

KING COUNTY

Signature Report

Ordinance 19994

Proposed No. 2025-0224.2 **Sponsors** Zahilay 1 AN ORDINANCE authorizing the vacation of a portion of 2 52nd Avenue South/Indiana Ave, V-2740; Petitioners: 3 Gregory J. English and Rhonda J. English, and Courtney L. 4 Gray-Eaden. 5 STATEMENT OF FACTS: 6 1. A petition has been filed requesting vacation of a portion of 52nd Avenue 7 South/Indiana Ave in the West King County Areas King County Community Service Area of unincorporated King County, hereinafter described. 8 9 2. The department of local services notified utility companies serving the area 10 and King County departments of the proposed vacation and Puget Sound Energy 11 identified facilities within the vacation area and secured an easement from the 12 Petitioners. Lakehaven Water and Sewer District is currently working with 13 Petitioners to obtain the easements it needs. The vacation shall not extinguish the 14 rights of any utility company to any existing easements for facilities or equipment 15 within the vacation area. 3. The department of local services's records indicate that this segment of right of 16 17 way is unopened and unmaintained. 18 4. The department of local services considers the subject portion of right of way 19 useless as part of the county road system and believes the public would benefit by

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the return of this segment of right of way to the public tax rolls and recommends approval of the vacation. 5. Pursuant to K.C.C. 14.40.020 and RCW 36.87.120, the value of the vacation area is offset by the costs to King County to manage and maintain this segment of unopened right of way and the present value of future property tax resulting in a department determination that \$809 is required as compensation for the vacation of approximately 4,800 square feet of 52nd Avenue South/Indiana Ave right of way to the property of petitioners Gregory J. English and Rhonda J. English, King County Assessor's Parcel Number 375160-2073; and a department determination of no compensation required for the vacation of approximately 3,200 square feet of 52nd Avenue South/Indiana Ave right of way to the property of Petitioner Courtney L. Gray-Eaden, King County assessor's Parcel Number 375160-2125. If required, compensation must be received by King County within ninety days of approval of the ordinance vacating the right of way. 6. Due notice was given in the manner provided by law. The office of the hearing examiner held the public hearing on September 18, 2025. 7. As detailed in the recommendation, the hearing examiner found that the road segment subject to this petition is not useful as part of the King County road system, concluded that the vacation of this segment of road will benefit the public through the transfer of responsibility for management and return of the property to the public tax roll, and recommended approval of the vacation petition without the requirement of additional compensation by petitioners.

42	8. For the reasons stated in the examiner's October 2, 2025, report and
43	recommendation, the council determines that it is in the best interest of the
44	citizens of King County to grant said petition and vacate the right of way.
45	BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
46	SECTION 1. The council, on the effective date of this ordinance, hereby vacates
47	and abandons a portion of 52nd Avenue South/Indiana Ave right of way as described
48	below:
49	That portion of the West half of 52nd Avenue South (Indiana Ave) abutting Lots
50	16-21 inclusive, Block 52, Plat of Jovita Heights, according to the Plat thereof
51	recorded in Volume 20 at Page 12 of Plats, Records of King County, Washington;
52	together with the East half of 52nd Avenue South (Indiana Ave) abutting Lots 12-
53	15 inclusive, Block 53, of said Plat of Jovita Heights.
54	All situate in the Northwest Quarter of the Northwest Quarter of Section 26,
55	Township 21 North, Range 4 East, Willamette Meridian, County of King, State of
56	Washington.
57	Containing 8,000 square feet or 0.18 acres, more or less.
58	SECTION 2. Recording of the approved vacation is contingent on delivery of a
59	signed easement in favor of the Lakehaven Water and Sewer District to the clerk within
60	ninety days of the date of enactment of this ordinance. If King County does not receive
61	the signed easement by that date, there is no vacation and the associated right of way
62	remains King County's. If the signed easement is timely received, the clerk shall record
63	an ordinance against parcels 375160-2073 and 375160-2125. Recording an ordinance

- signifies that all contingencies are satisfied and that the right of way associated with
- 65 parcels 375160-2073 and 375160-2125 is vacated.

Ordinance 19994 was introduced on 8/19/2025 and passed by the Metropolitan King County Council on 11/4/2025, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

Girmay Zahilay, Chair

ATTEST:

Docusigned by:

Melani Hay

BDE1BB375AD3422...

Melani Hay, Clerk of the Council

APPROVED this ______ day of _______.

Signed by:

S

Ordinance 19994

OFFICE OF THE HEARING EXAMINER KING COUNTY, WASHINGTON

Telephone (206) 477-0860

<u>hearingexaminer@kingcounty.gov</u> <u>www.kingcounty.gov/independent/hearing-examiner</u>

REPORT AND RECOMMENDATION

SUBJECT: Department of Transportation file no. V-2740

Proposed ordinance no. 2025-0224

GREGORY/RHONDA ENGLISH & COURTNEY/MITCH EADEN

Road Vacation Petition

Location: a portion of 52nd Avenue South/Indiana Ave, Auburn

Petitioners: Gregory and Rhonda English

5118 S. 354th St Auburn, WA 98001

Telephone: (206) 920-2907

Email: GBigfoot52@comcast.net

Petitioners: Courtney Gray-Eaden and Mitch Eaden

5204 S 354th St Auburn, WA 98001

Email: court.eaden@gmail.com; Mitch.eaden@gmail.com

King County: Department of Local Services

represented by Leslie Drake Department of Local Services

201 S Jackson Street Seattle, WA 98104

Telephone: (206) 477-7764

Email: leslie.drake@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. Rhonda and Gregory English, along with Courtney Gray-Eaden and Mitch Eaden, petition the County to vacate an approximately 8,000 square-foot stretch of public right-of-way labeled as a portion of 52nd Avenue South (originally Indiana Avenue), where it intersects S 354th Street in the Lakeland South unincorporated area near Auburn. The Department of Local Services, Road Services Division (Roads), recommends vacation with a compensation requirement of \$809. On September 18, 2025, we conducted a remote public hearing on behalf of the King County Council. After hearing witness testimony, 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 no. 2025-0224. 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.¹
- 3. Chapter 36.87 RCW governs the vacation of county roads, and King County Code (K.C.C.) chapter 14.40 establishes the procedures for a road vacation in King County. To vacate a county road, state law requires (1) a finding that the road is useless to the county road system, and (2) a finding that the public will be benefited by the vacation. If those two conditions are met, then the Council has the discretion to vacate the road.² State law allows the Council to require those benefiting from the vacation to compensate the county, up to the appraised value of the vacated road. The Council may reduce the compensation amount to account for the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit.³

Is Vacation Warranted?

- 4. 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.⁴
- 5. There is a pathway that connects S 354th Street with 52nd Avenue S, but this pathway is actually located just within the boundaries the English property, running parallel to the right-of-way but not within in. The subject right-of-way segment itself is not currently

¹ See Exhibit 1 at 001-005 and Exhibit 17.

² See RCW 36.87.060.

³ See RCW 36.87.120.

⁴ See K.C.C. 14.40.0102.B.

- opened, constructed, or maintained for public use, and it is not 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 County Road Engineer's report states that the right-of-way is not necessary for the present or future public road system.
- 6. Puget Sound Energy and Lakehaven Water and Sewer District identified a need for an easement over a portion of the vacation area to preserve existing or future infrastructure. Puget Sound Energy has obtained the easement it needs to preserve its infrastructure should the vacation be approved. Lakehaven Water and Sewer District is currently working with petitioners to obtain the easements it needs. At the hearing, the petitioners seemed confident that an agreement would be reached with Lakehaven. No other utility or agency identified facilities within the right-of-way or a need to retain an easement.
- 7. We find that the subject right-of-way is useless to the county road system. We also find that the public will benefit from its vacation, since its inclusion in the public tax rolls will reduce property taxes for all others in the same taxing districts. In addition, vacation will likely reduce expected costs to the county associated with management and maintenance, discussed below. We conclude that vacation here is warranted.

What Compensation is Due?

- 8. The county may require compensation up to the appraised value of the vacated road. The King County Assessor determines the increase in value due to the vacation for each abutting parcel separately. The original petition included seven different parcels abutting the original vacation area, and the Assessor determined a valuation for all of these parcels in 2021. Subsequent to that valuation, all but two property owners withdrew from the petition; the vacation area was substantially revised, and the County Road Engineer produced a revised report in 2024. However, it does not appear that the Assessor ever updated its valuation for the two remaining petitioners. The Assessor determined in 2021 that the vacation would increase the value of the English parcel by \$5,000 and the value of the Gray-Eaden parcel by \$3,000.
- 9. State law allows the Council to reduce the compensation amount to reflect the expected value to the public from avoided liability risk, increased property taxes, and eliminated management or maintenance costs. The Office of Performance, Strategy, and Budget (PSB) created a model for calculating these adjustments, updated annually. Roads then applies those figures to each parcel separately. The model estimates that the county will receive an additional \$104 in property taxes from the English parcel and reduced management and maintenance costs of \$4,087 for the area attaching to that parcel. Since this combined total is less than the \$5,000 value determined by the Assessor, the model recommends that Gregory and Rhonda English owe the difference of \$809 in compensation to the county. Conversely, the model estimates that the county will receive an additional \$63 in property taxes from the Gray-Eaden parcel and the same

⁵ See Exhibit 19 at 005.

reduced management and maintenance costs of \$4,087 for the smaller area attaching to their parcel. Since this combined total is more than the \$3,000 value determined by the Assessor, the model recommends that Courtney Gray-Eaden and Mitch Eaden owe no compensation to the county.⁶

Model Methodology Concerns

- 10. The PSB model uses a flat amount per abutting parcel to estimate reduced management and maintenance costs each year. This means the estimated savings for the county does not vary based on the size or nature of the vacated road, but instead on how many parcels abut the vacation area and which year those abutting landowners happened to file their petition.
- 11. For example, the estimated amount of management and maintenance costs per parcel in 2021 was \$4,087, but it had more than doubled to \$9,036 in 2024. This means that if the petitioners had submitted their petition three years later, they would now owe no compensation for the same vacation under the PSB model.
- 12. Conversely, the flat amount ignores the size of the vacation. The area attaching to the English parcel is a third larger than the area attaching to the Gray-Eaden parcel, but the PSB model assumes each will have the same reduction in management and maintenance costs.
- 13. Furthermore, PSB intended the flat amount to equal to two percent of total expenditures over five years for clean-up, research, enforcement, and administrative actions associated with unopened rights-of-way. In other words, the PSB model estimates that each abutting parcel of a vacated, unopened right-of-way saves the county 10% of these annual costs. This means that the PSB model would estimate that a single vacated roadway could save an entire year's worth of these costs if it had 10 abutting parcels.
- 14. Finally, the total amount PSB estimates the county will save from the vacation is not reflected in the total amount of compensation PSB calculates is owed. For example, the PSB model considers the cost impact of the two parcels separately; this table shows those separate calculations as well as if the calculations were combined:

	English	Gray-Eaden	Combined
Assessor Value	\$5,000	\$3,000	\$8,000
County Savings	\$4,191	\$4,150	\$8,341
Value – Savings	\$809	-\$1,150	-\$341
Compensation	\$809	\$0	\$809

⁶ See Exhibit 19 at 006.

⁷ This is only true for unopened and undeveloped land. For opened roads or frequently traversed public areas, PSB's estimate of costs scales based on the length of the vacation area.

For the smaller parcel, the cost savings for the county exceed the value of the vacation area, so no compensation is due. For the larger parcel, the savings are less than the value, and the difference is owed in compensation. When combined, however, the total assessed value is less than the total county savings. By only considering the parcels separately, the excess county savings for the smaller parcel are ignored when determining overall compensation. It is not clear why the county should require compensation when the vacation as a whole will save the county money.

- 15. Taken together, all these methodological choices make it difficult to reliably and consistently estimate what compensation is due for any given road vacation. There are a variety of different ways to address each concern above, and each way would come with its own assumptions and judgment calls. Until PSB refines its methodology, it seems equity would demand that we use the same PSB model that has been applied to past road vacation petitions.⁸
- 16. In this case, however, there is one more wrinkle: the petition was substantially revised. The County Road Engineer prepared a new report in 2024, but the numbers feeding into the PSB model were not updated. If they had been, the flat amount per parcel for saved management and maintenance costs would have been \$9,036. This updated amount far exceeds the assessed value of either vacation area. Therefore, neither the English nor the Gray-Eadens owe compensation to the county based on the PSB model when updated to the year of the revised petition.

RECOMMENDATION:

- 1. We recommend that Council APPROVE proposed ordinance no. 2025-0224 to vacate the subject road right-of-way abutting parcel 375160-2073, with no compensation requirement, but CONTINGENT on Petitioners delivering a signed easement in favor of the Lakehaven Water and Sewer District within 90 days of the date Council takes final action on this ordinance. If King County does not receive the signed easement by that date, there is no vacation and the associated right-of-way remains King County's. If the signed easement is timely received, the Clerk shall record an ordinance against parcel 375160-2073. Recording an ordinance signifies that all contingencies are satisfied and that the right-of-way associated with parcel 375160-2073 is vacated.
- 2. We recommend that Council APPROVE proposed ordinance no. 2025-0224 to vacate the subject road right-of-way abutting parcel 375160-2125, with no compensation requirement, but CONTINGENT on Petitioners delivering a signed easement in favor of the Lakehaven Water and Sewer District within 90 days of the date Council takes final action on this ordinance. If King County does not receive the signed easement by that date, there is no vacation and the associated right-of-way remains King County's. If the

⁸ See, for example, V-2754-Baraja, Kim, Anderson (October 25, 2024), where a prior hearing examiner expressed misgivings about the Assessor's methodology for determining the values of road vacations to abutting properties. The hearing examiner explained why the Assessor is likely undervaluing the benefit to petitioners but ultimately concluded the petitioners could take advantage of the same terms offered to past petitioners.

signed easement is timely received, the Clerk shall record an ordinance against parcel 375160-2125. Recording an ordinance signifies that all contingencies are satisfied and that the right-of-way associated with parcel 375160-2125 is vacated.

DATED October 2, 2025.

Peter Heineccius

Hearing Examiner pro tem

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 27, 2025*, an electronic appeal statement must be sent to <u>Clerk.Council@kingcounty.gov</u>, to <u>hearingexaminer@kingcounty.gov</u>, 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 18, 2025, HEARING ON THE ROAD VACATION PETITION OF GREGORY/RHONDA ENGLISH & COURTNEY/MITCH EADEN, DEPARTMENT OF TRANSPORTATION FILE NO. V-2740

Peter Heineccius was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake, Mitch Eaden, and Gregory English.

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

Exhibit no. 1	Roads Services report to the Hearing Examiner, sent August 29, 2025, with 15 attachments and 25 exhibits
Exhibit no. 2	Petition transmittal letter dated October 8, 2020, to the County Road Engineer
Exhibit no. 3	Petition for Vacation of a County Road received October 8, 2020
Exhibit no. 4	Letter to Petitioners dated October 15, 2020, acknowledging receipt of Petition.
Exhibit no. 5	King County Assessor's information for Gregory and Rhonda English's property, APN 375160-2073
Exhibit no. 6	King County Assessor's information for Courtney Gray's parcel, APN 375160-2125
Exhibit no. 7	Exhibit map depicting original vacation area
Exhibit no. 8	Plat of Jovita Heights
Exhibit no. 9	Copy of final notice sent of review to agencies on
Exhibit no. 10	Email exchange with Assessor's Office regarding valuation of vacation area.
Exhibit no. 11	Compensation calculation model spreadsheet for Gregory and Rhonda English's property, APN 375160-2073
Exhibit no. 12	Compensation calculation model spreadsheet for Courtney Gray's parcel, APN 375160-2125
Exhibit no. 13	Cover letter to Petitioners dated July 23, 2021, with a copy of the County Road Engineer's Report
Exhibit no. 14	Cover letter to Non-Petitioning property owners dated July 23, 2021, with a copy of the County Road Engineer's Report
Exhibit no. 15	County Road Engineer's Report
Exhibit no. 16	Withdrawal of some Petitioners
Exhibit no. 17	Revised exhibit map of vacation area
Exhibit no. 18	Cover letter to Petitioners dated June 4, 2024, with a copy of the Revised
	County Road Engineer's Report

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Exhibit no. 19	Revised County Road Engineer's Report
Exhibit no. 20	Easement to Puget Sound Energy
Exhibit no. 21	Easements requested by Lakehaven Water and Sewer District
Exhibit no. 22	Ordinance transmittal letter dated July 21, 2025, from King County
	Executive to Councilmember Girmay Zahilay, Chair, King County
	Council
Exhibit no. 23	Proposed Ordinance
Exhibit no. 24	Declaration of Posting
Exhibit no. 25	Request for publication by Clerk of the Council

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

Exhibit no. P1	Comment, from John and Sonja West, submitted September 14, 2025
Exhibit no. P2	Comment, from Robert Murphy, submitted September 11, 2025



Certificate Of Completion

Envelope Id: 741094B2-DA40-4D5C-8B02-550F6969BEFF

Subject: Complete with Docusign: Ordinance 19994.doc, Ordinance 19994 Attachment A.pdf

Source Envelope:

Document Pages: 4 Signatures: 3 **Envelope Originator:** Initials: 0 Supplemental Document Pages: 8 Cherie Camp

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Melani Hay

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Signer Events Signature **Timestamp**

Girmay Zahilay girmay.zahilay@kingcounty.gov Council Chair

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Melani Hay

melani.hay@kingcounty.gov Clerk of the Council King County Council

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(None)

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ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

Shannon Braddock

Shannon.Braddock@kingcounty.gov

King County Executive

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Envelope Sent	Hashed/Encrypted	11/5/2025 12:36:27 PM				
Certified Delivered	Security Checked	11/25/2025 9:47:36 AM				
Signing Complete	Security Checked	11/25/2025 9:47:47 AM				
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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.

How to contact King County-Department of 02:

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:

To contact us by email send messages to: cipriano.dacanay@kingcounty.gov

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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