

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

PUBLIC HEARING: September 16, 2021 at 10:00 am or shortly thereafter

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

September 2, 2021

PETITION TO VACATE: A portion of NE 113th Street/Henderson Road

Transportation File: V-2727

Proposed Ordinance: 2021-0247

A. GENERAL INFORMATION

Petitioner(s): GHR, LLC and Michael Ritter

Location of Road: NE 113th Street/Henderson Road, Burke & Farrar's Kirkland Addition
Thomas Brothers Page 507
Quarter Section – NW 32-26-6

Adjacent Parcels: 124310-0045 and 124310-0090

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 same.

The petition was filed with the Clerk of the King County Council on May 28, 2019 seeking the vacation of a portion of NE 113th Street/Henderson Road right-of-way in the Plat of Burke & Farrar's Kirkland Addition Division No. 24, as recorded in Volume 21 of Plats at Page 51 in the Redmond area of unincorporated King County.

King County acquired the subject right-of-way by dedication as Henderson Road in the 1913 Burke & Farrar's Kirkland Addition Division No. 24 Plat.

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

Exhibit no.	D1
Case name	GHR, LLC and Michael Ritter
Case number	V-2727
Date received	9/16/2021
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C. NOTICE

Notice of this hearing was posted at both ends of the proposed vacation area on August 25, 2021, see Exhibit #___, 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 or utility requested easements or identified a reason why the vacation petition should not be approved.

Roads did not receive responses from King County Fire District #34, or the following King County agencies: Department of Executive Services, Real Estate Services Division; Department of Natural Resources and Parks, Open Space and Water and Land Divisions. A copy of the Notice is included as Exhibit #__.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 12/5/2019. PSE does not have facilities that will be impacted by the proposed vacate
2.	Frontier	Response dated 11/12/2019. Frontier has no facilities in the attached map.
3.	Comcast	Response dated 5/19/2017. Comcast does not have facilities in this area.
4.	Wave Broadband	Response dated 11/12/2019. Wave has no facilities in the immediate vicinity of this location.
5.	DLS Permitting	Response dated 05/2/2020. No objection to the proposed road vacation, however, an easement of other means of access should be considered to parcel 1243100030, as the eastern portion of the site appears to be encumbered by critical areas – stream, possible wetland(s), which may make access difficult from the right of way along the eastern border. Please let me know if you have additional questions. 9/2/2021 I concur no easement needed.
6.	DNRP - Wastewater	Response dated 11/12/2019. There does not appear to be any facilities in the proposed vacation area.
7.	DLS ROADS- CIP & Planning Section	Response dated 12/10/2019. We have no long range transportation planning concerns with this road vacation.
8.	DLS ROADS Maintenance	Response dated 11/15/2019. No impacts on maintenance.

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9.	DLS ROADS-Traffic Engineering	Responses dated 11/12/2019, 11/20/2019 and 09/01/2021. I see no compelling interest for Roads. It is outside the urban growth boundary, with a significant portion that may be wetland. 11/20/2016, KDCLS Roads, Road and Traffic Engineering would have no objection to this road vacation. 09/01/2021 Based on a second review of the proposed road vacation and the additional information (vacation area limited to southern 30 feet), Road and Traffic Engineering Development Review staff does not see the need for an access easement.
10.	Metro Transit	Response dated 01/30/2020. Metro has no interest in this property at this time. The only comment – The only concern is if the road were to be put in it would give access to the Farrel-McWhirter Park and the public restroom on the property. This is a park for the city of Redmond without current access from Redmond Way. Probably a few decades out as not in the current Metro Connects.
11.	DLS ROADS Survey	Response dated December 18, 2019. Recommend approval. It appears that the road has never been opened and it not needed for future use as a connector or local access road. If only the south half is vacated, then the description should be abutting lots 4 & 13, Block 74 of said plat.
12.	DLS ROADS Drainage	Response dated 11/12/2019No storm drainage in right-of-way. No need for easements. Recommend vacate
13.	EXEC Historical Preservation	Response dated 5/1/2020. Approve vacation.

E. COMPENSATION

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 Petitioners. See Exhibit #16.

Petitioner GHR, LLC – APN 124310-0045:

The GHR, LLC parcel will receive approximately 25,409 square feet if the road vacation is approved. The Assessor’s Office determined that adding 25,409 square feet to the property would result in a \$18,000 increase in value. The valuation as applied to the compensation model results in a charge of \$13,530 to Petitioner should this 25,409 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #17.

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Petitioner Michael Ritter – APN 124310-0090:

The Ritter property will receive approximately 16,080 square feet if the road vacation petition is approved. The Assessor’s Office determined that adding 16,080 square feet to the property would result in a \$26,000 increase in value. The valuation as applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB), see attached, results in a charge of \$21,361 to Petitioner should this 16,080 square foot area of unopened undeveloped right-of-way be vacated. Exhibit #18.

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. 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, the subject portion of right-of-way be vacated with the condition of payment of \$13,530 as to Petitioner GHR, LLC and parcel number 124310-0045 and \$21,361 as to Petitioner Michael Ritter and parcel number 124310-0090. The full County Road Engineer’s Report is attached as Exhibit #20.

G. EXHIBITS

Exhibit #	DESCRIPTION
1.	DLS Roads Report to the Hearing Examiner September 2, 2021 with 13 Attachments and 25 Exhibits.
2.	Petition transmittal letter dated May 28, 2019 to the County Road Engineer from the Clerk of Council.
3.	Petition for Vacation of a County Road. Received from Petitioner GHR, LLC
4.	Letter to Petitioner dated June 4, 2019 acknowledging receipt of Petition.
5.	Letter to adjacent property owners dated June 10, 2019 with opportunity to join the petition to vacate NE 113 th Street.
6.	Amended Petition signed by Michael Ritter
7.	Response from Deborah Young to the opportunity to join petition to vacate NE 113 th Street.
8.	Exhibit map depicting vacation area
9.	Plat of Burke and Farrars Kirkland Addition
10.	King County Assessor’s information for Petitioner GHR, LLC - APN 124310-0045
11.	King County Assessor’s information for Petitioner Ritter APN - 1243100090
12.	Emails from adjacent property owner Deborah Young.
13.	Email from Laura Giorgi, King County Executive Horse Council
14.	Email from Chris Soelling

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15.	Copy of final notice sent to stakeholders on May 1, 2020 with vicinity map and site map showing vacation area
16.	Email exchange with Assessor’s Office regarding valuation of vacation area.
17.	Compensation calculation model spreadsheet for Petitioner GHR, LLC, APN 124310-0045
18.	Compensation calculation model spreadsheet for Petitioner Michael Ritter, APN 124310-0090
19.	Cover letter to Petitioners dated July 6, 2020 with a copy of the County Road Engineer’s Report
20.	County Road Engineer’s Report
21.	Ordinance transmittal letter dated June 18, 2021 from King County Executive to Councilmember Claudia Balducci
22.	Proposed Ordinance
23.	Fiscal Note.
24.	Declaration of Posting
25.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

H. ISSUES:

Exhibit #25, 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.

Comcast identified a need for an easement within the vacation area. However, Comcast has been non-responsive to subsequent communications and the exact location of the Comcast facilities remains unidentified. The proposed Ordinance expressly provides that the vacation shall not extinguish the rights of any utility company to any existing easements for facilities or equipment within the vacation area.

Neighboring property owners have raised requests for use of all or portions of the right-of-way for NE 113th Street for a future trail. The proposed vacation, if approved, leaves the northern thirty (30) feet of right-of-way as unopened County right-of-way. Review of possible future use of this section of right-of-way can continue should the vacation petition for the southern thirty (30) feet-of-right of way be approved.

Mailing List Road Vacation File V-2727

PROPOSED RIGHT-OF-WAY VACATION V-2727

EXHIBIT 8



Vacation File: V-2727

NE 113th St, Henderson Rd
NW 32-26-06

ROW Area (Approximate):
40563 Square Feet
0.93 Acres



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



FOR INFORMATIONAL USE ONLY

Exhibit no.	D8
Case name	GHR, LLC and Michael Ritter
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King County
Department of Local Services
Road Services Division