

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

PUBLIC HEARING: August 23, 2019 at 11:30 am or shortly thereafter

**King County Hearing Examiner's Office
516 Third Avenue, Fred Conference Room, 12th Floor
Seattle, WA 98104**

August 8, 2019

PETITION TO VACATE: Portions of Cliff Avenue//SW 284th Street

Transportation File: V-2709

Proposed Ordinance: 2018-0009

A. GENERAL INFORMATION

Petitioner(s): GKW Properties, LLC
 Geoff Woton
 23712 NE Canon Loop Rd
 Battle Ground, WA 98604
 (360) 601-8859
 Geoff@springbeach.net
 Kelly@springbeach.net

Tamara Tallariti
3625 125th Street NW
Gig Harbor, WA 98332
(253) 495-5741
tamitallariti@hotmail.com
jefftallariti@gmail.com

Location of Road: Portions of Cliff Ave//SW 284th Street
 Thomas Brothers Page 712
 Zoning – RA 2.5

Adjacent Parcels: 7930000220, 7930000170 and 793000180

Initial Hearing : February 27, 2018

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B. HISTORY

This petition was filed on December 19, 2016 with the Clerk of the King County Council. The petition was revised to decrease the vacation area. The Department of Local Services, Road Services Division (Roads) circulated the request for vacation, soliciting comments from stakeholders. The revised petition requests vacation of portions of Cliff Avenue//SW 284th Street located in the Spring Beach Plat on Vashon Island in the SE quarter of Section 34, Township 22, Range 2 E, W.M. and Thomas Brothers Page 712.

A hearing on the petition was conducted by the County Hearing Examiner on February 27, 2018. An Interlocutory Order in his matter was issued by the Hearing Examiner on March 13, 2018 holding the matter open until the County Office of Performance Strategy and Budget (PSB) prepared a model for calculating compensation in road vacation petitions. Such model has been created and was presented to the County Council.

C. NOTICE

Notice of this continued hearing was posted at one termini of the proposed vacation area on July 31, 2019, and, due to the remoteness and difficulties with accessing the second termini, notice was mailed on August 1, 2019 to 13 owners of property within the immediate vicinity of the subject portion of right-of-way as more fully described in Exhibit #28. Notice of hearing was also published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

After the February 27, 2018 hearing, Roads did not solicit or receive new comments or responses from stakeholders regarding this petition.

E. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer recommends approving the petition vacating the subject portion of right-of-way. The subject right-of-way is useless to the county road system. The full report of the County Road Engineer was submitted with Roads' initial Staff Report to the Hearing Examiner as Exhibit #13.

F. COMPENSATION

Utilizing the model prepared by PSB, Roads solicited from the Assessor's Office a determination of the value of the approximately 21,707 square feet of right-of-way to be vacated under this petition as apportioned to each of the Petitioners' properties abutting the subject section of right-of-way. See Exhibit #24. The full model spreadsheets as applied to the Petitioners' properties for this road vacation appear in Exhibits #25-27.

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Property 793000-0220 is owned by GKW Properties, LLC and will receive 16,121 square feet under this road vacation.

The Assessor's Office provided the following information:

Parcel 793000-0220 is unimproved and designated unbuildable.

The pre-vacation value is \$20,000.

The post-vacation value is \$21,000.

Difference in value after the vacation area of 16,121 square feet added to the parcel is \$1,000.

The category of this section of right-of-way is Undeveloped and Unopened ROW under the PSB model.

From the \$1,000 valuation:

\$ 20 is deducted for the present value of anticipated property tax revenue

\$ 2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of- way.

Result is (\$1,020.00)

Property 793000-0170 is owned by Tamara Tallariti and will receive 4850 square feet under this road vacation.

The Assessor's Office provided the following information:

Parcel 793000-0170 is unimproved and designated unbuildable.

The pre-vacation value is \$12,000.

The post-vacation value is \$13,000.

Difference in value after the vacation area of 4,850 square feet added to the parcel is \$1,000.

The category of this section of right-of-way is Undeveloped and Unopened ROW under the PSB model.

From the \$1,000 valuation:

\$ 20 is deducted for the present value of anticipated property tax revenue

\$ 2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of- way.

Result is (\$1,020.00)

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Property 793000-0180 is owned by Tamara Tallariti and will receive 736 square feet under this road vacation.

The Assessor's Office provided the following information:

Parcel 793000-0180 is improved with a residence.

The pre-vacation value is \$254,000.

The post-vacation value is \$257,000.

Difference in value after the vacation area of 736 square feet added to the parcel is \$3,000.

The category of this section of right-of-way is Undeveloped and Unopened ROW under the PSB model.

From the \$3,000 valuation:

- \$ 59 is deducted for the present value of anticipated property tax revenue
- \$ 2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of- way.

Result is a charge of \$941.00

Per the Assessor's Office, the total value of the property changes with the addition of square footage by the road vacation, not merely the land value. Therefore, the total value of the property, land and improvements, is reflected in the above valuation for Parcel 793000-0180. See Exhibit #24.

Roads' intention in its approach to road vacation compensation under the County Code was to reduce its inventory of right-of-way useless to the County Road system and reduce costs, obligations and liability exposure. The dollars Roads might obtain from the petitioners through the vacation of this portion of right-of-way is insignificant in comparison to the County's potential liability from its mere retention. Roads reiterates that under the County Code, a requirement of compensation for a road vacation is discretionary with the County Council. KCC 14.40.020 specifically provides that compensation may be required as a condition of a road vacation. Roads understands the concerns that gave rise to the request for a compensation model and will follow the directions of the County Council in applying such model. However, Roads remains very concerned that requiring compensation, particularly to vacate unopened right-of-way, will present barriers to eliminating these useless and often problematic sections of right-of-way leaving the county to continue to carry full responsibility for these random pieces of property.

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G. EXHIBITS

Exhibit #	DESCRIPTION
23.	Roads Supplemental Report to the Hearing Examiner August 8, 2019.
24.	Email exchange with Assessor's Office for valuation calculation.
25.	Compensation calculation model spreadsheet Parcel 793000-0220
26.	Compensation calculation model spreadsheet Parcel 793000-0170
27.	Compensation calculation model spreadsheet Parcel 793000-0180
28.	Affidavit of Notice & notice of hearing.
29.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

H. ISSUES:

Exhibit #29 - 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.

EXHIBITS

24 THROUGH 29