



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19869

Proposed No. 2024-0233.2

Sponsors Upthegrove

1 AN ORDINANCE concurring with the recommendation of
 2 the hearing examiner to approve, subject to conditions, the
 3 application for public benefit rating system assessed
 4 valuation for open space submitted by Denis Lopes
 5 Monteiro and Michelle Pedersen for property located at a
 6 portion of 190th Avenue SE/Gioranni Vitarelli Rd/Rd
 7 No.1592, Renton, WA, designated department of natural
 8 resources and parks, water and land resources division file
 9 no. V-2751.

10 1. A petition has been filed requesting vacation of a portion of 190th Ave
 11 SE/Gioranni Vitarelli Rd/Rd No. 1592 in the Renton area of
 12 unincorporated King County, hereinafter described.

13 2. The department of local services notified utility companies serving the
 14 area and King County departments of the proposed vacation. Cedar River
 15 Water and Sewer District has an easement over the vacation area; no other
 16 agency or utility requested identified a need for an easement over the
 17 vacation area. The vacation does not extinguish the rights of any utility
 18 company to any existing easements for facilities or equipment within the
 19 vacation area.

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20 3. The department of local services's records indicate that this segment of
21 right of way is unopened and unmaintained. The portion of right of way is
22 crossed by a private road easement. An easement for ingress and egress
23 across a portion of the subject right of way in favor of the properties using
24 the private road easement is necessary to preserve access.

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

29 5. Pursuant to K.C.C. 14.40.020 and RCW 36.87.120, the value of the
30 vacation area is offset by the costs to King County to manage and
31 maintain this segment of unopened right of way and the present value of
32 future property tax resulting in a determination of \$5,637 as compensation
33 for the vacation of an approximate 4,000 square foot portion of 190th Ave
34 SE to the property of petitioners Denis Lopes Monteiro and Michelle
35 Pedersen, King County assessor's Parcel Number 182206-9155, and no
36 charge of compensation for the vacation of an approximate 4,000 square
37 foot portion of 190th Ave SE to the property of petitioners Denis Lopes
38 Monteiro and Michelle Pedersen, King County assessor's Parcel Number
39 182206-9152. If required, compensation must be received by King
40 County within ninety days of approval of the ordinance vacating the right
41 of way.

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42 6. Due notice was given in the manner provided by law. The office of the
43 hearing examiner held the public hearing on September 10, 2024.

44 7. As detailed in the September 24, 2024, recommendation, the hearing
45 examiner found that the road segment subject to this petition is not useful
46 as part of the King County road system, concluded that the vacation of this
47 segment of road will benefit the public through the transfer of
48 responsibility for management and return of the property to the public tax
49 roll, and recommended approval of the vacation petition with the
50 requirement of payment of \$5,637 by petitioners, execution of an
51 easement in favor of the properties using the private road, and execution
52 of an easement in favor of Cedar River Water and Sewer District as
53 conditions of vacation.

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

57 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

58 SECTION 1. The council, on the effective date of this ordinance, hereby vacates
59 and abandons a portion of 190th Ave SE/Gioranni Vitarelli Rd/Rd No. 1592 right of way
60 as described below:

61 That portion of the Northwest Quarter of the Northeast Quarter of Section
62 18, Township 22 North, Range 6 East, W.M., in King County,
63 Washington, described as follows:

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64 Beginning at the Southwest corner of said Subdivision; thence
65 N01°31'33"E along the West line thereof 30.00 feet; thence S88°58'52"E,
66 parallel with the South line of said Subdivision, 675.32 feet to the Easterly
67 margin of 190th Avenue Southeast; thence N01°29'51"E along said
68 Easterly margin, 150.01 feet, to the North line of the South 180.00 feet of
69 said Subdivision and the True Point of Beginning; thence continuing
70 N01°29'51"E, 210.01 feet to the North line of the South 390 feet of said
71 Subdivision; thence N88°58'52"W, along said North line, 40.00 feet;
72 thence S01°29'51"W, 210.01 feet to the North line of the South 180 feet of
73 said Subdivision; thence S88°58'52"E, along said North line, 40.00 feet to
74 the True Point of Beginning. Containing 7,997 SF
75 Situate in the County of King, State of Washington.

76 SECTION 2. For parcel 182206-9155, recording of the approved vacation
77 to vacate the subject road right-of-way abutting CONTINGENT on Petitioners,
78 within 90 days of the date the council takes final action on this ordinance:

- 79 A. Paying \$5,637 to King County;
- 80 B. Delivering a signed easement in favor of the five properties using the
81 private access road; and
- 82 C. Delivering a signed easement in favor of the Cedar River Water and
83 Sewer District.

84 If King County does not receive each of those three items by that date,
85 there is no vacation and the associated right-of-way remains King County's. If
86 those three items are timely met, the clerk shall record an ordinance against parcel

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87 182206-9155. Recording an ordinance signifies that all three contingencies are
88 satisfied and that the right-of-way associated with parcel 182206-9155 is vacated.

89 SECTION 3. For parcel 182206-9152, recording of the approved vacation to
90 vacate the subject road right-of-way abutting CONTINGENT on Petitioners, within 90
91 days of the date the council takes final action on this ordinance:

92 A. Delivering a signed easement in favor of the five properties using the private
93 road; and

94 B. Delivering a signed easement in favor of the Cedar River Water and Sewer
95 District.

96 If King County does not receive both of those items by that date, there is no
97 vacation and the associated right-of-way remains King County's. If those two items are
98 timely met, the clerk shall record an ordinance against parcel 182206-9152. Recording

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99


100 an ordinance signifies that both contingencies are satisfied and that the right-of-way

101 associated with parcel 182206-9152 is vacated.


Ordinance 19869 was introduced on 8/20/2024 and passed by the Metropolitan King County Council on 11/26/2024, by the following vote:

Yes: 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

Attachments: A. Hearing Examiner Report dated September 24, 2024

September 24, 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-2751**
Proposed ordinance no. **2024-0233**
Adjacent parcel nos. **182206-9152 and 182206-9155**

DENIS MONTEIRO AND MICHELLE PEDERSEN

Road Vacation Petition

Location: a portion of 190th Avenue SE/Gioranni Vitarelli Rd/Rd No.1592,
Renton

Petitioners: **Denis Monteiro and Michelle Pedersen**
19006 SE 227th Pl
Renton, WA 98058
Telephone: (425) 772-3059
Email: michped84@hotmail.com; denis.monteiro@gmail.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. Denis Monteiro and Michelle Pedersen (Petitioners) seek to vacate a portion of public right-of-way at (190th Avenue SE/Gioranni Vitarelli Rd/Rd No.1592) near Renton. The Department of Local Services, Road Services Division (Roads), urges vacation and a waiver of compensation. On September 10, 2024, we conducted a public hearing on Council's behalf. After hearing witness testimony and observing demeanor, studying the exhibits, and considering the parties' arguments and the relevant law, we recommend that Council vacate the right-of-way, conditioned on Petitioners providing minor compensation and executing easements for the neighbors and local water district.

Background

2. Except as provided below, we incorporate the facts set forth in Roads’ report and in proposed ordinance no. 2024-0233. 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 001–05; 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. None of the north-south running right-of-way has been opened, constructed, or maintained for *public* use. At the northern end, the map lines run into the neighbor’s trees. Most of the right-of-way descends south through Petitioners’ garden/landscape area. However, the southern base of the right-of-way segment is different. There is currently a east-west, *private* access road connecting five parcels to the west of Petitioners’ properties with Peter Grubb Road SE to the east. The private access route crosses the very southern tip of the public right-of-way.
6. The other wrinkle is that the Cedar River Water and Sewer District has a north-south running line running under the public right-of-way.
7. Neither of those are problematic from a vacation standpoint.
8. There is already an *existing* easement across the southern end of Petitioners’ properties for the benefit of the five private parcels to the west. During Roads’ review process, Petitioners submitted a draft access easement confirming the existing easement and ensuring continued access. Ex. D16. The only issue we spotted in our review is that the draft access easement covers “the southern 30 feet of that portion of 190th Ave SE immediately **west** of parcel number 1822069152” (**bold** emphasis is ours). Looking at

the map, it should either read “west of parcel number 1822069155” or “east of parcel number 1822069152.”

9. Similarly, the Cedar River Water and Sewer District appeared at our hearing and described their water main underlying the public right-of-way. The District has no issue with vacation, so long as they receive an easement protecting their water line. The District explained the terms they typically require for such easements, like no structures on top, no trees on or nearby the line, maintenance access, etc. Petitioners noted that they had been aware of the water line and had already been avoiding doing anything in the area that might disturb the line (such as planting deep-rooted vegetation, opting instead for a flower/vegetable garden).
10. Provided those easements are executed before the vacation is finalized, the road is useless to the county road system and 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 transportation system. The public will benefit from its vacation, with the savings in expected, avoided management and maintenance costs and increased property taxes discussed below. Vacation is warranted.

What Compensation is Due?

11. 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. 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.
12. Performance, Strategy, and Budget created a model for calculating these adjustments, updated annually. Roads then applies those figures to a given parcel. The Assessor estimates that parcel -9152 would increase \$1,000 in value, which is more than offset by the estimated \$4,177 in public benefit from vacating that portion of the right-of-way. The Assessor estimates that parcel -9155 would increase \$10,000 in value; offsetting the \$4,177 in public benefit from vacating that portion of the right-of-way pegs the appropriate compensation for -9155 at \$5,637. Exs. D14 & D15.

RECOMMENDATION:

13. We recommend that Council APPROVE proposed ordinance no. 2024-0233 to vacate the subject road right-of-way abutting parcel 182206-9155, CONTINGENT on Petitioners, within 90 days of the date Council takes final action on this ordinance:

- A. Paying \$5,637 to King County;
- B. Delivering a signed easement in favor of the five properties using the private access road; and
- C. Delivering a signed easement in favor of the Cedar River Water and Sewer District.

If King County does not receive each of those three items by that date, there is no vacation and the associated right-of-way remains King County's. If those three items are timely met, the Clerk shall record an ordinance against parcel 182206-9155. Recording an ordinance signifies that all three contingencies are satisfied and that the right-of-way associated with parcel 182206-9155 is vacated.

14. We recommend that Council APPROVE proposed ordinance no. 2024-0233 to vacate the subject road right-of-way abutting parcel 182206-9152, CONTINGENT on Petitioners, within 90 days of the date Council takes final action on this ordinance:
 - A. Delivering a signed easement in favor of the five properties using the private road; and
 - B. Delivering a signed easement in favor of the Cedar River Water and Sewer District.

If King County does not receive both of those items by that date, there is no vacation and the associated right-of-way remains King County's. If those two items are timely met, the Clerk shall record an ordinance against parcel 182206-9152. Recording an ordinance signifies that both contingencies are satisfied and that the right-of-way associated with parcel 182206-9152 is vacated.

DATED September 24, 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 **October 18, 2024**, 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 SEPTEMBER 10, 2024, HEARING ON THE ROAD
VACATION PETITION OF DENIS MONTEIRO AND MICHELLE PEDERSEN,
DEPARTMENT OF TRANSPORTATION FILE NO. V-2751**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Sean Bauer, Leslie Drake, Michelle Pedersen, and Denis Monteiro.

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

Exhibit no. D1	Roads Services report to the Hearing Examiner, sent August 11, 2024
Exhibit no. D2	Letter from Clerk of the Council to Road Engineer, transmitting petition, dated September 11, 2021
Exhibit no. D3	Petition for vacation of a county road, received September 17, 2021
Exhibit no. D4	Letter to Petitioner acknowledging receipt of petition and explaining road vacation process, dated September 27, 2021
Exhibit no. D5	Assessor's information for property APN 1822069152
Exhibit no. D6	Assessor's information for property APN 1822069155
Exhibit no. D7	Vacation area map
Exhibit no. D8	Boundary line adjustment recorded 199504179008
Exhibit no. D9	Boundary line adjustment recorded 20040518900027
Exhibit no. D10	Final notice sent of review to agencies, dated April 21, 2022
Exhibit no. D11	Email from Assessor's Office on valuation
Exhibit no. D12	Compensation calculation model for APN 1822069152
Exhibit no. D13	Compensation calculation model for APN 1822069155
Exhibit no. D14	Letter to Petitioner recommending approval, with the Road Engineer Report, dated December 22, 2022
Exhibit no. D15	Road Engineer Report
Exhibit no. D16	Proposed access easement
Exhibit no. D17	Letter to Chair, recommending approval and transmitting proposed ordinance, dated July 23, 2024
Exhibit no. D18	Proposed ordinance
Exhibit no. D19	Declaration of posting
Exhibit no. D20	Affidavit of publication – to be supplied by Clerk of Council
Exhibit no. D21	Email, Cedar River Water and Sewer District, submitted September 10, 2024

Certificate Of Completion

Envelope Id: A8F66058E1E047C8AB3730669FE87E76	Status: Completed
Subject: Complete with Docusign: Ordinance 19869.docx, Ordinance 19869 Attachment A.pdf	
Source Envelope:	
Document Pages: 6	Signatures: 2
Supplemental Document Pages: 5	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

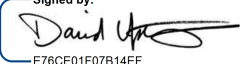
Record Tracking

Status: Original	Holder: Cherie Camp	Location: DocuSign
11/27/2024 11:31:14 AM	Cherie.Camp@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
Security Level: Email, Account Authentication (None)

Signature


Signed by:

E76CE01F07B14EF...
Signature Adoption: Uploaded Signature Image
Using IP Address: 98.247.170.195

Timestamp

Sent: 11/27/2024 11:31:55 AM
Viewed: 11/27/2024 12:56:53 PM
Signed: 11/27/2024 12:57:02 PM

Electronic Record and Signature Disclosure:
Accepted: 11/27/2024 12:56:53 PM
ID: fd8c4ad1-1b4c-4202-81c4-72179ca89b0c

Melani Hay
melani.hay@kingcounty.gov
Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

DocuSigned by:

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Signature Adoption: Pre-selected Style
Using IP Address: 198.49.222.20

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Signed: 11/27/2024 1:37:38 PM

Electronic Record and Signature Disclosure:
Accepted: 9/30/2022 11:27:12 AM
ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	11/27/2024 11:31:55 AM
Certified Delivered	Security Checked	11/27/2024 1:37:32 PM
Signing Complete	Security Checked	11/27/2024 1:37:38 PM
Completed	Security Checked	11/27/2024 1:37:38 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

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Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To advise King County-Department of 02 of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cipriano.dacanay@kingcounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

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- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.