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 Representative Barghausen Consulting Engineers, Inc.  Attn: Thomas A. Barghausen  18215 – 72nd Avenue South  Kent, WA 98032  TBarghausen@Barghausen.com  (425) 251-6222 | Appellants |
| Puget Sound Energy  P.O. Box 97034  MS : EST-06W  Bellevue, WA 98009  Attn: Michela Potts  Michela.Potts@pse.com  (425) 462-3026 | Comcast Cable  410 Valley Avenue NE, Suite 12-Bld C  Puyallup, WA 98371  Attn: Bill Walker  [Bill\_Walker@cable.comcast.com](mailto:Bill_Walker@cable.comcast.com)  (253) 288-7538 |
| CenturyLink  23315 66th Avenue S  Kent, WA 89032  Attn: Alex Harb  Alex.Harb@centuryLink.Com  (206 345-4476 | Comcast Cable Corporation 1525 75th Street SW, #200  Everett, WA 98203  Attn: Jill Look  Jill\_ Look@cable.comcast.com  (425) 263-5346 |
| Lakehaven Utility District  Attn: Development Engineering  P.O. Box 4249  Federal Way, WA 98063-4249  BAsbury@lakehaven.org | South King Fire and Rescue  31617 1st Avenue S  Federal Way, WA 98003  info@southkingfire.org  (253) 839-6234 |
| Clerk of the Council  MS - KCC-CC-1200 |  |
| King County DOT - Road Services Division  MS - KSC-TR-0313  Attn: Lydia Reynolds-Jones, Managing Engineer  Strategic Business Operations Section  Project Support Services  (206) 477-3631 | King County DOT - Road Services Division  MS – KSC-TR-0313  Attn: Rick Brater, P. E., County Road Engineer  (206) 477-3601 |
| King County DOT - Road Services Division  MS – KSC-TR-0313  Attn: Nicole Keller-Ritz, Program Manager  Strategic Business Operations Section  (206) 477-7615 | King County DOT - Road Services Division  MS – KSC-TR-0313  Attn: Chris Treichel, Engineer II  Strategic Business Operations Section  (206) 477-3639 |
| King County DES – Facilities Management Division  MS - ADM-ES-0830  Attn: Michael Kulish, Supervisor  Real Estate Services Section  (206) 477-9375 | King County DOT - Road Services Division  MS – KSC-TR-0313  Attn: Cindy Torkelson, Program Manager II  Strategic Business Operations Section  (206) 477-3638 |
| King County DNRP - Wastewater Treatment Division  MS - KSC-NR-0512  Attn: Claire Christian, Real Property Agency IV  Environmental and Community Services Section  Regulatory Compliance & Land Acquisition Services  (206) 477-5452 | King County DNRP - Water & Land Resources Division  MS - KSC-NR-0600  Attn: Andrew McDonald, Engineer III  Storm Water Services  Asset Management Unit  (206) 477-4768 |
| King County DNRP - Water & Land Resources Division  MS - KSC-NR-0600  Attn: Robert Jackson, Title & Escrow Officer  Rural and Regional Services Section  Open Space Acquisitions  (206) 477-4604 | King County DOT - Road Services Division MS - KSC-TR–0313  Attn.: Tine Morehead, Senior Environmental Engineer  Maintenance Section  Environmental Unit  (206) 477-3551 |
| King County DOT - Road Services Division  MS – RSD-TR-0100  Attn.: Jim Ballweber, Site Development Specialist II  Maintenance Section  Environmental Unit  (206) 477-2374 | King County DOT - Road Services Division MS - KSC-TR–0313  Attn.: Jim Ishimaru, Transportation Planner III  Strategic Business Operations Section  Policy, Planning & Grant Administration  (206) 477-3623 |
| King County DOT – Transit  MS - KSC-TR-0431  Attn: Jennifer Altschuler, Real Property Agent III  Design & Construction  Real Estate/Land Use/ Environmental Planning  Phone: (206) 477-5925 | King County DOT - Road Services Division  MS – KSC-TR-0313  Attn: Robert Eichelsdoerfer, Engineer III  Engineering Services Section  Road Design & Traffic Engineering  (206) 477-3652 |
| King County DPER  MS – SNO-DP-0210  Attn: Kim Claussen, Program Manager III  Current Planning Section  (206) 477-0329 | King County DNRP  MS – KSC-NR-0700  Attn: Ivy Freitag, Preservation Planner  Historic Preservation Program  (206) 477-7976 |
| King County DNRP - Parks and Recreation Division  MS - KSC-NR-0700  Attn: Robert Nunnenkamp, Property Agent III  Capital Planning and Land Management  Phone: (206) 477-4581 |  |

END OF MAILING LIST

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

EXHIBITS

1 THROUGH 26