



King County

Department of Transportation
Road Services Division

July 13, 2017

Forrest W. Miller
Lake Washington School District
Support Services Center
15212 NE 95th Street
Redmond, WA 98052

RE: Petition for Vacation of a portion of NE 99th Place
Road Vacation File: V-2708

Dear Mr. Miller,

In compliance with the King County Council's letter dated December 1, 2016, the Department of Transportation's, Road Services Division (Roads) has investigated your petition to vacate a portion of NE 99th Place. The King County Code requires the County Road Engineer to issue a report and recommendation.

The County Road Engineer recommends that the petition to vacate a portion of NE 99th Place be approved as the subject portion of right-of-way is considered useless as part of the county road system and the public would benefit by the vacation. A copy of the full report is enclosed for your reference.

In accordance with King County Code 14.40.020, compensation is due King County for the vacation area. The County Road Engineer is prepared to recommend the County accept the non-monetary benefits set forth in RCW 36.87.120, including the reduction of liability and obligation for maintenance of the right-of-way and the public benefit from incorporation of this right-of-way into the new middle school as full compensation for the proposed vacation and waive any payment of monetary compensation.

In the review of the proposed vacation, Roads has been notified that Puget Sound Energy has gas and electric facilities within the right-of-way, King County has drainage infrastructure within the right-of-way and access to King County Department of Natural Resources and Parks' properties is obtained through the current right-of-way. Therefore, in order for this vacation petition to proceed to the legislative and hearing examiner review process, Roads must receive copies of executed but unrecorded easements in favor of Puget Sound Energy for its gas and electric facilities and an easement in favor of King County DNRP for ingress and egress to parcels 7202420090 and 7202420100.

Please contact Puget Sound Energy and King County DNRP directly regarding the specifics for the easements. The contact for Puget Sound Energy regarding this petition is Chad

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Walimaki. His phone number is 425-462-3292. The contact for King County DNRP regarding this petition is Andrew McDonald. His phone number is 206-477-4768.

Additionally, as a condition of recommending approval of this petition, Lake Washington School District No. 414 must agree to assume the responsibility for the existing drainage infrastructure within the right-of-way. This responsibility shall be transferred through a covenant between King County and Lake Washington School District No. 414. Such covenant shall be in substantial form as that enclosed with this letter and acceptable in final form to Roads.

Fully executed but unrecorded easements and covenants must be received before the petition can proceed to the County Council.

Please send a draft of the covenants and the executed easements to:

Department of Transportation
Road Services Division
201 S. Jackson Street
M/S KSC-TR-0313
Seattle, WA 98104-3856
Attn: Leslie Drake

Once the fully executed documents are received, the County Road Engineer's recommendation shall be presented to the King County Council along with an ordinance for the vacation of a portion of NE 99th Place. 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.

The Hearing Examiner will provide a 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.

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.

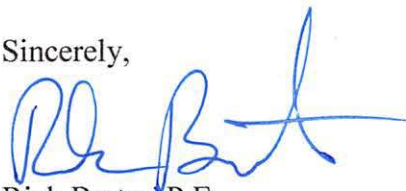
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If you have any questions, please contact Leslie Drake, Road Property Program Manager, at 206-477-7764 or via e-mail at Leslie.Drake@kingcounty.gov.

Sincerely,



Rick Brater, P.E.
County Road Engineer



Brenda Bauer, Director
Road Services Division

Enclosure

cc: Denise Stiffarm, Pacifica Law Group
Melani Pedroza, Clerk of the King County Council
John Starbard, Director, Department of Permitting and Environmental Review
Bob Burns, Deputy Director, Department of Natural Resources and Parks
Harold S. Taniguchi, Director, Department of Transportation
Leslie Drake, Road Property Program Manager, Roads

DEPARTMENT OF TRANSPORTATION
ROAD SERVICES DIVISION
COUNTY ROAD ENGINEER REPORT ON VACATION PETITION V-2708

July 13, 2017

Petition to Vacate: NE 99th Place

Vacation file: V-2708

Petitioners: Lake Washington School District No. 414

Recommendation: The County Road engineer has determined and does recommend that the subject right-of-way should be vacated.

Petitioner, Lake Washington School District No. 414, submitted a petition on December 1, 2016 for the vacation of a portion of NE 99th Place dedicated in the Plat of Redmond Ridge Division 14 in the Redmond Ridge area of unincorporated King County. The subject right-of-way is opened and improved. See site map attached as Exhibit A.

King County acquired the right-of-way by dedication in the Plat of Redmond Ridge Division 14, recorded in Volume 232 of Plats, Pages 83 through 94 in the King County, Washington, under recording number 2006124000450.

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 right-of-way proposed to be vacated has been examined and it is recommended that it should be vacated and abandoned.

B.2 - The right-of-way proposed to be vacated has been examined and it has been determined that the subject right-of-way is in use and has been used as a county road. The right-of-way was acquired and established by dedication in the Plat of Redmond Ridge Division 14 and developed as part of the plat infrastructure. The right-of-way is a cul-de-sac abutted solely by Petitioner's properties. The right-of-way does not provide connectivity to the county road system.

B.3 - The subject right-of-way is currently opened, constructed and maintained for public use. It is known to provide access to the Petitioner's properties and that of King County Department of Natural Resources, Walter and Land Division.

B.4 - The subject right-of-way is not needed as part of the county transportation system of the future and it is not advisable to preserve any portion of the right-of-way for future transportation use.

B.5 - The public will benefit from the vacation of the right-of-way. The subject vacation area is not necessary or useful to the county road system. The public will benefit from the incorporation of the right-of-way into the new school to be constructed on the Petitioner's surrounding properties. Vacation of the subject right-of-way will allow the Lake Washington School District to fully improve the surrounding properties and incorporate the right-of-way into the new school to be constructed as well as saving the county the costs of maintenance and those arising out of general liability and risk associated with ownership and obligations for the right-of-way.

B.6 - Pursuant to KCC 14.40.020, the assessed land value of parcels adjacent to the county right-of-way proposed for vacation may be properly considered for valuation of the subject right-of-way.

The petitioners' properties are zoned URSPO. Other parcels in the area with similar zoning are developed with commercial buildings. The Petitioner owns all parcels abutting this section of right-of-way. Petitioner's parcels are currently undeveloped. Petitioner has submitted permit applications for the construction of a new middle school.

Because Petitioner is a public school, the abutting parcels owned by Petitioner do not have assessed values. RCW 84.40.045 and .175. Therefore, the averaged assessed value was calculated using the assessed land value of other parcels near the subject right-of-way with the same zoning.

The averaged assessed value on a square footage basis for the subject right-of-way is approximately \$13.25 per square foot.

Application of this average assessed value of \$13.25 per square foot to the approximately 26,680 square feet of vacation area results in a value of \$353,510.00.

RCW 36.87.120 allows the County to adjust the appraised value of proposed vacation area "to reflect the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit."

The future public benefit resulting from this road vacation and incorporation of this right of way into a new Lake Washington Public School District #414 public middle school is substantial.

The County Road Engineer recommends that the County accept the non-monetary benefits of reduction of liability, the avoided obligations of maintenance and enforcement and the public benefit from the incorporation of the right-of-way into the new Lake Washington School District #414 middle school and waive any payment by Petitioners. In reaching this recommendation, the following factors have been considered:

- No public funds were used for the acquisition of this right-of-way;
- The right-of-way is opened and improved, but at the expense of the developer, not the County;
- No public funds have been expended to date for its construction;

- Upon vacation King County Department of Transportation Road Services Division (Roads) is relieved of obligation and liability associated with maintenance, improvement, enforcement, monitoring and management of the right-of-way;
- Upon vacation King County Department of Transportation Road Services Division (Roads) is relieved of liability that can arise as an owner of vacant and unattended land;
- Upon vacation the Petitioner will assume responsibility for the drainage infrastructure within NE 99th Place; and
- The right of way will be incorporated into the new public middle school.

Roads cost to maintain roadway, drainage, roadside and traffic has ranged from approximately \$16,000 per road mile in 2008 to \$17,000 in 2010, and is currently budgeted at \$18,486 for 2017.

Roads maintains approximately 1500 miles of roadway within unincorporated King County. Roads staff also respond to complaints regarding use of opened and unopened right-of-way including; damage to personal property from trees within the right-of-way; illegal placement of obstructions, gates, fences and rockeries; structures and other construction within the right-of-way; dumping; and abandonment of junk vehicles. Every maintenance or improvement activity, enforcement action or investigation that Roads must respond to, regardless of whether it involves opened or unopened, improved or unimproved right-of-way, is an opportunity cost and loss to Roads.

Furthermore, Roads is at risk of a liability claim for every section of open and unopened right-of-way. Vacation of this right-of-way reduces Roads exposure to liability claims. King County Office of Risk Management Services informed Roads that as of March 2017 it had closed 428 claims on behalf of Roads for the five year period of January 1, 2012 through December 31, 2016. Of the 428 claims closed, 152 (64%) were closed with payments. In 2016, the Office of Risk Management Services paid \$3,022,232 to resolve 21 claims on behalf of Roads and closed 2016 with 42 additional open claims remaining.

In addition to the liability potential arising from the public use of roads and right-of-way, Roads has the liability risks associated with being an owner of vacant land. Illegal dumping, physical injury associated with unmaintained and unmonitored conditions, damage from fallen trees, and creation of attractive nuisance situations are just some examples of the type of life safety, liability, environmental, compliance and reputational risks to which Roads is exposed arising out of the unattended use and mere ownership of vacant, unopened right-of-way.

For every mile of roadway and every piece of unopened right-of-way held by Roads, Roads faces costs of management, maintenance and/or enforcement, and the potential liability for injuries to persons and property. The cost of just one claim can far surpass the straight calculated compensation for the vacation of this road.

Roads seeks to reduce potential obligations, opportunity costs, and liability risk while benefiting the citizens of King County through the vacation of this portion of right-of-way. 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.

The other factors included in RCW 36.87.120 to offset monetary compensation, including future public benefit, are briefly highlighted above. The public will benefit from the incorporation of this right-of-way into the new Lake Washington School District middle school.

It is the recommendation of the County Road Engineer and the Director of Road Services that this right-of-way be vacated and any associated monetary compensation be waived. The reduction in liability and obligations for maintenance and enforcement plus the public benefit associated with the new middle school are valuable consideration for the vacation of this right-of-way.

B.7 - The subject right-of-way does serve as access to non-abutting properties owned by King County Department of Natural Resources and Parks, Water and Land Division (DNRP/WLRD). Petitioner will grant easements for ingress and egress to King County DNRP/WLRD.

B.8 – Utilities have been identified within the subject right-of-way. Petitioner will grant an easement to Puget Sound Energy and enter into a covenant in favor of King County under which Petitioner will assume full responsibility for the drainage infrastructure within NE 99th Place.

B.9 - No fees have been charged nor costs incurred for this vacation beyond the \$100 filing fee.

B.10 - The subject right-of-way does not abut a body of salt or fresh water.

B.11 – No property owners abut the portion of right-of-way proposed to be vacated who are not petitioners to this vacation.

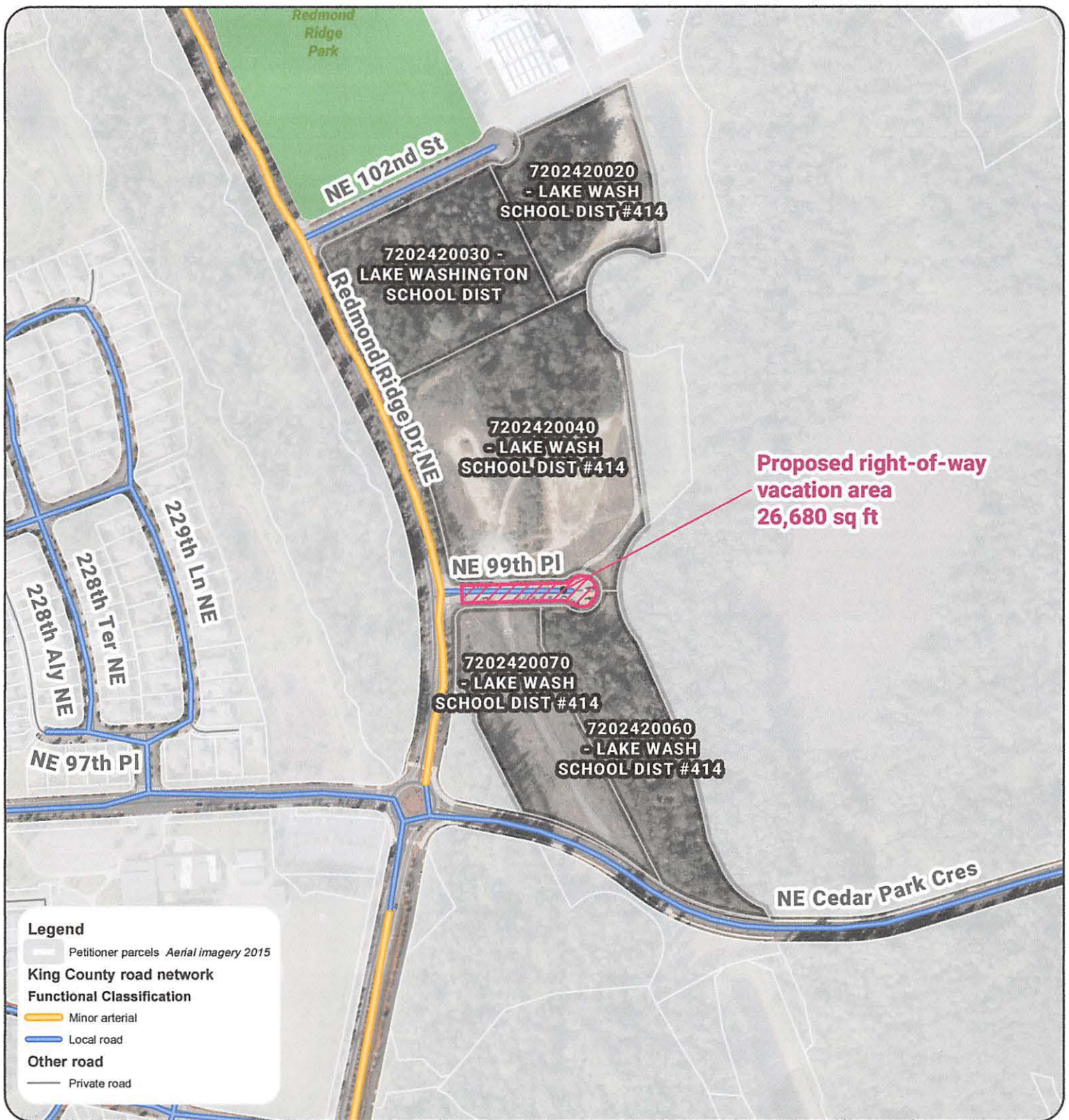
B.12 – Under KCC 14.40.0106, discretion was exercised and petitioner is not charged any fees or costs in association with this Petition beyond the filing fee. As no additional fees were assessed under 14.40.0106 B, there are no costs to be waived under 14.40.0106C and no costs incurred to list.

In conclusion, the subject right-of-way is useless to the county transportation system and petition V-2708 to vacate a portion of NE 99th Place should be approved.

Approved:



Rick Brater, P.E.
Count Road Engineer



RIGHT-OF-WAY VACATION

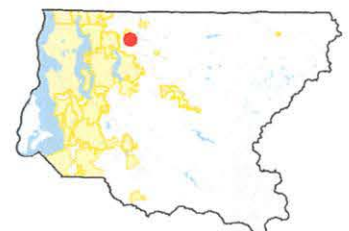
For Informational Use Only

NE 99th Pl

Vacation File V-2708
 S34, T26, R06
 S03, T25, R06

 Vacation Area

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Feet 7/6/2017