

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

**PUBLIC HEARING: July 21, 2020 at 10:00 am or shortly thereafter**

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

**July 6, 2020**

**PETITION TO VACATE: A Portion of 172<sup>nd</sup> Ave SE**

**Transportation File: V-2719**

**Proposed Ordinance: 2020-0138**

**A. GENERAL INFORMATION**

Petitioner(s): Brian Kelderman

Location of Vacation Area: Portion of 172<sup>nd</sup> Ave SE  
Thomas Brothers Map page 657  
Quarter Section – SE 13-23-05  
Zoning – RA5

Adjacent Parcel: 723020-0590

**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 the same.

The petition was filed by Dave and Dolores Patterson with the Clerk of the King County Council on May 22, 2018, seeking the vacation of a portion of 172<sup>nd</sup> Ave SE in the SE Quarter of Section 13, Township 23, Range 05, W.M. as appearing on Thomas Brothers Page 657, in the Renton area of unincorporated King County. See Exhibit Map, Exhibit # 9.

The Department of Local Services, Road Services Division (Roads) reviewed the petition and determined that the subject right-of-way was established by the Plat of Renton Suburban Tracts,

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Division 6 as recorded in Volume 66 of Plats, pages 33 through 35 of the records of the King County Recorder, recording number 196102285256391.

The subject section of right-of-way is unopened and unmaintained platted right-of-way and does not provide access to any properties.

The petition was initiated by Dave and Dolores Patterson to address an encroachment into the County right-of-way. Exhibit #3. The petition was revised to meet the Code requirements and submitted by the Pattersons on June 19, 2018. Exhibit #6. On or about January 7, 2019 the Pattersons sold their property to Brian Kelderman. Mr. Kelderman subsequently signed and submitted to Roads a revised petition substituting in as the new owner of the property and Petitioner on the road vacation petition for file V-2719. See Exhibit #11.

**C. NOTICE**

Notice of this hearing was posted at each end of the proposed vacation area on June 26, 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.

Roads did not receive responses from Water District 90, King County Fire Protection District #25/Renton Regional Fire Authority and the following King County agencies: Department of Executive Services, Real Estate Services Division; Department of Natural Resources and Parks, Open Space Division and Water and Land Resources Division; and the Department of Local Services Road Services Division Environmental Engineering Section. A copy of the Final Notice is included as Exhibit #7.

ATTACHMENTS	AGENCY	COMMENT
1.	<b>Puget Sound Energy</b>	Response dated 10/22/2019. PSE has no existing facilities in this ROW and therefore no opposition to the vacation proposed.
2.	<b>Frontier Communications</b>	Response dated 06/20/2018. Frontier does not have any facilities in this area.
3.	<b>Wave</b>	Response dated 06/21/2018. Wave has no plant in the vicinity.
4.	<b>Comcast</b>	Response dated 6/25/2018. Comcast does not have anything in this ROW. We do not oppose this vacation.

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5.	<b>DLS Permitting</b>	Response dated 06/29/2018. No objections.
6.	<b>DNRP- Parks Div.</b>	Response dated 6/21/2018. Parks has no objections to this request. Okay to vacate.
7.	<b>DNRP - Wastewater</b>	Response dated 7/30/2018. No facilities in the right-of-way. Recommendation is: Approve for vacation.
8.	<b>DLS ROADS- CIP &amp; Planning Section</b>	Response dated 06/25/2018. We have no long-range transportation planning concerns with this road vacation.
9.	<b>DLS ROADS- Roads Maintenance</b>	Response dated 7/31/2018. Road Maintenance has reviewed this vacation request for a portion of 172 <sup>nd</sup> Ave SE north of SE 144 <sup>th</sup> St, which is an unopened and unmaintained ROW, and Road Maintenance has no intentions of opening that ROW in the future.
10.	<b>DLS ROADS- Traffic Engineering</b>	Response dated 6/21/2018. From a traffic perspective, Traffic Engineering would have no objection to this proposed road vacation. It is unopened right-of-way and I don't see a need to ever construct a road within the right-of-way. The existing grid system for the neighborhood appears adequate.
11.	<b>Metro Transit</b>	Response dated 7/16/2018. King County Metro has no objections.
12.	<b>DLS ROADS Survey Unit</b>	Response dated 8/2/2018. Recommend approval of road vacation.
13.	<b>DLS ROADS Drainage</b>	Responses dated 6/21/2018. No known drainage systems within the current ROW and no apparent long term need for use for drainage.
14.	<b>Exec. Svcs – Historical Preservation</b>	Response dated 8/03/2018. The Historical Preservation Program has no comments or concerns with this road vacation.

**E. OTHER COMMENTS**

None.

**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 #16.

**G. COMPENSATION**

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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 Petitioner.

Petitioner's property, parcel number 723020-0590 will receive approximately 8,435 square feet upon approval of this road vacation. The Assessor's Office reported that the value of the property would increase by \$16,000 if the vacation is approved and the parcel increases from approximately 24,848 square feet to 33,283 square feet. See Exhibit #13.

The full PSB model spreadsheet as applied to this parcel is attached at Exhibit #14.

172<sup>nd</sup> Ave SE is an unopened and unmaintained County right-of-way. Under the PSB model, with the increase in value of 16,000 the calculation is as follows:

From the \$16,000 increase in value:

\$ 0 is deduced for transfer of liability or risk

\$ 314 is deduced for expected property taxes

\$2000 is deduced for management and maintenance costs

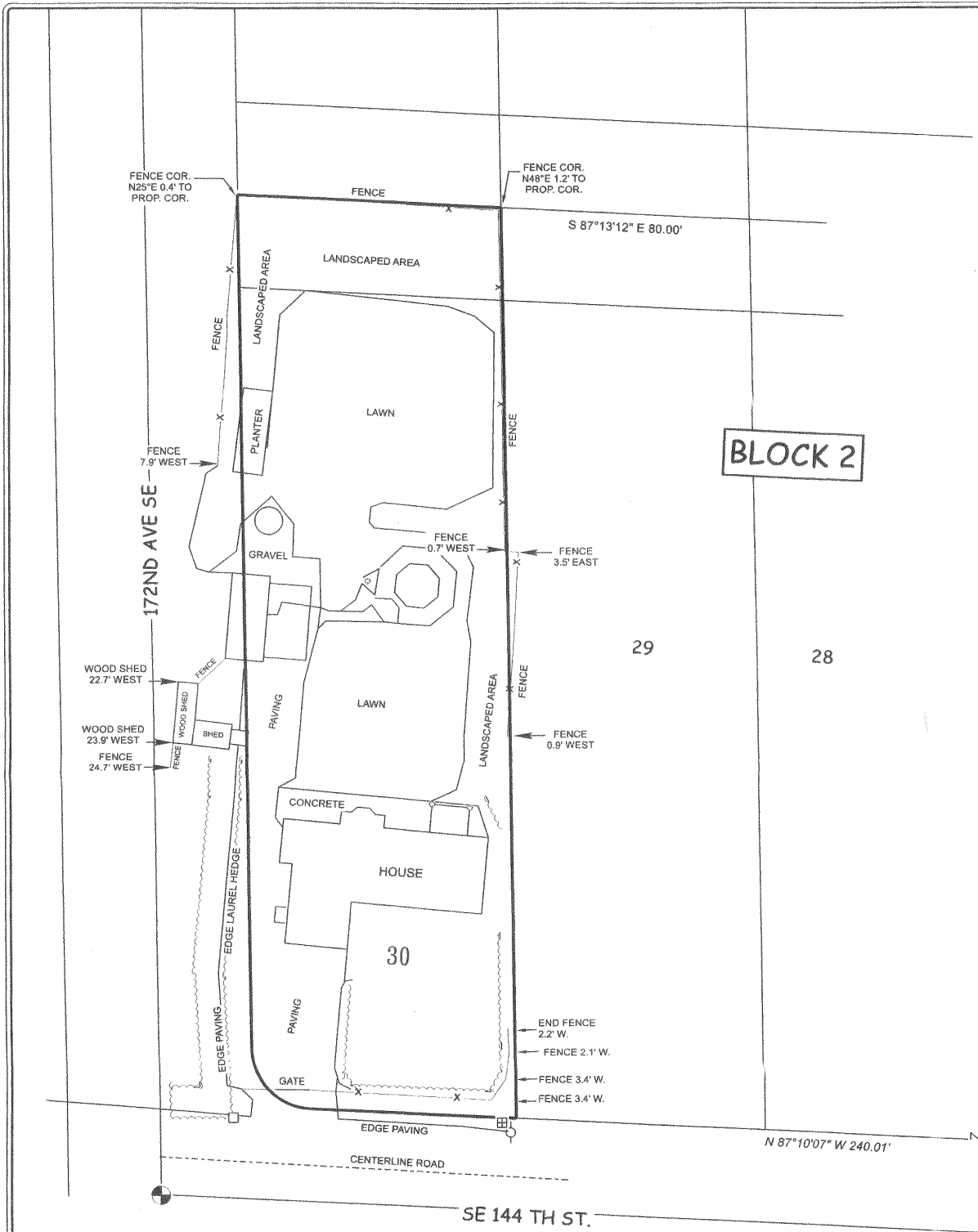
Result is as charge of \$13,686.00.

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 right-of-way be vacated with the condition of payment of \$13,686.

**H. EXHIBITS**

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner July 6, 2020 with 14 attachments and 22 exhibits.
2.	Petition transmittal letter dated May 18, 2018 to the County Road Engineer from the Clerk of Council.
3.	Petition for Vacation of a County Road. Received May 18, 2018
4.	Survey of 2015 by Turnbow Land Surveying submitted by Petitioners Patterson
5.	Letter to Petitioners dated June 6, 2018 acknowledging receipt of Petition and request to sign a new petition with full legal description.
6.	Revised Petition signed by Petitioners received June 19, 2018
7.	Copy of final notice sent to stakeholders on July 26, 2018 with vicinity map and site map showing vacation area
8.	King County Assessor's information for Petitioner's property, APN 7230200590
9.	Exhibit map depicting vacation area.

Exhibit 4



**AUDITOR'S CERTIFICATE**

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
 20\_\_\_\_ AT \_\_\_\_\_ M., IN BOOK \_\_\_\_\_ OF SURVEYS,  
 PAGE \_\_\_\_\_ A.F.N. \_\_\_\_\_  
 AT THE REQUEST OF JAMES D. TURNBOW.

COUNTY AUDITOR \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME  
 OR UNDER MY DIRECTION IN CONFORMANCE WITH THE  
 REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE  
 REQUEST OF DEE PATTERSON

IN \_\_\_\_\_ APRIL, 20\_15\_

JAMES D. TURNBOW - LICENSE NO. 42679

Exhibit no.	D4
Case name	Brian Kelderman
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# V-2719 172nd Ave SE



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 **King County**  
**GIS CENTER**

Date: 5/23/2018

Notes:

# PROPOSED RIGHT-OF-WAY VACATION V-2719



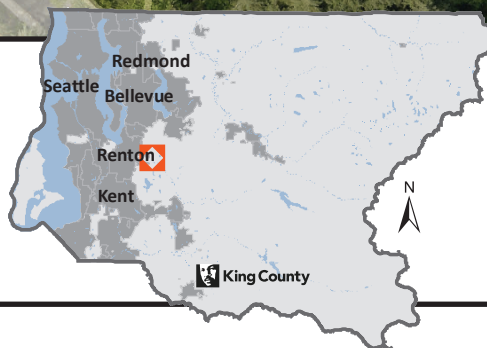
## Vacation File: V-2719

172nd Ave SE

SE S13 T23 R5

ROW Area: Approx. 8435 SF

or 0.19 Acres



	Vacation Area
	Petitioner Parcel
	Parcels
	King County Right of Way

