DEPARTMENT OF TRANSPORTATION

**ROAD SERVICES DIVISION**

**REPORT TO THE HEARING EXAMINER**

**PUBLIC HEARING: October 24, 2016 at 10:00 AM or shortly thereafter**

**King County Hearing Examiner’s Office**

**516 Third Avenue, Room 1200**

# Seattle, WA 98104

**September 28 2016**

**PETITION TO VACATE: S 356th Street and 55th Place S (Plat of Jovita Heights)**

**Transportation File: V-2695**

**Proposed Ordinance: 2016-0461**

**A. GENERAL INFORMATION**

Petitioner(s): Highland Pacific Housing Group, LLC - Ted McCaugherty

Represented by:

Barghausen Consulting Engineers, Inc.

Attn: Thomas A. Barghausen

18215 – 72nd Avenue South

Kent, WA 98032

(425) 251-6222

Location of Road: In the City of Federal Way’s Potential Annexation Area

Thomas Brothers Page 775, 2F

Zoning – R-4

Adjacent Parcel: 375160-2373, 375160-3395, 375160-3393, 375160-3390, 375160-3389, 375160-3387, 375160-3385, 375160-3397, 375160-3398, 375160-3401, 375160-3403, 375160-3405, and 375160-3407.

**B. HISTORY**

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 on May 26, 2015 with the Clerk of the King County Council. The Department of Transportation, Road Services Division (Roads) circulated the request for vacation, soliciting comments from the agencies listed below. The petition requested vacation of portions of the S 356th Street right-of-way, also known as 16th Street, and the 55th Place S right-of-way, also known as Texas Avenue, as shown in the Plat Jovita Heights, for the purpose of expanding a proposed public storm-water drainage pond being constructed under approved Department of Permitting and Environmental Review permit nos. L06CG410 and L06RW031. This area will then be converted to a drainage tract in the preliminary Plat of Pepper Hill Estates. Pepper Hill Estates was created from portions of the Plat of Jovita Heights through King County Boundary Line Adjustment No. BLAD13-0026.

A search of records by staff of Roads found that King County acquired the subject right-of-way by dedication in the plat of Jovita Heights, recorded in Volume 20 of Plats, on Page 12, records of King County, Washington. No public funds were expended in this acquisition. The subject portion of the right-of-way is currently unopened for public use and is not maintained by the County. Therefore in accordance with King County Code 14.40.020 and Ordinance 9164 we consider the subject right-of-way to be “C-Class”.

Compensation for “C-Class” right-of-way is based on 50percent of the assessed valuation as determined by a county staff review appraiser. The compensation fee is calculated to be $11,447.59 based on a total area of 26,622 square feet. (Please see the Compensation Worksheet in Exhibit #19) The petitioner has transmitted the necessary fees to King County.

Notice of this hearing was posted at the termini of the proposed vacation area on September 28, 2016 and published in accordance with requirements of RCW 36.87.060.

##### C. REVIEWING AGENCIES AND COMMENTS

The Department of Transportation did not notify our standard stakeholders for review. The needs of the agencies and utility companies serving the area were reviewed by the Department of Permitting and Environmental Review under Special Use Permit SUPS15-0143, and the preliminary Plat of Pepper Hill Estates, pending approval, records of the King County, WA. Roads was advised that no easements were needed at this time.

**D. OTHER COMMENTS:**

Lakehaven Utility District has informed Roads that they will obtain an easement through their Developer Extension Agreement process and defer easement acquisition within the proposed vacation area until the new water system facilities in the area are accepted by Lakehaven for ownership and operation/maintenance. Such that the easement acquisition will be a condition of their DE Project Substantial Completion &/or Acceptance.

**E. ISSUES:**

Exhibit #26 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.

**F. COUNTY ROAD ENGINEER RECOMMENDATION**

The Department of Transportation recommends vacating the rights-of-way.

##### G. EXHIBITS

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| Exhibit # | DESCRIPTION |
|  | DOT Report to the Hearing Examiner dated September 28, 2016. |
|  | Petition transmittal letter dated May 26, 2015 to the Department of Transportation from the Clerk of Council. |
|  | Petitioner’s cover letter stating reason for the request dated May 26, 2015. |
|  | Petition for Vacation of a County Road including legal descriptions of Petitioner’s properties. |
|  | Petitioner’s map of vacation area. |
|  | Copy of Filing Fee - Check No. 85 from Barghausen Consulting Engineers. |
|  | Receipt No. 01000, dated May 26, 2015, from the King County Council for Filing Fee. |
|  | Letter dated July 17, 2015 to petitioners notifying them that their file will be put on-hold until they submit a revised petition. |
|  | Revised legal description of vacation area. |
|  | Survey of revised vacation area. |
|  | Vicinity Map - Thomas Brothers Page 775, Grid 2-F. |
|  | King County Plat Map of Jovita Heights. |
|  | Site map depicting vacation area. |
|  | Pepper Hill Estates – King County Permit No. L06CG410, Composite Utilities Plan Sheet. |
|  | Pepper Hill Estates – King County Permit No. L06CG410, Drainage Control Plan Sheet. |
|  | King County Boundary Line Adjustment No. BLAD13-0026, creating the Plat of Pepper Hill Estates from portions of Plat of Jovita Heights. |
|  | King County Department of Permitting and Environmental Review Special Use Permit No. SUPS15-0143. |
|  | Letter dated July 7, 2016 to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet. |
|  | Compensation Worksheet dated July 7, 2016. |
|  | Transmittal Letter dated July 7, 2016, to Council providing recommendation of KCDOT and County Road Engineer.  |
|  | Copy of compensation check in the amount of $11,447.59. |
|  | Ordinance transmittal letter dated September 7, 2016 from King County Executive to Councilmember Joe McDermott. (Please note that a signed copy was unavailable.) |
|  | Proposed Ordinance 2016-0461, with Attachment A: map of proposed right-of-way vacation 55th Place S & S 356th Street. |
|  | Fiscal Note  |
|  | Affidavit of posting for hearing & Notice of hearing. |
|  | Affidavit of Publication for date of hearing. |

# Mailing List Road Vacation File V-2695

### September 8, 2016

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| Petitioner’s RepresentativeBarghausen Consulting Engineers, Inc.Attn: Thomas A. Barghausen18215 – 72nd Avenue SouthKent, WA 98032TBarghausen@Barghausen.com(425) 251-6222 | Appellants |
| Puget Sound EnergyP.O. Box 97034MS : EST-06WBellevue, WA 98009Attn: Michela PottsMichela.Potts@pse.com   (425) 462-3026 | Comcast Cable 410 Valley Avenue NE, Suite 12-Bld CPuyallup, WA 98371 Attn: Bill WalkerBill\_Walker@cable.comcast.com (253) 288-7538 |
| CenturyLink23315 66th Avenue SKent, WA 89032Attn: Alex HarbAlex.Harb@centuryLink.Com (206 345-4476 | Comcast Cable Corporation1525 75th Street SW, #200Everett, WA 98203 Attn: Jill LookJill\_ Look@cable.comcast.com(425) 263-5346 |
| Lakehaven Utility DistrictAttn: Development EngineeringP.O. Box 4249 Federal Way, WA 98063-4249BAsbury@lakehaven.org  | South King Fire and Rescue31617 1st Avenue SFederal Way, WA 98003info@southkingfire.org(253) 839-6234 |
| Clerk of the CouncilMS - KCC-CC-1200  |  |
| King County DOT - Road Services Division MS - KSC-TR-0313Attn: Lydia Reynolds-Jones, Managing EngineerStrategic Business Operations Section Project Support Services(206) 477-3631 | King County DOT - Road Services DivisionMS – KSC-TR-0313Attn: Rick Brater, P. E., County Road Engineer(206) 477-3601 |
| King County DOT - Road Services Division MS – KSC-TR-0313Attn: Nicole Keller-Ritz, Program ManagerStrategic Business Operations Section (206) 477-7615 | King County DOT - Road Services Division MS – KSC-TR-0313Attn: Chris Treichel, Engineer IIStrategic Business Operations Section (206) 477-3639 |
| King County DES – Facilities Management DivisionMS - ADM-ES-0830Attn: Michael Kulish, SupervisorReal Estate Services Section (206) 477-9375 | King County DOT - Road Services Division MS – KSC-TR-0313Attn: Cindy Torkelson, Program Manager IIStrategic Business Operations Section (206) 477-3638 |
| King County DNRP - Wastewater Treatment DivisionMS - KSC-NR-0512Attn: Claire Christian, Real Property Agency IV Environmental and Community Services SectionRegulatory Compliance & Land Acquisition Services(206) 477-5452 | King County DNRP - Water & Land Resources Division MS - KSC-NR-0600Attn: Andrew McDonald, Engineer IIIStorm Water ServicesAsset Management Unit(206) 477-4768 |
| King County DNRP - Water & Land Resources Division MS - KSC-NR-0600Attn: Robert Jackson, Title & Escrow OfficerRural and Regional Services SectionOpen Space Acquisitions(206) 477-4604 | King County DOT - Road Services Division MS - KSC-TR–0313Attn.: Tine Morehead, Senior Environmental EngineerMaintenance SectionEnvironmental Unit (206) 477-3551 |
| King County DOT - Road Services DivisionMS – RSD-TR-0100Attn.: Jim Ballweber, Site Development Specialist II Maintenance Section Environmental Unit (206) 477-2374 | King County DOT - Road Services Division MS - KSC-TR–0313Attn.: Jim Ishimaru, Transportation Planner IIIStrategic Business Operations SectionPolicy, Planning & Grant Administration (206) 477-3623 |
| King County DOT – Transit MS - KSC-TR-0431 Attn: Jennifer Altschuler, Real Property Agent IIIDesign & ConstructionReal Estate/Land Use/ Environmental PlanningPhone: (206) 477-5925 | King County DOT - Road Services Division MS – KSC-TR-0313Attn: Robert Eichelsdoerfer, Engineer IIIEngineering Services SectionRoad Design & Traffic Engineering(206) 477-3652 |
| King County DPER MS – SNO-DP-0210Attn: Kim Claussen, Program Manager IIICurrent Planning Section(206) 477-0329 | King County DNRPMS – KSC-NR-0700Attn: Ivy Freitag, Preservation PlannerHistoric Preservation Program(206) 477-7976 |
| King County DNRP - Parks and Recreation DivisionMS - KSC-NR-0700Attn: Robert Nunnenkamp, Property Agent IIICapital Planning and Land ManagementPhone: (206) 477-4581 |  |

END OF MAILING LIST

###### End of Report to the Hearing Examiner

EXHIBITS

1 THROUGH 26