

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

PUBLIC HEARING: September 10, 2024 at 10:00 am

**Remote public hearing by the King County Hearing Examiner's Office
Seattle, WA 98104**

August 21, 2024

PETITION TO VACATE: A portion of 190th Ave SE / Gioranni Vitarelli Rd / Rd No. 1592

Road Services File: V-2751

Proposed Ordinance: 2024-0233

A. GENERAL INFORMATION

Petitioner(s): Denis Lopes Monteiro
Michelle Pedersen

Location of Road: 190th Ave SE.
Thomas Brothers Page 687
Quarter Section – NE 18-22-6

Adjacent Parcels: 1822069152
1822069155

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 with the Clerk of the King County Council on September 17, 2021, by Denis Lopes Monteiro and Michelle Pedersen seeking the vacation of a portion of 190th Avenue SE in the Renton area of unincorporated King County.

The subject right-of-way was established by King County on July 25, 1921, as Gioranni Vitarelli Rd, County Road No. 1592.

The subject portion of right-of-way qualifies as unopen and unmaintained county road right-of-way.

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C. NOTICE

Notice of this hearing was posted at the approximate ends of the proposed vacation area on August 19, 2022, see Exhibit 19, and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

The King County Department of Local Services, Road Services Division (“Roads”) solicited comments from agencies within King County and utilities serving the area regarding the impacts of vacating the subject area. The responses received are listed below. No utility or agency identified infrastructure within the subject right-of-way or requested an easement over the vacation area.

Roads did not receive responses from Cedar River Water and Sewer District, King County Fire Protection District #43, and the following King County agencies: Executive Services, Division of Real Estate Services and Historical Preservation; Department of Natural Resources and Parks, Open Space and Wastewater Divisions; Metro Transit; and the Department of Local Services Road Services Division Archeologist. A copy of the Notice is included as Exhibit 10.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 04/27/2022. PSE has a power line running through the adjacent properties so there are some overhanging wires in the vacation area. However, I was able to find an existing easement that covers the line so we’re good to go!
2.	Comcast	Response dated 11/17/2021. Comcast has facilities on the existing power poles and will need to remain.
3.	Lumen/ CenturyLink	Response dated 12/21/2021. No objections to the vacation.
4.	DLS Permitting	Response dated 11/22/2021. No objections, provided easements, as necessary, are in place for SE 277 th Pl. SE – ingress/egress & utilities. It appears SE 277 th Pl SE crosses a portion of 190 th Ave SE. Thanks
5.	DNRP – Parks	Response dated 8/26/2022. No future planned park or trail improvements in the vicinity. ROW Is not necessary or useful for current or future trail. No need to preserve all or a portion of the ROW.

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6.	DNRP – Water and Land Resources Division	Response dated 12/05/22. Ok to release for vacation. No KC WLRD/SWS drainage or KC Roads drainage within the proposed vacation area that I can discern. Response 11/16/2021 from River and Floodplain Mgmt Section – No concerns.
7.	DLS Roads- CIP & Planning Section	Response dated 12/13/2021. We have no long-range transportation planning concerns with this road vacation. Updated 08/25/2023 There are no current road projects or long-range transportation needs identified in the area of the right-of-way. The existing road network provides adequate access for residents in the area. The subject right-of-way does not and would not provide a benefit to the county road system. The subject right-of-way is not necessary or useful for present or future county transportation system. The current network of roads is adequate to serve current and future transportation needs in the area.
8.	DLS Roads- Traffic Engineering	Response dated 11/17/2021. Road Services Division, Road and Traffic Engineering Development Review staff would have no objection to this proposed right-of-way vacation. Additional Response dated 11/16/2021. I see no compelling reason for Roads to retain this piece of ROW.
9.	DLS Roads – Survey	Response dated 12/23/2021. Recommendation - Approve, with any requested easements
10.	DLS Roads Environmental Unit	Response dated 12/14/2021. The RSD Environmental Unit has no objections to this proposed road vacation. No critical areas present based on review of King County iMap.
11.	DLS Roads Drainage	Response dated 11/18/2021. Ok to Vacate. No easements required.

E. 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 11.

If the petition is approved, Petitioners parcel 1822069152 will receive approximately 4,000 square feet. The Assessor’s Office determined that adding 4,000 square feet to the property would result in

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a \$1,000 increase in value. This value applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB) with offsets for management and maintenance costs and future expected property tax, results in no additional charge of compensation from Petitioners should the approximately 4,000 square foot area of unopened undeveloped right-of-way be vacated. See Exhibit 12.

If the petition is approved, Petitioners parcel 1822069155 will also receive approximately 4,000 square feet. The Assessor's Office determined that adding 4,000 square feet to this parcel would result in a \$10,000 increase in value. This value applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB) with offsets for management and maintenance costs and future expected property tax, results in a charge of \$5,637 to Petitioners should the approximately 4,000 square foot area of unopened undeveloped right-of-way be vacated. See Exhibit 13.

F. ACCESS BY OTHER PROPERTIES

The subject portion of right-of-way is crossed by a private access road, SE 227th Place. Currently, six (6) parcels not a party to this road vacation use SE 227th Place as access. A private easement for ingress and egress over Petitioner's property as shown on Boundary Line Adjustment recorded 19950417900 and 20040518900, and a portion of the vacation area. To preserve and perfect this access if the vacation is approved, Petitioners have prepared an access easement to be granted upon approval and recording of the road vacation ordinance. See Exhibit 16.

G. 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 that petition V-2751 should be approved with the conditions of granting the above-described access easement and payment of compensation in accordance with the PSB model.

The full County Road Engineer's Report is attached as Exhibit 14.

H. EXHIBITS

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner August 21, 2024, with 11 Attachments and 20 Exhibits.
2.	Petition transmittal letter dated September 17, 2021, to the County Road Engineer.
3.	Petition for Vacation of a County Road received September 17, 2021
4.	Letter to Petitioners dated September 27, 2021, acknowledging receipt of Petition.
5.	King County Assessor's information for Petitioners' property, APN 1822069152

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6.	King County Assessor’s information for Petitioners’ property, APN 1822069155
7.	Exhibit map depicting vacation area
8.	Boundary Line Adjustment recorded 199504179008
9.	Boundary Line Adjustment recorded 20040518900027
10.	Copy of final notice sent of review to agencies on 04/21/2022.
11.	Email exchange with Assessor’s Office regarding valuation of vacation area.
12.	Compensation calculation model spreadsheet for Petitioners’ property, APN 1822069152
13.	Compensation calculation model spreadsheet for Petitioners’ property, APN 1822069155
14.	Cover letter to Petitioners dated December 22, 2022, with a copy of the County Road Engineer’s Report
15.	County Road Engineer’s Report
16.	Proposed access easement
17.	Ordinance transmittal letter dated July 23, 2004, from King County Executive to Councilmember Dave Upthegrove
18.	Proposed Ordinance
19.	Declaration of Posting
20.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

I. ISSUES

Exhibit #20, 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.

END OF STAFF REPORT TO THE HEARING EXAMINER

PROPOSED RIGHT-OF-WAY VACATION V-2751

EXHIBIT 7







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, as to accuracy, completeness, timeliness or rights to use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, direct, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or reliance on the information contained on this map. No sale of any map or information on this map is prohibited without the written permission of King County.

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6/22/2014

IMAGE_Ortho2019KCNAT

Vacation File: V-2751
 190th Ave SE
 NE 18 22 06
ROW Area (Approximate):
 7,997 FT2 or 0.18 Acres



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

