



King County

Department of Local Services
Road Services Division

March 13, 2020

John R. Franzel
7524 SW Maury Park Rd
Vashon Island, WA 98070

RE: Petition for Vacation of a portion of Unnamed Road Plat of Rosehilla Beach
Road Vacation file V-2728

Dear Mr. Franzel,

In compliance with the Clerk of the King County Council's letter dated May 28, 2019, the Department of Local Services' Road Services Division (Roads) has investigated your petition to vacate a portion of the Unnamed Road in Rosehilla Beach Plat. The King County Code requires the County Road Engineer to issue a report and recommendation.

The County Road Engineer's Report and recommendation is enclosed for your review. The County Road Engineer recommends that the petition to vacate a portion of Unnamed Road in the Rosehilla Beach Plat be denied. While the right-of-way is useless to the county road system, pursuant to RCW 36.87.130, the County is prohibited from vacating "any county road or part thereof which abuts on a body of salt or fresh water 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 petition does not meet any of the statutory exceptions.

The King County Code 14.40.120 provides that compensation may be due to the County for the area to be vacated. If this road vacation petition is approved, then the compensation calculation model utilizing the change in value to the property that will result from the vacation as determined by the County Assessor's Office along with other offsetting costs is utilized to determine the amount of compensation required. A copy of the calculation model as applied to your road vacation petition is attached to the County Road Engineer's Report. The calculation resulted in a charge of \$7,668 should this petition be approved.

The County Road Engineer's recommendation shall be presented to the King County Council along with an ordinance for the denial of the petition to vacate a portion of the Unnamed Road in the Rosehilla Beach Plat. The ordinance introduced to the Council will authorize the Hearing Examiner to conduct a public hearing on the petition. You will be notified of the time and location of the public hearing. You may present testimony and additional information at the hearing.

John R. Franzel
March 13, 2020
Page – 2

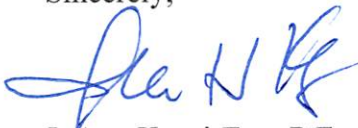
The Hearing Examiner will provide an independent recommendation to the King County Council based on testimony received at the hearing, the County Road Engineer's recommendation, and the report of Roads staff. The Hearing Examiner may make recommendations different from that of the County Road Engineer on both whether to vacate and what if any compensation to require for the vacation.

The Hearing Examiner's report and recommendation is presented to the King County Council. The Council makes the final determination of whether to approve vacation of the right-of-way and what compensation is acceptable. The Council is not bound by the recommendations of the County Road Engineer or the Hearing Examiner.

Alternatively, if you decide that you no longer wish to pursue this road vacation petition, please send written notice of your decision to withdraw the petition to Leslie Drake, Road Property Program Manager, via email to the address below, or via regular mail to 201 S. Jackson St, KSC-LS-0313, Seattle, WA 98104.

If you have any questions, please contact Leslie Drake, Road Property Program Manager, at 206-477-7764 or via e-mail at Leslie.Drake@kingcounty.gov.

Sincerely,



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



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

Enclosure

cc: Leslie Drake, Road Property Program Manager, Roads, Department of Local Services



King County

Department of Local Services
Road Services Division

DEPARTMENT OF LOCAL SERVICES ROAD SERVICES DIVISION COUNTY ROAD ENGINEER REPORT ON VACATION PETITION V-2728

Date: March 11, 2020

Petition to Vacate: Portion of Unnamed Road in the Plat of Rosehilla Beach

Vacation file: V-2728

Petitioners: John R. Franzel

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.

Petitioner, John R. Franzel, submitted a petition on May 26, 2019 for the vacation of a portion of an Unnamed Road in the Plat of Rosehilla Beach on Maury Island, unincorporated King County. The subject portion of right-of-way is unopened and unmaintained as a road right-of-way. See site map attached as Exhibit A.

The subject portion of right-of-way abuts Petitioner's property known as 28501 Manzanita Beach Rd., King County Assessor's Parcel Number 742760-0190.

King County acquired the right-of-way by dedication in the Plat of Rosehilla Beach recorded in Volume 20 of Plats Pages 9, records of King County, June 1911.

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. Petitioner owns the majority of the lineal footage of the frontage of the right-of-way proposed for vacation.

B.1 - The portion of right-of-way proposed to be vacated has been examined and it is recommended that it cannot be vacated and the petition should be denied.

B.2 - The Unnamed Roads in the Plat of Rosehilla Beach is unopened and unmaintained as a road right-of-way and is not in use as a county road. However, private improvements, including a structure have been made within the right-of-way.

B.3 - The Unnamed Roads in the Plat of Rosehilla Beach is unopened and unmaintained as a road right-of-way.

B.4 - The portion of right-of-way subject to this petition is not needed as part of the county transportation system of the present or future and it is not advisable to preserve any of the specific portion of the right-of-way for future transportation use. However, as public platted right-of-way leading to the Puget Sound, it does provide public access to a body of saltwater.

B.5 - The public will not benefit from the vacation of the right-of-way. The subject vacation area is not necessary or useful to the county road system, but it does provide public access to a body of saltwater.

B.6 - Roads obtained from the King County Assessor's Office a determination of the value of the approximately 9,512 square feet of right-of-way to be vacated under this petition. The Assessor's Office determined that the vacation of this portion of right-of-way will increase the value of the Petitioners' property by \$12,000. The valuation as applied to the King 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 \$7,668.

It is the recommendation of the County Road Engineer and the Director of Road Services Division that, consistent with the application of the PSB compensation model as applied to this road vacation petition, if this portion of right-of-way is to be vacated, that the compensation as calculated under the PSB model be charged to the Petitioner as a condition precedent to the vacation.

B.7 - The subject portion of right-of-way does not provide access to any abutting properties. However, it is platted access to Puget Sound. Access to non-petitioning properties will not be impacted by the approval of this vacation petition. No access easements are required.

B.8 - No utilities have been identified within the subject portion right-of-way. However, there is King County drainage infrastructure at the area of the intersection of the platted road right-of-way and Manzanita Beach Road SW. Therefore, if the petition is to be granted, then easements in favor of King County for the purpose of accessing and maintaining the drainage infrastructure serving Manzanita Beach Road SW will be necessary.

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 or fresh water. Under RCW 36.87.130, "No county shall vacate a county road or part thereof which abuts on a body of salt or fresh water 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 Unnamed road of Rosehilla Beach Plat is a direct water access from Manzanita Beach Rd SW. The petition seeks to vacate a portion of the platted right-of-way; however, if the subject section is vacated it will cut off the platted water access from Manzanita Beach Road SW.

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.

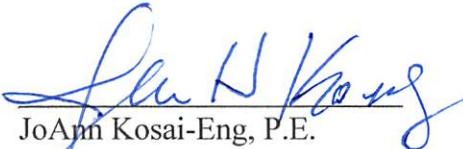
B.11 - The following is a list of property owners whose property abuts the county right-of-way or any portion thereof proposed for vacation and who are not petitioners:

- Gretchen Van Dyke and Michael Hanson; and
- Patricia Vander Broek, Trustee

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.

In conclusion, the subject portion of right-of-way is useless to the county transportation system; however, the subject right-of-way abuts on a body of saltwater and cannot be vacated pursuant to RCW 36.87.130. Therefore, it is the recommendation of the County Road Engineer and Director of Road Services that petition V-2728 seeking to vacate a portion of the Unnamed Road of Rosehilla Beach Plat be denied.

APPROVED:


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


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

VALUATION OF ROADS RIGHT-OF-WAY

Based on PSB Response to Proviso

V-2728

Parcel 742760-0190

Ordinance _____

John R. Franzel

Unnamed Road - Plat of Rosehilla Beach

Factor	Opened Roads	Frequently Traversed Public Areas	Undeveloped Unopened ROW
Appraised Value	\$ 12,000	\$ 12,000	\$ 12,000
Subtract: Transfer of Liability or Risk	\$ 517	\$ 52	0
Subtract: Expected Property Taxes	\$ 236	\$ 236	\$ 236
Subtract: Management and Maintenance Costs	\$ 28,558	0	\$ 4,096
DLS Processing Costs	0	0	0
TOTAL	\$ (17,311)	\$ 11,712	\$ 7,668

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.
- 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	\$ 12,000	See below *	Varies per parcel
"Mileage" of parcel		0.04	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	\$ 0.61	per 1,000 AV; 2019 number	Updated annually
Property tax rate roads	PSB / DOA	\$ 1.67	per 1,000 AV; 2019 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 averag	Updated annually
DLS Processing costs	N/A	\$ -	N/A	

Square footage and lineal measurement of vacation area:

Parcel Size in square feet	Roads	9512	Square footage of vacation area
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Parcel size in lineal feet 216.8
 Parcel size in "road mileage" 0.041060606

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

Parcel 192309-9065 value pre-vacation	\$457,000
Parcel 192309-9065 value post-vacation	\$469,000
Value of vacation area	\$12,000

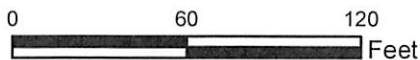
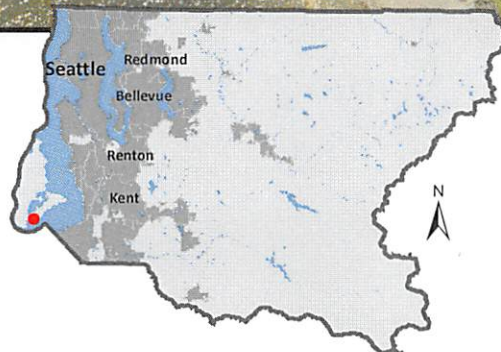
PROPOSED RIGHT-OF-WAY VACATION V-2728



Vacation File: V-2728

Manzanita Beach Rd SW
SW 31-22-03

ROW Area: Approx. 9512 SF
or 0.22 Acres



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

FOR INFORMATIONAL USE ONLY

