

## ROAD VACATION

### Removing the Public's Interest in a Road

A road vacation is an uncommon process. The Board of County Commissioners (BOCC) is authorized by State Law, RCW 36.87, to vacate, or remove, the right the public holds to use certain lands for roads. However, RCW 36.87.130, states that no county shall vacate a county road, or part thereof, which abuts and/or crosses a body of salt or fresh water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or other public purposes, or unless the property is zoned for industrial uses. The method and procedure necessary to complete a road vacation is complicated but must be followed to conform to the requirements of the law.

To begin a road vacation, an owner having an interest in any real estate abutting the property to be vacated must submit the following:

- 1. Completed application with the signatures of the owners of the majority of the frontage abutting the property petitioned to be vacated**
- 2. Last deeds of conveyance showing ownership of all those signing application**
- 3. Legal description and map of the existing right-of-way and its origin**
- 4. Legal description and map of the area petitioned to be vacated**
- 5. Cash deposit of \$1,000.00**

The applicant and/or petitioners are responsible for the payment of all costs incurred by the county in processing this road vacation. The average cost of processing often exceeds \$1,800.00. The cash deposit will be deducted from the total costs incurred and the applicant will be responsible for the remainder. Refunds are made on any funds not expended.

County code requires compensation for right-of-way vacated outside of residential subdivisions where significant public funds have been expended to acquire, improve, or maintain the right-of-way for such road. Please see attached revised code 12.28.060 for further information.

After the application and cash deposit are received by the Public Works Department, several things happen. The road is researched to determine the width of existing right-of-way, how it was acquired by the county, whether it is necessary as part of the public road system now or in the future, zoning in the area, and if it abuts a waterway. The County Engineer's designee then views the road. Public and county agencies such as drainage, sewer, traffic, and utilities, etc. are contacted. Property owners in the area are also notified of the hearing request and date established for said hearing providing them with the opportunity to comment. This process takes between two to three months.

A conference is held with the applicant to discuss the findings and what the staff recommendation to the BOCC would be based on the information received. If the applicant decides to withdraw the application request, a totaling of costs to date will be made and refund issued for remainder of the cash deposit. If the applicant wishes to proceed, the

hearing date will be advertised two Tuesdays prior to the hearing and the property posted 21 days in advance of hearing.

At the public hearing testimony will be taken from property owners and the general public in support or opposition to the vacation. After testimony, the BOCC will make their final decision.

If the vacation is approved, it may be with conditions that must be met before the Final Order to Vacate is processed. The payment of the cost of processing (and land if required) must be received before the Final Order of Vacation can be signed by the BOCC and recorded.

A road vacation is a lengthy process. The estimated time for completion is four to six months from the time of application to Preliminary Order of Vacation. The time to Final Order depends on you, the applicant, and how quickly you meet the conditions of approval and pay costs required.

If you have any questions, please feel free to contact the Public Works Department, Real Property Services at 1-360-397-6118, extension 4378, 4369 or 4368.

Real Property Services Staff