		0.120833333	

*** Value of vacation area from Assessor's Office:**

Parcel 884740-0085 value pre-vacation	\$301,000
Parcel 884740-0085 value post-vacation	\$304,000
Value of vacation area	\$3,000

VALUATION OF ROADS RIGHT-OF-WAY

V-2726

Parcel # 884740-0167

Based on PSB Response to Proviso

Gary Habenicht

S.A. Nelson Road

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 1,000	\$ 1,000	\$ 1,000
Subtract: Transfer of Liability or Risk	\$ 215	\$ 21	0
Subtract: Expected Property Taxes	\$ 20	\$ 20	\$ 20
Subtract: Management and Maintenance Costs	\$ 11,855	0	\$ 4,096
DLS Processing Costs	0	0	0
TOTAL	\$ (11,090)	\$ 959	\$ (3,116)

ANNUAL UPDATES:

The factors identified in the table need to be updated annually. These include:

- 1) Claims, judgments, settlements, and reserved expenses per mile. The Office of Risk Management Services has developed a complete methodology for this calculation.
- 2) General Fund and Roads Fund property tax rates.
- 3) Total road mileage in the system.
- 4) Roads operating budget (use half of the biennial budget).

Factor:	Provider:	Number		
Value of vacation area	DOA	\$ 1,000	See below *	Varies per parcel
"Mileage" of parcel		0.02	Parcel size in linear mileage	Varies per parcel
Average of 5 years of risk costs	ORM	\$ 1,972,679	5 year average, annual cost	Updated annually
Property tax rate - general fund	PSB / DOA	\$ 0.61	per 1,000 AV; 2019 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.67	per 1,000 AV; 2019 number	Updated annually
Road miles in system	Roads	1500		Updated annually
Roads annual operating budget	Roads	\$ 108,900,000	Half of biennial operating budget	Updated annually
Roads costs for clean-up	Roads	\$ 204,813	Total annual costs; future averag	Updated annually
DLS Processing costs	N/A	\$ -	N/A	

Square footage and lineal measurement of vacation area:

Parcel Size in square feet	Roads	1350	Square footage of vacation area
Parcel size in lineal feet		90	
Parcel size in "road mileage"		0.017045455	

*** Value of vacation area from Assessor's Office:**

Parcel 884740-0167 value pre-vacation	\$102,000
Parcel 884740-0167 value post-vacation	\$103,000
Value of vacation area	\$1,000

VALUATION OF ROADS RIGHT-OF-WAY

V-2726

Parcel # 242206-9118

Based on PSB Response to Proviso

Gary Habenicht

S.A. Nelson Road

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 8,000	\$ 8,000	\$ 8,000
Subtract: Transfer of Liability or Risk	\$ 3,467	\$ 347	0
Subtract: Expected Property Taxes	\$ 157	\$ 157	\$ 157
Subtract: Management and Maintenance Costs	\$ 191,396	0	\$ 4,096
DLS Processing Costs	0	0	0
TOTAL	\$ (187,021)	\$ 7,496	\$ 3,747

ANNUAL UPDATES:

The factors identified in the table need to be updated annually. These include:

- 1) Claims, judgments, settlements, and reserved expenses per mile. The Office of Risk Management Services has developed a complete methodology for this calculation.
- 2) General Fund and Roads Fund property tax rates.
- 3) Total road mileage in the system.
- 4) Roads operating budget (use half of the biennial budget).

Factor:	Provider:	Number		
Value of vacation area	DOA	\$ 8,000	See below *	Varies per parcel
"Mileage" of parcel		0.28	Parcel size in linear mileage	Varies per parcel
Average of 5 years of risk costs	ORM	\$ 1,972,679	5 year average, annual cost	Updated annually
Property tax rate - general fund	PSB / DOA	\$ 0.61	per 1,000 AV; 2019 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.67	per 1,000 AV; 2019 number	Updated annually
Road miles in system	Roads	1500		Updated annually
Roads annual operating budget	Roads	\$ 108,900,000	Half of biennial operating budget	Updated annually
Roads costs for clean-up	Roads	\$ 204,813	Total annual costs; future averag	Updated annually
DLS Processing costs	N/A	\$ -	N/A	

Square footage and lineal measurement of vacation area:

Parcel Size in square feet	Roads	21795	Square footage of vacation area
Parcel size in lineal feet		1453	
Parcel size in "road mileage"		0.275189394	

*** Value of vacation area from Assessor's Office:**

Parcel 242206-9118 value pre-vacation	\$76,000
Parcel 242206-9118 value post-vacation	\$84,000
Value of vacation area	\$8,000