



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19356

Proposed No. 2021-0277.2

Sponsors Balducci

1 AN ORDINANCE authorizing the vacation of a portion of
 2 the Alley in Block 2, Florentine Tracts, V-2732;
 3 Petitioners: Roslyn Hyde and Gene Vjarro.

4 **STATEMENT OF FACTS:**

- 5 1. A petition has been filed requesting vacation of a portion of the Alley
 6 in Block 2, Florentine Tracts, hereinafter described.
- 7 2. The department of local services notified utility companies serving the
 8 area and King County departments of the proposed vacation and has been
 9 advised that no utility requires an easement over the vacation area. The
 10 vacation shall not extinguish the rights of any utility company to any
 11 existing easements for facilities or equipment within the vacation area.
- 12 3. This segment of right of way is unopened and unmaintained.
- 13 4. The department of local services considers the subject portion of right
 14 of way useless as part of the county road system, believes the public
 15 would benefit by the return of this segment of right of way to the public
 16 tax rolls, and recommends approval of the vacation.
- 17 5. Pursuant to K.C.C. 14.40.020 and RCW 36.87.120, the value of the
 18 vacation area is offset by the costs to King County to manage and
 19 maintain this segment of unopened right of way and the present value of
 20 future property tax, meaning no additional compensation is due for the

Ordinance 19356

21 vacation of this portion of the Alley in Block 2, Florentine Tracts to the
22 property of Petitioner Roslyn Hyde, King County Assessor's Parcel
23 Number 258680-0160, and the property of Petitioner Gene Vjarro, King
24 County Assessor's Parcel Number 258680-0065.

25 6. Due notice was given in the manner provided by law. The office of the
26 hearing examiner held the public hearing on September 9, 2021.

27 7. As detailed in the September 23, 2021, recommendation, the hearing
28 examiner found that the road segment subject to this petition is not useful
29 as part of the King County road system, concluded that the vacation of this
30 segment of road will benefit the public through the transfer of
31 responsibility for management and return of the property to the public tax
32 roll, and recommended approval of the vacation petition without the
33 requirement of additional compensation from Petitioners.

34 8. For the reasons stated in the examiner's September 23, 2021, report and
35 recommendation, the council determines that it is in the best interest of the
36 citizens of King County to grant said petition and vacate the right of way.

37 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

38 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
39 and abandons a portion of the Alley in Block 2, right of way as dedicated to King County
40 by the recording of the 1912 plat of Florentine Tracts, recorded in Volume 20 of Plats,
41 Page 84, records of King County Washington as described below:

Ordinance 19356

42 That portion of 16' alley adjacent to Lot 1 and Lot 20 in Block 2, Plat of
43 Florentine Tracts according to the plat recorded in Volume 20 at Page 84
44 of Plats, records of King County.
45 Situate in the Southwest Quarter of Section 6, Township. 23, Range. 4

Ordinance 19356

- 46 King County, Washington.
- 47 Containing 960 square feet, more or less.

Ordinance 19356 was introduced on 7/20/2021 and passed by the Metropolitan King County Council on 11/2/2021, by the following vote:


Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


DocuSigned by:

7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this ____ day of 11/12/2021, _____.

DocuSigned by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: A. Hearing Examiner Report Dated September 23, 2021

September 23, 2021

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND RECOMMENDATION

SUBJECT: Department of Transportation file no. **V-2732**
Proposed ordinance no. **2021-0277**
Adjacent parcel no(s). **2586800160 and 2586800065**

ROSLYN HYDE AND GENE VIJARRO

Road Vacation Petition

Location: a portion of the Alley in Block 2, Florentine Tracts

Applicant: **Roslyn Hyde**
10805 10th Ave SW
Seattle, WA 98146
Telephone: (206) 972-7699
Email: roslyn@jbbuilt.com

Applicants: **Gene and Monica Vjarro**
10800 11th Avenue SW
Seattle, WA 98146
Telephone: (206) 459-1034
Email: GVjarro@gmail.com

King County: Department of Local Services
represented by **Leslie Drake**
201 S Jackson Street
Seattle, WA 98104
Telephone: (206) 477-7764
Email: leslie.drake@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. This is a straightforward application. Roslyn Hyde and Gene Vizarro petition the County to vacate an approximately 960 square foot stretch of public right-of-way—an unopened alley on which part of a public street-facing a garage currently sits. The Department of Local Services, Road Services Division, urges vacation and a waiver of all compensation. We conducted the public hearing on behalf of the Council. After hearing witness testimony and observing their demeanor, studying the exhibits entered into evidence, and considering the parties’ arguments and the relevant law, **we recommend that Council approve the vacation and waive compensation.**

Background

2. Except as provided herein, we adopt and incorporate the facts set forth in Roads’ report and in proposed ordinance no. 2021-0277. That report, and maps showing the specific area to be vacated and the vicinity of the proposed vacation, are in the hearing record and will be attached to the copies of our recommendation submitted to Council. Ex. 1 at 001-04 & 011; Ex. 5.
3. Chapter RCW 36.87 sets the general framework for county road vacations, augmented by KCC chapter 14.40. There are at least four somewhat interrelated inquiries. The first two relate to whether vacation is warranted: is the road useless to the road system and would vacation benefit the public? If the answers to these are both yes, the third and fourth relate to compensation: what is the appraised (or perhaps assessed) value of the right-of-way, and how should this number be adjusted to capture County benefits?
4. A petitioner has the burden to show that the “road is useless as part of the county road system and that the public will be benefitted by its vacation and abandonment.” RCW 36.87.020. “A county right of way may be considered useless if it is not necessary to serve an essential role in the public road network or if it would better serve the public interest in private ownership.” KCC 14.40.0102.B. While denial is mandatory (“*shall not*” vacate) where a petitioner fails to make that showing, approval is discretionary where a petitioner shows uselessness and public benefit (“*may vacate*”). RCW 36.87.060(1) (emphasis added).

Is Vacation Warranted?

5. The subject right-of-way segment is not currently opened, constructed, or maintained for public use, and it is not known to be used informally for access to any property. Though dedicated as an alley, not only was it never used as such for the adjoining properties, the rockery and slope would make it, if not impossible, at least extremely difficult and expensive to ever convert it into a functioning alley. Vacation would have no adverse effect on the provision of access and fire and emergency services to the abutting

properties and surrounding area. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.

6. We find that the road is useless to the county road system, that the public will benefit from its vacation in the form of eliminated expected management and maintenance costs and added tax benefits (see below), and that vacation is warranted.

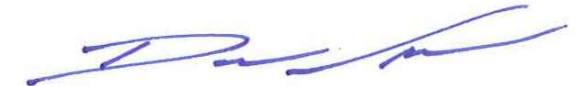
What Compensation is Due?

7. Typically, the petitioner pays the value the acquired right-of-way square footage adds to their property. Here, both the Hyde and the Vijarro properties will benefit to the tune of \$3000 each. Exs. 11-12. However, state law allows compensation to be adjusted to reflect avoided public management and maintenance costs and added property taxes (from moving public property onto the tax rolls). RCW 36.87.120. Here, the financial benefits to the County are over \$5000 for each parcel, exceeding the \$3000 private value increases. Exs. 11-12. In such circumstances, it is appropriate to waive compensation.

RECOMMENDATION:

APPROVE proposed ordinance no. 2021-0277 to vacate the subject road right-of-way.

DATED September 23, 2021.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on **October 18, 2021**, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the Clerk does not actually receive the fee and the appeal statement within the applicable time period.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council will place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner’s recommended action.

If the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about “next steps.”

**MINUTES OF THE SEPTEMBER 9, 2021, HEARING ON THE ROAD VACATION
PETITION OF ROSLYN HYDE AND GENE VIJARRO, DEPARTMENT OF
TRANSPORTATION FILE NO. V-2732**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake, Roslyn Hyde, and Gene and Monica Vijarro.

The following exhibits were offered and entered into the hearing record:

- | | |
|----------------|---|
| Exhibit no. 1 | Roads Services report to the Hearing Examiner, sent August 26, 2021 |
| Exhibit no. 2 | Letter from Clerk of the Council to KCDOT transmitting petition, dated May 21, 2020 |
| Exhibit no. 3 | Petition for vacation of a county road, transmitted May 21, 2020 |
| Exhibit no. 4 | Letter to Petitioner acknowledging receipt of petition and explaining road vacation process, dated May 28, 2020 |
| Exhibit no. 5 | Vacation area map |
| Exhibit no. 6 | Plat Florentine Tracts |
| Exhibit no. 7 | King County Assessor’s information for Petitioner Hyde property, APN 2586800160 |
| Exhibit no. 8 | King County Assessor’s information for Petitioner Vijarro property, APN 2586800065 |
| Exhibit no. 9 | Final stakeholder notification, sent October 23, 2020, with comment deadline of November 23, 2020 |
| Exhibit no. 10 | Email from Assessor’s Office regarding valuation |
| Exhibit no. 11 | Compensation calculation model spreadsheet for Petitioner Hyde property, APN 2586800160 |
| Exhibit no. 12 | Compensation calculation model spreadsheet for Petitioner Hyde property, APN 2586800065 |
| Exhibit no. 13 | Letter to Petitioner recommending approval and conveying County Road Engineer report, dated December 29, 2020 |
| Exhibit no. 14 | Road Engineer report |
| Exhibit no. 15 | Letter to KC Council recommending approval and transmitting proposed ordinance, dated July 13, 2021 |
| Exhibit no. 16 | Proposed ordinance |
| Exhibit no. 17 | Fiscal note |

- Exhibit no. 18 Affidavit of posting, noting posting date of August 13, 2021
- Exhibit no. 19 *Reserved for future submission of* Affidavit of publication
- Exhibit no. 20 Letter with CRE Report and Notice of Hearing to property at 10808 11th
Avenue SW
- Exhibit no. 21 Letter with CRE Report and Notice of Hearing to property at 10809 10th
Avenue SW

Certificate Of Completion

Envelope Id: 7521FA2402FE4512BB87DB652DDA415F	Status: Completed
Subject: Please DocuSign: Ordinance 19356.docx, Ordinance 19356 Attachment A.pdf	
Source Envelope:	
Document Pages: 4	Signatures: 3
Supplemental Document Pages: 5	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Envelopeld Stamping: Enabled	401 5th Ave
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Suite 100
	Seattle, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20


Record Tracking

Status: Original	Holder: Cherie Camp	Location: DocuSign
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Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County General (ITD)	Location: DocuSign

Signer Events

Claudia Balducci
 claudia.balducci@kingcounty.gov
 King County General (ITD)
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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 Signature Adoption: Pre-selected Style
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Timestamp

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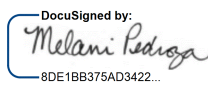
Electronic Record and Signature Disclosure:

Not Offered via DocuSign
 Supplemental Documents:

Ordinance 19356 Attachment A.pdf

Viewed: 11/4/2021 2:38:55 PM
 Read: Not Required
 Accepted: Not Required

Melani Pedroza
 melani.pedroza@kingcounty.gov
 Clerk of the Council
 King County Council
 Security Level: Email, Account Authentication (None)

DocuSigned by:

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 Signature Adoption: Uploaded Signature Image
 Using IP Address: 198.49.222.20

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 Signed: 11/4/2021 3:25:25 PM

Electronic Record and Signature Disclosure:

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 Supplemental Documents:

Ordinance 19356 Attachment A.pdf

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 Read: Not Required
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Dow Constantine
 Dow.Constantine@kingcounty.gov
 Security Level: Email, Account Authentication (None)

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 Supplemental Documents:

Ordinance 19356 Attachment A.pdf

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Accepted: Not Required

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Kaitlyn Wiggins

kwwiggins@kingcounty.gov

Security Level: Email, Account Authentication
(None)

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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered

Security Checked

11/12/2021 2:28:18 PM

Signing Complete

Security Checked

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11/12/2021 2:28:36 PM

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Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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