



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19885

Proposed No. 2024-0280.2

Sponsors Upthegrove

1 AN ORDINANCE authorizing the vacation of a
 2 portion of 104th Ave SW/Summit Ave and a
 3 portion of 105th Ave SW/Bluff Ave, V-2760;
 4 Petitioner: Andrew Tristani.

5 STATEMENT OF FACTS:

6 1. A petition has been filed requesting vacation of a portion of 104th Ave
 7 SW/Summit Ave and a portion of 105th Ave SW/Bluff Ave on Vashon
 8 Island King County, hereinafter described.

9 2. The department of local services notified utility companies serving the
 10 area and King County departments of the proposed vacation and Comcast
 11 requested and secured easements over the vacation area. The vacation
 12 shall not extinguish the rights of any utility company to any existing
 13 easements for facilities or equipment within the vacation area.

14 3. The department of local services's records indicate that this segment of
 15 right of way is unopened and unmaintained.

16 4. The department of local services considers the subject portion of right
 17 of way useless as part of the county road system and believes the public
 18 would benefit by the return of this segment of right of way to the public
 19 tax rolls and recommends approval of the vacation.

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20 5. Pursuant to K.C.C. 14.40.020 and RCW 36.87.120, the value of the
21 vacation area is offset by the costs to King County to manage and
22 maintain this segment of unopened right of way and the present value of
23 future property tax resulting in a determination of no additional
24 compensation required for the vacation of the approximately 5,995 square
25 feet vacation area of 104th Ave SW/Summit Ave and 105th Ave SW/Bluff
26 to the property of petitioner Andrew Tristani, King County assessor's
27 Parcel Number 356380-0100.

28 6. Due notice was given in the manner provided by law. The office of the
29 hearing examiner held the public hearing on December 5, 2024.

30 7. As detailed in the recommendation, the hearing examiner found that the
31 road segment subject to this petition is not useful as part of the King
32 County road system, concluded that the vacation of this segment of road
33 will benefit the public through the transfer of responsibility for
34 management and return of the property to the public tax roll, and
35 recommended approval of the vacation petition with no requirement of
36 payment by Petitioners.

37 8. For the reasons stated in the examiner's report and recommendation,
38 the council determines that it is in the best interest of the citizens of King
39 County to grant said petition and vacate the right of way.

40 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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41 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
42 and abandons a portion of a portion of 104th Ave SW/Summit Ave and a portion of 105th
43 Ave SW/Bluff Ave right of way as described below:

44 That portion of the westerly 30 feet of 104th Ave S.W. (also known as
45 Summit Avenue) abutting Lot 1 in Block 3 of Imnaha Addition, according
46 to the plat there of recorded in Volume 16 of Plats, Page 10, records of
47 King County Washington

48 AND

49 That portion of the easterly 30 feet of 105th Ave S.W. (also known as
50 Bluff Avenue) abutting Lot 1 in Block 3 of Imnaha Addition, according to
51 the plat there of recorded in Volume 16 of Plats, Page 10, records of King
52 County Washington

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- 53 Situated in King County, State of Washington.
- 54 Containing 5,995 SF.

Ordinance 19885 was introduced on 9/17/2024 and passed by the Metropolitan King County Council on 1/21/2025, by the following vote:


Yes: 8 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Signed by:

 1AEA3C5077F8485...
 Girmay Zahilay, Chair

ATTEST:

DocuSigned by:

 C267B914088E4A0...
 Melani Hay, Clerk of the Council

APPROVED this _____ day of 1/27/2025, _____.

Signed by:

 4FBCAB8196AE4C6...
 Dow Constantine, County Executive

Attachments: A. Hearing Examiner Report dated December 10, 2024

December 10, 2024

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND RECOMMENDATION

SUBJECT: Department of Transportation file no. **V-2760**
Proposed ordinance no. **2024-0280**
Adjacent parcel no. **356380-0100**

ANDREW TRISTANI
Road Vacation Petition

Location: of a portion of 104th Ave SW/Summit Ave and a portion of
105th Ave SW/Bluff Ave, Vashon Island

Petitioner: **Andrew Tristani**
P.O. Box 933
Vashon, WA 98070
Telephone: (425) 647-6850
Email: amtristani@hotmail.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. Andrew Tristani petitions the County to vacate two stretch of public right-of-way (one on either end of his property) of what would be (if an actual road was built) 104th Ave SW/Summit Ave and a portion of 105th Ave SW/Bluff Ave, Vashon Island. The Department of Local Services, Road Services Division (Roads), urges vacation and a waiver of compensation. On December 5, we conducted a remote 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 the Council vacate the right-of-way and not require compensation.

Background

2. Except as provided below, we incorporate the facts set forth in Roads’ report and in proposed ordinance 2024-0280. That report, and a map showing the 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. Exs. D1 at 001-004; D7.
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 [1] road useless to the road system and [2] would vacation benefit the public? If the answers to these are both yes, the third and fourth relate to compensation: [3] what is the appraised (or perhaps assessed) value of the right-of-way, and [4] how should this number be adjusted to capture avoided County costs? We analyze each of those below.

Is Vacation Warranted?

4. A petitioner has the burden to show that the “road is [1] useless as part of the county road system and [2] 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).
5. The subject right-of-way segments were dedicated in a 1907 plat but never opened. What are identified as 104th Ave SW/Summit Ave and 105th Ave SW/Bluff Ave—as they traverse above, through, and below the Tristani property—are essentially lines on a map; the footprint of the “avenues” are heavily forested. Ex. D7. Neither avenue is currently opened, constructed, or maintained for public use and neither is known to be used informally for access to any property. 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. There may be a utility easement in the area, but the proposed ordinance is written to expressly not extinguish any existing utility easements.
6. We find that the road is useless to the county road system. We also find that the public will benefit from its vacation, given the savings in expected, avoided management and maintenance costs and increased property taxes discussed below. We conclude that vacation here is warranted.

What Compensation is Due?

7. Where vacation is appropriate, we calculate compensation by [3] starting with the increase in property values the receiving parcel will garner from the extra square footage the (formerly) public right-of-way area adds to the parcel; this figure is generated by the Assessor. Here, the Assessor determined that vacation would add \$5000 in value to the Tristani property. Ex. D12.

8. However, that is only the starting point, because [4] State and County law allow local legislative branches to adjust the appraised value to reflect the expected value to the public from avoided liability risk, eliminated management costs, and jettisoned maintenance costs, along with increased property taxes. RCW 36.87.070; KCC 14.40.020.A.1. Performance, Strategy, and Budget created a model for calculating these adjustments, updated annually. Roads then applies those figures to a given parcel. Here jettisoning the useless right-of-way is expected to benefit the County to the tune of \$6000. Ex. D12. Thus, there is no need for Mr. Tristani to further compensate the County for the vacation.

RECOMMENDATION:

We recommend that Council APPROVE proposed ordinance no. 2024-0280 to vacate the subject road right-of-way abutting parcel 356380-0100, with no compensation requirement or contingencies.

DATED December 10, 2024.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on *January 3, 2025*, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, 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 in the appeal process.

MINUTES OF THE DECEMBER 5, 2024, HEARING ON THE ROAD VACATION PETITION OF ANDREW TRISTANI, DEPARTMENT OF TRANSPORTATION FILE NO. V-2760

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake and Andrew Tristani.

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

Exhibit no. D1	Roads Services report to the Hearing Examiner, sent November 20, 2024
Exhibit no. D2	Letter from Clerk of the Council to Road Engineer, transmitting petition, dated September 26, 2022
Exhibit no. D3	Petition for vacation of a county road, received September 26, 2022
Exhibit no. D4	Letter to Petitioner acknowledging receipt of petition and explaining road vacation process, dated November 15, 2022
Exhibit no. D5	Assessor's information for property APN 3563800100
Exhibit no. D6	Imnaha Addition Plat
Exhibit no. D7	Exhibit map
Exhibit no. D8	Second notice sent of review to agencies on April 26, 2023
Exhibit no. D9	Email from Assessor's Office on valuation
Exhibit no. D10	Compensation calculation model for APN 3563800100
Exhibit no. D11	Cover letter to Petitioners with Road Engineer's Report, dated August 1, 2023
Exhibit no. D12	Road Engineer report
Exhibit no. D13	Letter to Chair, recommending approval and transmitting proposed ordinance, dated September 3, 2024
Exhibit no. D14	Proposed ordinance
Exhibit no. D15	Declaration of posting
Exhibit no. D16	Publication

Certificate Of Completion

Envelope Id: 5A65991B-5D24-42DB-A42E-052936059248	Status: Completed
Subject: Complete with Docusign: Ordinance 19885.docx, Ordinance 19885 Attachment A.pdf	
Source Envelope:	
Document Pages: 4	Signatures: 3
Supplemental Document Pages: 4	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)	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	
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Signer Events

Girmay Zahilay
girmay.zahilay@kingcounty.gov
Security Level: Email, Account Authentication (None)

Signature

Signed by:

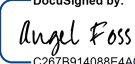
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Using IP Address: 71.227.166.164

Timestamp

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Signed: 1/22/2025 3:58:41 PM

Electronic Record and Signature Disclosure:
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Angel Foss
Angel.Foss@kingcounty.gov
Deputy Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

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Signed: 1/22/2025 4:46:47 PM

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Dow Constantine
Dow.Constantine@kingcounty.gov
King County Executive
Security Level: Email, Account Authentication (None)

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4FBCAB8196AE4C6...
Signature Adoption: Uploaded Signature Image
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Signed: 1/27/2025 12:31:27 PM

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In Person Signer Events	Signature	Timestamp
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Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Ames Kessler akessler@kingcounty.gov Executive Legislative Coordinator & Public Records Officer King County Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 1/22/2025 4:46:49 PM Viewed: 1/23/2025 1:28:55 PM
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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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Signing Complete	Security Checked	1/27/2025 12:31:27 PM
Completed	Security Checked	1/27/2025 12:31:27 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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