

## CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Public Works / Engineering & Construction Division / Real Property Services

**DATE:** June 12, 2018

**REQUESTED ACTION:** Approve the County Engineer's Report and Preliminary Order to vacate a portion of Northeast 23rd Avenue, between Northeast 117th Street and Northeast 119th Street. Work Order No. 012589.

Consent     
  Hearing     
  County Manager

**BACKGROUND**

Public Works has received a request to vacate a portion of Northeast 23rd Avenue in the Hazel Dell/Salmon Creek area. Staff supports the road vacation as Northeast 23rd Avenue is no longer needed to meet traffic circulation needs. The road was dedicated to Clark County per the plat Robbins Center – 2, Book H, Page 279 of Short Plats, Records of Clark County, Washington. The proposed vacation area is zoned General Commercial (GC) and is approximately 0.46 acres.

**COUNCIL POLICY IMPLICATIONS**

None.

**ADMINISTRATIVE POLICY IMPLICATIONS**

None.

**COMMUNITY OUTREACH**

Notices were sent to the affected property owners, utility companies and the public.

**BUDGET IMPLICATIONS**

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

PW18-087

**BUDGET DETAILS**

Local Fund Dollar Amount	n/a
Grant Fund Dollar Amount	n/a
Account	n/a
Company Name	Eva Dorlarque, petitioner

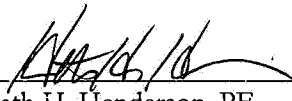
**DISTRIBUTION:**

Council staff will post all staff reports to the county website, [www.clark.wa.gov/thegrid/](http://www.clark.wa.gov/thegrid/).  
Please notify Real Property Services of the council's action by calling Paulette Matison, ext. 4975.

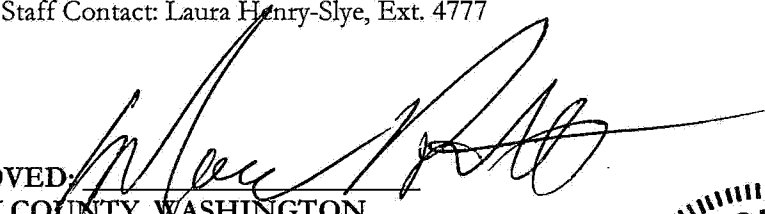
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Attachments: Engineer's Report, Preliminary Order to Vacate, photos, and maps.

  
\_\_\_\_\_  
Tom Grange, PE  
Engineering & Construction Division Manager

  
\_\_\_\_\_  
Heath H. Henderson, PE  
Public Works Director/County Engineer

Primary Staff Contact: Laura Henry-Slye, Ext. 4777

  
APPROVED: \_\_\_\_\_  
CLARK COUNTY, WASHINGTON  
CLARK COUNTY COUNCIL

DATE:   
SR# \_\_\_\_\_



APPROVED: \_\_\_\_\_  
Jim Rumpeltes, Interim County Manager

DATE: \_\_\_\_\_

NOTICE OF HEARING

The Clark County Council will hold a public hearing at 10 a.m., on Tuesday, the 12<sup>th</sup> day of June, 2018, in the Hearing Room, 6th floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington to consider the County Engineer's Report on the advisability of a partial road vacation on a portion of Northeast 23rd Avenue, lying northerly of Northeast 117th Street and southerly of Northeast 119th Street within the Hazel Dell/Salmon Creek area.

Legal Description

All that portion located in the South Half of the Southeast Quarter of Section 26, and the North Half of the Northeast Quarter of Section 35, Township 3 North, Range 1 East, W.M. and further described as follows:

A 50 foot wide right-of-way as shown and depicted on the plat of Robbins Center – 2, Book H, Page 279 of Plats, Records of Clark County, Washington; and, any portion of Street Number 6 as described in Grant of Easement, # G 405253 recorded in the Auditor's office records of Clark County, Washington.


Contains 0.46 acres, more or less.

More information concerning this matter may be obtained from Clark County Public Works, 1300 Franklin Street, Vancouver, Washington. Contact Laura Henry Slye (564) 397-4777.

Any person wishing to give testimony in this matter should appear at the time, date, and place above stated.

Work Order Number 012589

CLARK COUNTY COUNCIL

  
Clerk of the Board

Approved as to Form Only:  
Prosecuting Attorney

By 

Please publish: May 30, 2018 and June 6, 2018.

Persons requiring auxiliary aids or special arrangements in order to participate in this hearing should call (360) 397-2322, at least two days prior to the scheduled meeting.

IN THE MATTER OF THE RESOLUTION )  
OF )  
CLARK COUNTY COUNCIL )  
FOR )  
THE VACATION OF A COUNTY ROAD )  
)  
KNOWN AS A portion of Northeast 23rd )  
Avenue lying southerly of Northeast 119th )  
Street and lying northerly of NE 117th Street )

ENGINEER'S REPORT

I, THE UNDERSIGNED, COUNTY ENGINEER OF CLARK COUNTY, WASHINGTON, duly directed by Clark County Council of said County on the 24th day of April, 2018, by Resolution No. 2018-04-12 to make an examination of a portion of road sought to be vacated in the Resolution of Clark County Council, did on the 25<sup>th</sup> day of May, 2018, examine the portion of road proposed to be vacated in said petition, and report as follows:

FIRST:

Said portion of road is located within Sections 26 & 35, T3N, R1E, W.M.

SECOND:

On Jan. 20, 1965, a 60-ft. wide easement was recorded under Auditor's File #G405253 from Pithoud to all parties having an interest in property. According to Chris Horne, former Clark County Prosecuting Attorney, he made the determination that the intent of this easement is unclear because this instrument was not conveyed to the public or to Clark County.

THIRD:

The current alignment and width (50-ft wide) of this road was dedicated to Clark County per the plat Robbins Center – 2, Book H, Page 279 of Short Plats, Records of Clark County, Washington.

FOURTH:

On March 20th 1985, the County entered into an agreement with the developer to defer improvements to NE 23rd Avenue in exchange to contribute monitory expenses for a future County road project which would expire in five (5) years.

FIFTH:

To date, the county did not improve this road; nor did the developer contribute funds towards the construction of NE 23rd Avenue.

SIXTH:

On July 7, 1999, Public Works acquired the northerly section of Northeast 23rd Avenue which is also the main access to the county owned storm water facility.

SEVENTH:

On November 03, 1999, Clark County Public Works acquired the storm water mitigation site lying easterly of Northeast 23rd Avenue which also includes in the southerly access off of NE 117th Street shared by Chuck's Grocery Store.

EIGHTH:

On July 17, 2012, as a condition of approval for a site plan development of Chuck's Grocery, a dedication was conveyed to Clark County for Northeast 24th Avenue.

NINTH:

Northeast 23rd Avenue is not included in the six (6) year Transportation Improvement Plan (TIP) and there are no plans to develop this road section.

TENTH

Northeast 23rd Avenue is no longer needed to meet traffic circulation needs.

ELEVENTH:

The County does not maintain the portion of the road being vacated.

TWELVETH

And, that the public will be benefited by the vacation.

THIRTEENTH

If approved, that an easement for all existing utilities for the construction, repair, and maintenance of said public utilities and services, including the right of ingress and egress be held by Clark County and remain in effect until such time the petitioners record a replacement easement with all impacted utilities as follows:

- o A 15-ft wide access easement in favor for Clark County for the construction, repair, and maintenance of the storm water facility.
- o A 15-foot wide utility easement in favor of Clark Public Utilities for the existing infrastructure which includes poles, aerial cable, buried cables and junction boxes.
- o A 15-foot wide sewer easement in favor of Clark Regional wastewater District for the existing sewer main.
- o A 10-foot wide utility easement in favor of Comcast for the existing infrastructure which includes an existing conduit and pedestals.

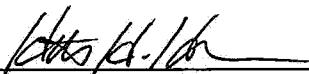
FOURTEENTH:

That the road be vacated in favor of the true property owner(s).

FIFTHTEENTH

That the petitioners pay all administrative costs and expenses.

DATED this 24<sup>th</sup> day of MAY, 2018.

  
\_\_\_\_\_  
Heath H. Henderson, PE  
Public Works Director/County Engineer

STATE OF WASHINGTON

COUNTY OF CLARK

In the matter of the Petition by  
Eva Dorlarque

PRELIMINARY

ORDER

VACATING

COUNTY ROAD

For the vacation of a County Road known as  
NE 23rd Avenue lying southerly of NE 119th Street  
and lying northerly of NE 117th Street

RV 1805

IN THE MATTER OF THE VACATION OF COUNTY ROADS petitioned by Eva Dorlarque, the Board finds as follows:

FIRST: That the petition therefore was filed on the 13th day of March, 2018, and that said petition was signed by the owners of the majority of frontage of said county road or portion thereof.

SECOND: That said petition was accompanied by a check in the sum of \$1,000, which said check was found to be good and sufficient, and was duly approved by the Director of Public Works on the 20th day of March, 2018.

THIRD: That on the 24th day of April, 2018, the County Engineer was duly directed to examine said road and make a report in writing on the same.

FOURTH: That on the 25th day of May, 2018, the County Engineer filed in the office of the council his report in writing, as provided by law.

FIFTH: That by an order duly passed by the council, the notice of hearing was posted for the 30th day of May, 2018 and the 6th day of June, 2018, of the time and place where said hearing would be held as given by publication and posting as provided by law.

SIXTH: That said report of the County Engineer reports:

- Said portion of road is located within Sections 26 & 35, T3N, R1E, W.M.
- On Jan. 20, 1965 a 60-ft. wide easement was recorded under Auditor's File #G405253 from Pithoud to all parties having an interest in property. According to Chris Horne, former Prosecuting Attorney, he made the determination that the intent of this easement is unclear because this instrument was not conveyed to the public or to Clark County.

- The current alignment and width (50-ft wide) of this road was dedicated to Clark County per the plat Robbins Center – 2, Book H, Page 279 of Short Plats, Records of Clark County, Washington.
- On March 20, 1985, the county entered into an agreement with the developer to defer improvements to NE 23rd Avenue in exchange to contribute monetary expenses for a future County Road Project which would expire in five (5) years.
- To date, the county did not improve this road; nor did the developer contribute funds towards the construction of NE 23rd Avenue.
- On July 7, 1999, Public Works acquired the northerly section of NE 23rd Avenue which is also the main access to the county owned storm water facility.
- On November 03, 1999, Clark County Public Works acquired the storm water mitigation site lying Easterly of NE 23rd Avenue which also includes the southerly access off of NE 117th Street shared by Chuck's Grocery Store.
- On July 17, 2012, as a condition of approval for a site plan development, a dedication was conveyed to Clark County for NE 24th Avenue.
- NE 23rd Avenue is not included in the 6-year Transportation Improvement Plan (TIP) and there are no plans to develop this road section.
- NE 23rd Avenue is no longer needed to meet traffic circulation needs.
- The County does not maintain the portion of the road being vacated.

SEVENTH: That the public will be benefited by its vacation.

EIGHTH: If approved, that an easement for all existing utilities for the construction, repair, and maintenance of said public utilities and services, including the right of ingress and egress be held by Clark County and remain in effect until such time the petitioners record a replacement easement with all impacted utilities as follows:

- A 15-foot wide access easement to Clark County to access the storm water facility located Easterly of NE 23rd Avenue for the purposes of inspection and maintenance.
- A 15-foot wide utility easement in favor of Clark Public Utilities for the existing infrastructure which includes poles, aerial cable, buried cables and junction boxes.
- A 15-foot wide sewer easement in favor of Clark Regional wastewater District for the existing sewer main.
- A 10-foot wide utility easement in favor of Comcast for the existing infrastructure which includes an existing conduit and pedestals.

NINTH: That the road petitioned to be vacated be vacated to the true property owner(s).

TENTH: That the Petitioners pay all administrative costs and expenses.

The council having examined the report of the Engineer, and all other papers on file in the proceedings, and heard and considered all testimony and documentary evidence adduced for and against the vacation of the roads, and the council being satisfied that said roads will not be useful as a part of a general road system, and that the public will be benefited by its vacation.

IT IS ORDERED BY THE COUNCIL, that the county road petitioned to be vacated by Eva Dorlarque, be vacated upon all conditions being met and payment of all administrative costs and expenses by the principal petitioner and upon the filing of a final order of vacation; and the County Engineer is directed to make a statement in writing of all costs and expenses incurred in the proceedings and shall proceed to collect the same.

**Said Vacation shall be described as follows:**

All that portion of road located in the South Half of the Southeast Quarter of Section 26, and the North Half of the Northeast Quarter of Section 35, Township 3 North, Range 1 East, W.M. and further described as follows:

A 50 foot wide right-of-way as shown and depicted on the plat of Robbins Center – 2, Book H, Page 279 of Plats, Records of Clark County, Washington; and, any portion of formally known as County Road 6 as shown on said map and as recorded under G 405253, records of Clark County, Washington.

Contains 0.46 acres, more or less.

Subject to an easement for all utilities for the construction, repair, and maintenance of said public utilities and services, including the right of ingress and egress be held by Clark County and remain in effect until such time the petitioner(s) record a replacement easement with all impacted utilities as follows:

A 15-foot wide access easement to Clark County to access the storm water facility located Easterly of NE 23rd Avenue for the purposes of inspection and maintenance.

A 15-foot wide utility easement in favor of Clark Public Utilities for the existing infrastructure which includes poles, aerial cables, buried cables and junction boxes.

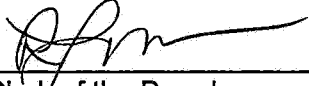
A 15-foot wide sewer easement in favor of Clark Regional Wastewater District for the existing sewer main.

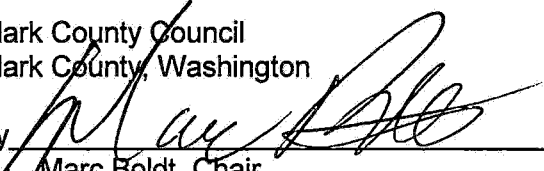
A 10-foot wide utility easement in favor of Comcast for the existing infrastructure which includes an existing conduit and pedestals.



DONE THIS 12 DAY OF June, 2018

Work Order Number 012589

ATTEST:  
  
\_\_\_\_\_  
Clerk of the Board

Clark County Council  
Clark County, Washington  
By   
\_\_\_\_\_  
Marc Boldt, Chair



By \_\_\_\_\_  
Jeanne E. Stewart, Councilor

By \_\_\_\_\_  
Julie Olson, Councilor

By \_\_\_\_\_  
John Blom, Councilor

By \_\_\_\_\_  
Eileen Quiring, Councilor

# Public Hearing



Partial Road Vacation for a portion of  
NE 23<sup>rd</sup> Avenue, lying northerly of  
NE 117<sup>th</sup> Street and Southerly of NE 119<sup>th</sup> Street.  
Secs. 35 & 26, T3 N, R1 E, W.M

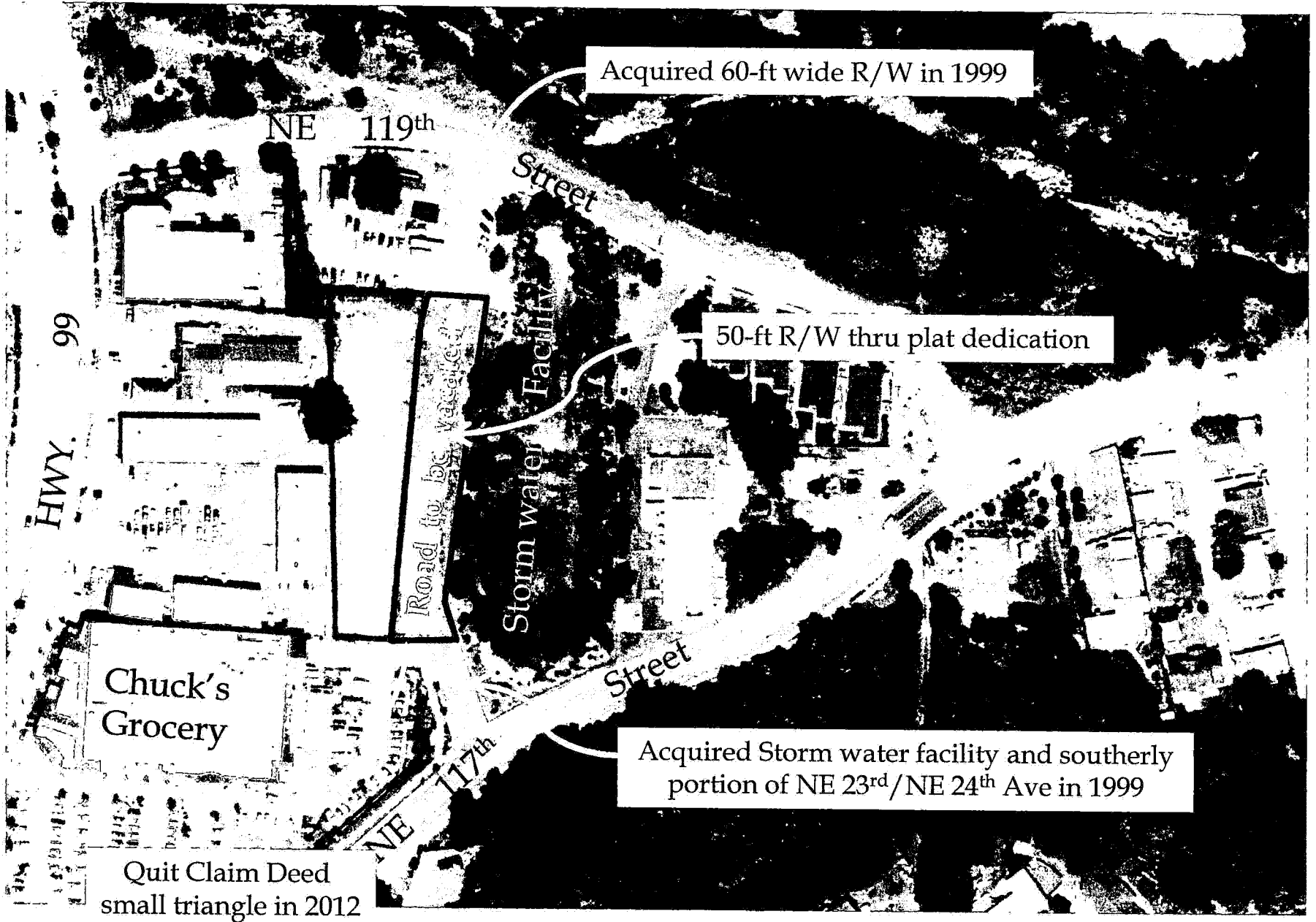
June 12, 2018

# Historical Overview - NE 23<sup>rd</sup> Avenue

Between NE 117<sup>th</sup> Street to NE 119<sup>th</sup> Street

- ∞ A 60-foot wide Grant of Easement was conveyed from Pithoud to all interested parties having an interest for road purposes. (Jan 20, 1964)
- ∞ NE 23<sup>rd</sup> Avenue was dedicated as a 50-foot wide road to Clark County per the plat Robbins Center - 2, Book H, Page 279 of Plats, Records of Clark County, Washington. (1985)
- ∞ In 1985, Clark County entered into a road agreement to construct NE 23<sup>rd</sup> Avenue should this road ever be included in the Six-Year Transportation Improvement Program (TIP)
- ∞ On July 07, 1999, Clark County purchased the northerly portion of NE 23<sup>rd</sup> Avenue connecting to NE 119<sup>th</sup> Street.
- ∞ On Nov. 3<sup>rd</sup>, 1999, Clark County purchased the storm water facility which included the southerly portion of NE 23<sup>rd</sup> Avenue.
- ∞ July 17, 2012, As a condition of approval for the Chuck's Grocery Store, the remaining right-of-way was conveyed to Clark County.

# NE 23<sup>rd</sup> Avenue



Acquired 60-ft wide R/W in 1999

50-ft R/W thru plat dedication

Acquired Storm water facility and southerly portion of NE 23<sup>rd</sup>/NE 24<sup>th</sup> Ave in 1999

Quit Claim Deed  
small triangle in 2012



## Why vacate NE 23<sup>rd</sup> Avenue ?



- ☞ To date, NE 23rd Avenue has never been included in the 6- year Transportation Improvement Plan (TIP) and there are no plans to develop this road section.
- ☞ NE 23rd Avenue is no longer needed to meet traffic circulation needs.
- ☞ The County does not maintain this section of road.
- ☞ There are no long range transportation plans for connectivity.



## œ Action of the Board

- œ Approve and accept Engineer's Report and Preliminary Order to Vacate County Road