



King County

Department of Local Services
Road Services Division

DEPARTMENT OF LOCAL SERVICES
ROAD SERVICES DIVISION
COUNTY ROAD ENGINEER REPORT ON VACATION PETITION V-2713

September 1, 2020

Petition to Vacate: Portion of Richardson Road
Vacation File: V2713
Petitioners: Richard Barron Steffen
Glen and Erin Lemons
Recommendation: **The County Road engineer has determined that the subject portion of right-of-way is useless to the county road system but cannot be vacated under RCW 36.87.130 and the petition should be denied.**

Petitioners, Richard Barron Steffen and Seana Loew Steffen submitted a petition on May 2, 2017 for the vacation of a portion of Richardson Road within the Burton Acres Plat of Vashon Island. The subject right-of-way is unopened unimproved right-of-way. A site map is attached as Exhibit A.

Glen and Erin Lemons are also petitioners; however, none of the vacation would attach to the Lemons' property. With the Lemons as signators to the Petition, the Petition meets the requirement that the petition be signed by the owners of the majority of the lineal footage of the right-of-way subject to the vacation petition.

King County acquired the right-of-way by the 1914 plat of Burton Acres recorded in the Volume 21 of Plats, Page 55, under recording number 19140228917861. The right-of-way is 60 feet wide as platted.

The Petitioners' home is located within the proposed vacation area. King County Assessor's Office records indicate that the Petitioners' 1 story 480 square foot home was constructed in 1934.

Petitioners are seeking the vacation of a 15-foot-wide portion of Richardson Road lying between SW Bayview Drive and the waters of the Puget Sound. The subject vacation area runs along the southerly boundary of Petitioners' property. The Petitioners propose to exchange with the County of a 15-foot-wide strip of land on the northerly side of their property. The proposed exchange property also runs from SW Bayview Drive to the Puget Sound.

RCW 36.87.130 prohibits the vacation of a county right-of-way that abuts a body of salt or freshwater unless the purpose of the vacation is to enable a public authority to acquire the right-of-way for specific public purposes. Petitioners propose the exchange of property under RCW 36.34.330 to meet the intent of RCW 36.87.130 and preserve public access to Puget Sound.

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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. The owners of the majority of the lineal footage of the right-of-way to be vacated have signed the petition. They include the petitioners and neighboring property owners Glen and Erin Lemons.

B.1 - The right-of-way proposed to be vacated has been examined and it is recommended that it not be vacated or abandoned and the petition denied.

B.2 - The portion of Richardson Road right-of-way proposed to be vacated has been examined and it has been determined that the subject right-of-way is not in use as a county road and has not been in use as a county road.

B.3 - The subject portion of Richardson Road right-of-way is unopened and unmaintained as a road right-of-way. The subject right-of-way is not improved as a road or access but is partially occupied with the Petitioners' home.

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 future transportation use. However, the right-of-way is access to and abuts the Puget Sound.

B.5 - The Petitioners have proposed a swap of a portion of Petitioners' property in exchange for the vacation of a portion of the right-of-way. The proposed exchange property would also provide access to Puget Sound. The proposed exchange of property would provide for the exchange of the 15-foot-wide vacation area with a 15-foot-wide strip of land on the northern side of Petitioners' property to serve as right-of-way and access to Puget Sound. The public would likely not be harmed from the vacation of the right-of-way with the exchange of property. The subject vacation area is not necessary or useful to the county road system as a road. The public will benefit from the return of the subject vacation area to the tax rolls.

B.6 - Roads obtained from the King County Assessor's Office a determination of the value of the vacation area. If the vacation were to occur with the exchange of property as proposed by the Petitioner, there would be no change in value to the properties as a result of the road vacation.

If the vacation were to occur without an exchange of property, then adding the vacation area of approximately 2,130 square feet to parcel 126920-0385, per the Assessor's Office, would result in no change in value to the property. The parcel is deemed unbuildable and the additional square footage would not change that status.

If the vacation were to occur without an exchange of property, then the Assessor's Office determined that adding the vacation area of approximately 2,220 square feet, mostly waterfront, to parcel 126920-0386 would increase the value of the Petitioner's property by \$22,000. The valuation as applied to the County Code and compensation model prepared by the County Office of Performance Strategy and Budget (PSB) is attached. The result under the PSB model for this section of unopened and unmaintained section of County right-of-way is a charge of \$17,445.

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Pursuant to KCC 14.40.020(B), the county road engineer may propose, and the council may accept real property of equal or greater value in lieu of cash compensation. Should the Hearing Examiner recommend, and Council approve the vacation of this right-of-way, then the County Road Engineer recommends that the County accept the proposed exchange of property executed by the delivery of a deed from Petitioner as compensation for the vacation.

B.7 - The subject right-of-way does not serve as access to abutting property.

B.8 - If the road vacation is approved, Puget Sound Energy will require an easement and King County Department of Local Services' Road Services Division will require a drainage easement.

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

B.10 - The subject right-of-way does abut a body of salt water. The subject right-of-way leads directly from Bayview Drive to the waters of Puget Sound. RCW 36.87.130 provides "No county shall vacate a county road or part thereof which abuts on a body of salt or freshwater unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses."

The Richardson Road right-of-way at issue, is an unimproved direct water access from SW Bayview Drive. None of the exceptions as provided in RCW 36.87.130 are applicable to this petition or petitioner. Therefore, in compliance with the state statute, this petition should be denied.

Petitioners have proposed an exchange of property under RCW 36.34.330 to meet the intent of RCW 36.87.130. Road Services Division has not found sufficient precedent for an exchange of land with the County under 36.34.330 to allow a road vacation that would otherwise violate 36.87.130. Therefore, the County Road Engineer cannot recommend approval of the vacation nor the proposed land swap.

B.11 - All property owners with property abutting the right-of-way to be vacated are petitioners to this vacation petition. The property abutting the proposed property to be conveyed to the County as exchange property for use as right-of-way is owned by:

David M. Schubert
P.O. Box 2176
Vashon, WA 98070

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 right-of-way is useless to the county transportation system as a road, however it does lead to and abut a body of salt water and cannot be vacated pursuant to RCW 36.87.130. Therefore, it is recommended that petition V-2713 to vacate a portion of Richardson Road be denied.

APPROVED:

DocuSigned by:

JoAnn Kosai-Eng

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

DocuSigned by:

Rick Brater

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

Attachments: Exhibit A Map of vacation area
Compensation spreadsheets

VALUATION OF ROADS RIGHT-OF-WAY
Based on PSB Response to Proviso

V-2713

Parcel # 1269200385
Richard Barron Steffen

Richardson Road

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ -	\$ -	\$ -
Subtract: Transfer of Liability or Risk	\$ 341	\$ 34	0
Subtract: Expected Property Taxes	\$ -	\$ -	\$ -
Subtract: Management and Maintenance Costs	\$ 18,837	0	\$ 4,096
DLS Processing Costs	0	0	0
TOTAL	\$ (19,178)	\$ (34)	\$ (4,096)

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. <https://kingcounty.gov/depts/assessor/Reports/levy-rate-info.aspx>
- 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	\$ -	See below *	Varies per parcel
"Mileage" of parcel		0.03	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	\$ 0.59	per 1,000 AV; 2020 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.83	per 1,000 AV; 2020 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 average	Updated annually
DLS Processing costs	N/A	\$ -	N/A	

Square footage and lineal measurement of vacation area:

Parcel Size in square feet	Roads	2130	Square footage of vacation area
Parcel size in lineal feet		143	
Parcel size in "road mileage"		0.027083333	

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

Parcel 1126920-0385 value pre-vacation	\$12,000
Parcel 1126920-0385 value post-vacation	\$12,000
Value of vacation area	\$0

VALUATION OF ROADS RIGHT-OF-WAY
Based on PSB Response to Proviso

V-2713

Parcel # 126920386
Richard Barron Steffen

Richardson Road

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 22,000	\$ 22,000	\$ 22,000
Subtract: Transfer of Liability or Risk	\$ 351	\$ 35	0
Subtract: Expected Property Taxes	\$ 459	\$ 459	\$ 459
Subtract: Management and Maintenance Costs	\$ 19,364	0	\$ 4,096
DLS Processing Costs	0	0	0
TOTAL	\$ 1,827	\$ 21,506	\$ 17,445

ANNUAL UPDATES:

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- 2) General Fund and Roads Fund property tax rates. <https://kingcounty.gov/depts/assessor/Reports/levy-rate-info.aspx>
- 3) Total road mileage in the system.
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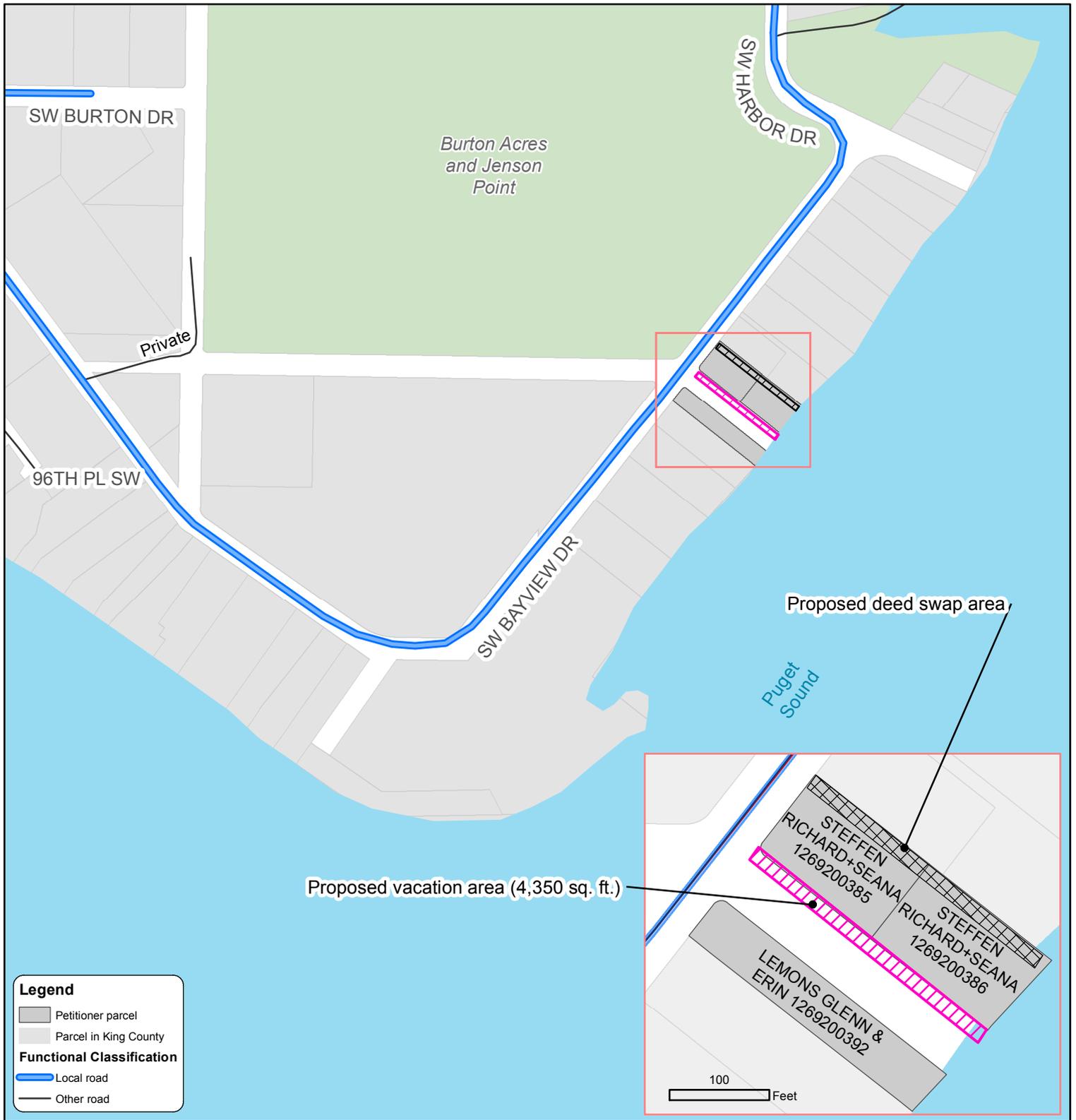
Factor:	Provider:	Number		
Value of vacation area	DOA	\$ 22,000	See below *	Varies per parcel
"Mileage" of parcel		0.03	Parcel size in linear mileage	Varies per parcel
Average of 5 years of risk costs	ORM	\$ 1,972,679	5 year average, annual cost	Updated annually
Property tax rate - general fund	PSB / DOA	\$ 0.59	per 1,000 AV; 2020 number	Updated annually
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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 average	Updated annually
DLS Processing costs	N/A	\$ -	N/A	

Square footage and lineal measurement of vacation area:

Parcel Size in square feet	Roads	2220	Square footage of vacation area
Parcel size in lineal feet		147	
Parcel size in "road mileage"		0.027840909	

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

Parcel 1126920-0386 value pre-vacation	\$548,000
Parcel 1126920-0386 value post-vacation	\$570,000
Value of vacation area	\$22,000



RIGHT-OF-WAY VACATION

For Informational Use Only

Richardson Rd

Vacation File V-2713
STR NE 20-22-3

-  Proposed vacation area
-  Proposed deed swap area

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice.
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