

ORDINANCE NO. 2004-05-17

**An ordinance relating to road vacations; amending Sections 12.28.020, 12.28.030, 12.28.060 and 12.28.070 of the Clark County Code.**

1 WHEREAS, the following County Code revisions have been recommended by the Public  
2 Works Department and, following a duly-advertised public hearing, are found by the Board to be  
3 in the public interest; now, therefore,

4 BE IT ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY  
5 COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

6 **Section 1. Amendatory.** Section 2 of Ordinance No.1977-11-44, and Clark County  
7 Code 12.28.02, are amended to read:

8 **12.28.020 Authority and Procedure.**

9 County roads shall be vacated in accordance with ~~((the provisions of))~~ RCW 36.87 ~~((as  
10 amended by Chapter 185, Laws of 1969, 1<sup>st</sup> Ex. Sess.))~~, and the supplementary provisions herein.

11 **Section 2. Amendatory.** Section 3 of Ordinance 1977-11-44, and Clark County Code  
12 12.28.030, are amended to read:

13 **12.28.030 Request for vacation by resolution.**

14 ~~((One or more persons may request the Board of County Commissioners to vacate and  
15 abandon a county road or a portion thereof by resolution. The request shall be in writing and  
16 describe the county road or portion thereof to be vacated and shall also include a description of  
17 any interest in land held by the person or persons requesting said vacation.))~~

18 Owners of the majority of the frontage on any county road or portion thereof may petition  
19 the county legislative authority to vacate and abandon the same or any portion thereof. The

20 petition must show the land owned by each petitioner and set forth that such county road is  
21 useless as part of the county road system and that the public will be benefited by its vacation and  
22 abandonment.

23 **Section 3.** Amendatory. Section 6 of Ordinance No. 1977-11-44, and Clark County  
24 Code 12.28.060, are amended to read:

25 **12.28.060 Compensation for vacation by petition or request.**

26 As a condition precedent to vacation and abandonment of a county road upon petition or  
27 request, Clark County shall be compensated in accordance with RCW 36.87.120 as follows:

28 (1) Interest subject to reversion or right of re-entry (i.e., county owns easement):

29 (a) Unless determined otherwise by the board for good cause, the county shall  
30 be compensated for vacating county roads outside of residential  
31 subdivisions where significant public funds have been expended to  
32 acquire, improve or maintain the right-of-way for such road.  
33 Compensation shall be (~~determined by the Board of County~~  
34 ~~Commissioners~~) based upon (~~the engineer's report of the vacated county~~  
35 ~~road.~~) the appraised value of the vacated site based on the value of  
36 adjoining property, considering any applicable adjustment for limited  
37 market use. All appraisals shall be in accordance with applicable appraisal  
38 practices and in conformance with the Uniform Standard of Professional  
39 Appraisal Practice (USPAP). All appraisals shall undergo a review  
40 process with compensation determined by the reviewer.

41  
42 (b) In all other cases, no compensation is required.

43  
44 (2) Interest not subject to reversion or right of re-entry (, i.e., county owns fee):

45  
46 Upon vacation and abandonment of a county road, the underlying land shall be  
47 classified as surplus property and be disposed of, or managed, in accordance with (~~the Clark~~  
48 ~~County~~) Chapter 2.33A., CCC, Property Management (~~Ordinance~~, #1977-06-47, adopted  
49 June 27, 1977).

50 **Section 4.** Amendatory. Section 7 of Ordinance No. 1977-11-44, and Clark County  
51 Code 12.28.070, are amended to read:

52 **12.28.070 Cash Deposit.**

53 Each petition or request for a vacation of a road shall be accompanied by ~~((an application~~  
54 ~~fee))~~ a cash deposit of ~~(((\$100))~~ \$1,000.00. Upon completion of the hearing, or earlier  
55 withdrawal of the petition, the board shall certify all costs and expenses occurred in the  
56 proceedings, including appraisal costs, to the County Treasurer. The Treasurer shall reimburse  
57 the road fund for such costs and expenses from the cash deposit and release any balance to the  
58 petitioner. If the certified costs and expenses exceed the cash deposit, the vacation, if approved,  
59 shall not be finalized until such additional costs and expenses are paid.

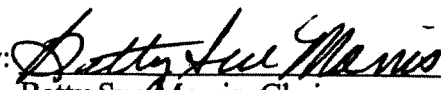
60 **Section 5. Effective Date.** This Ordinance shall be into effect on midnight on the  
61 date of its adoption. PROVIDED, that this Ordinance shall not apply to those applications filed  
62 between January 1, 1992, and the effective date of this Ordinance.

63 ADOPTED this 25 day of May, 2004.


Attest

  
Clerk to the Board

BOARD OF COMMISSIONERS  
FOR CLARK COUNTY

By:   
Betty Sue Morris, Chair

Approved as to form only:  
ARTHUR D. CURTIS  
Prosecuting Attorney

  
Richard Lowry, WSBA #4894  
Chief Civil Deputy

By: \_\_\_\_\_  
Judie Stanton, Commissioner

By: \_\_\_\_\_  
Craig Pridemore, Commissioner

(ordinances/land/road vacations)