

CLARK COUNTY STAFF REPORT

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

DATE: June 26, 2018

REQUESTED ACTION: Approve the County Engineer's Report and Preliminary Order to vacate a portion of Northeast 129th Street, from Northeast 25th Avenue to the west line of Interstate 205. Work Order No. 012588.

Consent
 Hearing
 County Manager

BACKGROUND

Public Works has received a request to vacate a portion of Northeast 129th Street in the Salmon Creek area. Staff supports this road vacation as Northeast 129th Street is not needed to meet traffic circulation needs.

This road was originally established as Montague Road on Oct. 4, 1921. As part of the Interstate 205 construction project, the Washington State Department of Transportation acquired additional right of way and deeded this area back to the county under a turn-back agreement.

This road vacation obligates Public Works to comply with state law and federal regulations requiring proceeds from this sale to be returned to the County Road Fund. Staff is recommending petitioners compensate the county for the \$30,588 appraised value. The area is approximately 8,997 square feet and zoned General Commercial.

COUNCIL POLICY IMPLICATIONS

None.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

Notices were sent to the affected property owners and utility companies. Signs also were posted near the proposed vacation site.

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.

PW18-090

BUDGET DETAILS

Local Fund Dollar Amount	n/a
Grant Fund Dollar Amount	n/a
Account	n/a
Petitioners	Ron Edwards and Jolina Sinclair

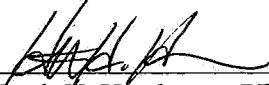
DISTRIBUTION:

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

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

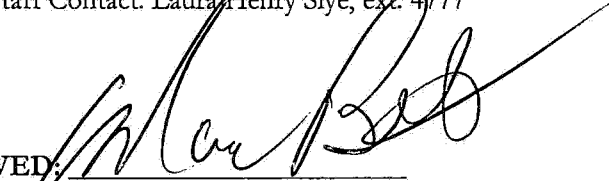


 Tom Grange, PE
 Engineering & Construction Division Manager



 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: 6-26-14

SR# _____



APPROVED: _____
 Jim Rumpeltes, Interim County Manager

DATE: _____

IN THE MATTER OF THE RESOLUTION)
OF)
CLARK COUNTY COUNCIL)
FOR)
THE VACATION OF A COUNTY ROAD)
)
KNOWN AS A portion of NE 129th Street)
lying easterly of NE 25th Avenue)
to the westerly right of way line of I-205)

ENGINEER'S REPORT

I, THE UNDERSIGNED, COUNTY ENGINEER OF CLARK COUNTY, WASHINGTON, duly directed by Clark County Council of said County on the 22th day of May, 2018, by Resolution No. 2018-05-15 to make an examination of a portion of road sought to be vacated in the Resolution of the Board of County Council, did on the 12th day of June, 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, T3N, R1E, W.M.

SECOND:

On October 4th, 1921, this road was established as Montague Road as a 30-foot wide road under an Order of Establishment found in Road Book 8, Page 201.

THIRD:

As part of the I-205 project, the Washington Department of Transportation (WSDOT) purchased additional land for the construction of the cul-de-sac.

FOURTH:

In 1969, WSDOT deeded the additional right of way back to the county through a Turn back agreement.

FIFTH:

The petitioner's vesting deeds qualifies the northerly 40 feet as right of way. Staff could not find supporting documentation confirming an additional 10 feet making a 40-foot wide road. This road vacation would quiet the title of the 10-foot discrepancy width and would merge with the original parcels.

SIXTH:

If approved, that an easement for all existing utilities for the 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 sanitary sewer easement in favor for Clark County for the repair and maintenance for the existing 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 10-foot wide utility easement in favor of CenturyLink for the existing infrastructure which includes an existing conduit and pedestals.

SEVENTH:

That, if approved, a private road maintenance agreement between the abutting property owners shall be required and filed with the County Auditor's office prior to the Final Road Vacation.

EIGHTH:

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

NINTH:

NE 129th Street is not included in the six (6) year Transportation Improvement Plan (TIP) and there are no plans to develop this road section.

TENTH:

This portion of NE 129th Street is not needed to meet traffic circulation needs.

ELEVENTH

That an appraisal was performed which established a value of \$30,588 of the land being vacated and that the petitioners compensate the county prior to the filing of Final Road Vacation.

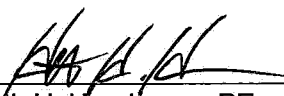
TWELVETH:

That the petitioners pay all administrative costs and expenses.

THIRTEENTH

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

DATED this 11th day of JUNE, 2018



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

STATE OF WASHINGTON

COUNTY OF CLARK

In the matter of the Petition by
Ron Edwards and Jolina Sinclair

PRELIMINARY

ORDER

VACATING

COUNTY ROAD

For the vacation of a county road known as
NE 129th Street, lying easterly of NE 25th Avenue
to Interstate 205

IN THE MATTER OF THE VACATION OF COUNTY ROADS petitioned by Ron Edwards and Jolina Sinclair, the Council finds as follows:

FIRST: That the petition therefore was filed on the 9th 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 12th day of March, 2018.

THIRD: That on the 22nd day of May, 2018, the County Engineer was duly directed to examine said road and make a report in writing on the same.

FOURTH: That on the 12th day of June, 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 this Council on the 13th day of June, 2018, the 20th day of June, 2018, that the notice 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, T3N, R1E, W.M.
- On October 4th, 1921, this road was established as Montague Road as a 30-foot wide road under an Order of Establishment found in Road Book 8, Page 201.
- As part of the I-205 project, the Washington Department of Transportation (WSDOT) purchased additional land for the construction of the cul-de-sac.
- In 1969, WSDOT deeded the additional right-of-way back to the county through a Turn back agreement.
- The petitioner's vesting deeds qualifies the northerly 40 feet as right of way. Staff could not find supporting documentation confirming an additional 10 feet making a 40-foot wide

road. This road vacation would quiet the title of the 10-foot discrepancy width and would merge with the original parcels.

- That, if approved, an easement for all existing utilities for the 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.
- That, if approved, a private road maintenance agreement between the abutting property owners shall be required and filed with the County Auditor's office prior to the Final Road Vacation.
- That the road be vacated in favor of the true property owner(s).
- NE 129th Street is not included in the six (6) year Transportation Improvement Plan (TIP) and there are no plans to develop this road section.
- This portion of NE 129th Street is not needed to meet traffic circulation needs.
- Petitioner to compensate Clark County the appraised value of the land being vacated at \$30,588.
- That the petitioners pay all administrative costs and expenses.
- That the public will be benefited by its vacation.

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 Ron Edwards and Jolina Sinclair, 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:

A portion of the Southeast Quarter and a portion of the Northeast Quarter of Section 26, Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at a concrete monument with 2" diameter brass disk marking the East Quarter corner of said Section 26; Thence North $88^{\circ}48'26''$ West, along the North line of the Southeast Quarter of Section 26, for a distance of 1073.54 feet, to the Westerly Right-of-Way line of Interstate 205 (I-205), as shown in Book 66 of Surveys, at Page 114, records of the Clark County Auditor and the **TRUE POINT OF BEGINNING:**

Thence, leaving said North line, Southeasterly along said Westerly Right-of-Way line along the arc of a 10,100.00-foot radius non-tangent curve to the right (the radius point of which bears North $47^{\circ}01'13''$ East), through a central angle of $00^{\circ}19'02''$, for an arc distance of 55.92 feet; Thence, leaving said Westerly Right-of-Way Line, North $88^{\circ}48'26''$ West, parallel with and 40.00 feet South of, when measured at right angles to the North line of the Southeast Quarter of Section 26, for a distance of 187.19 feet, to the East Right-of-Way line of Northeast 25th Avenue; Thence, North $01^{\circ}11'34''$ East, along the Northerly extension of said East Right-of-Way line, for a distance of 40.00 feet to the North line of the Southeast Quarter of said Section 26; Thence, South $88^{\circ}48'26''$ East, along said North line, for a distance of 45.88 feet; Thence leaving said North line of the Southeast Quarter, North $48^{\circ}54'04''$ East, for a distance of 66.57 feet, to said Westerly Right-of-Way line of Interstate 205; Thence, South $48^{\circ}40'13''$ East, along said Westerly Right-of-Way line (I-205), for a distance of 68.57 feet; Thence, continuing along said Westerly Right-of-Way line (I-205), along the arc of a 10,100.00-foot radius non-tangent curve to the right (the radius point of which bears North $47^{\circ}01'30''$ East), through a central angle of $00^{\circ}00'17''$, for an arc distance of 0.82 feet, to the TRUE POINT OF BEGINNING.

Containing 8,997 square feet of land, more or less.

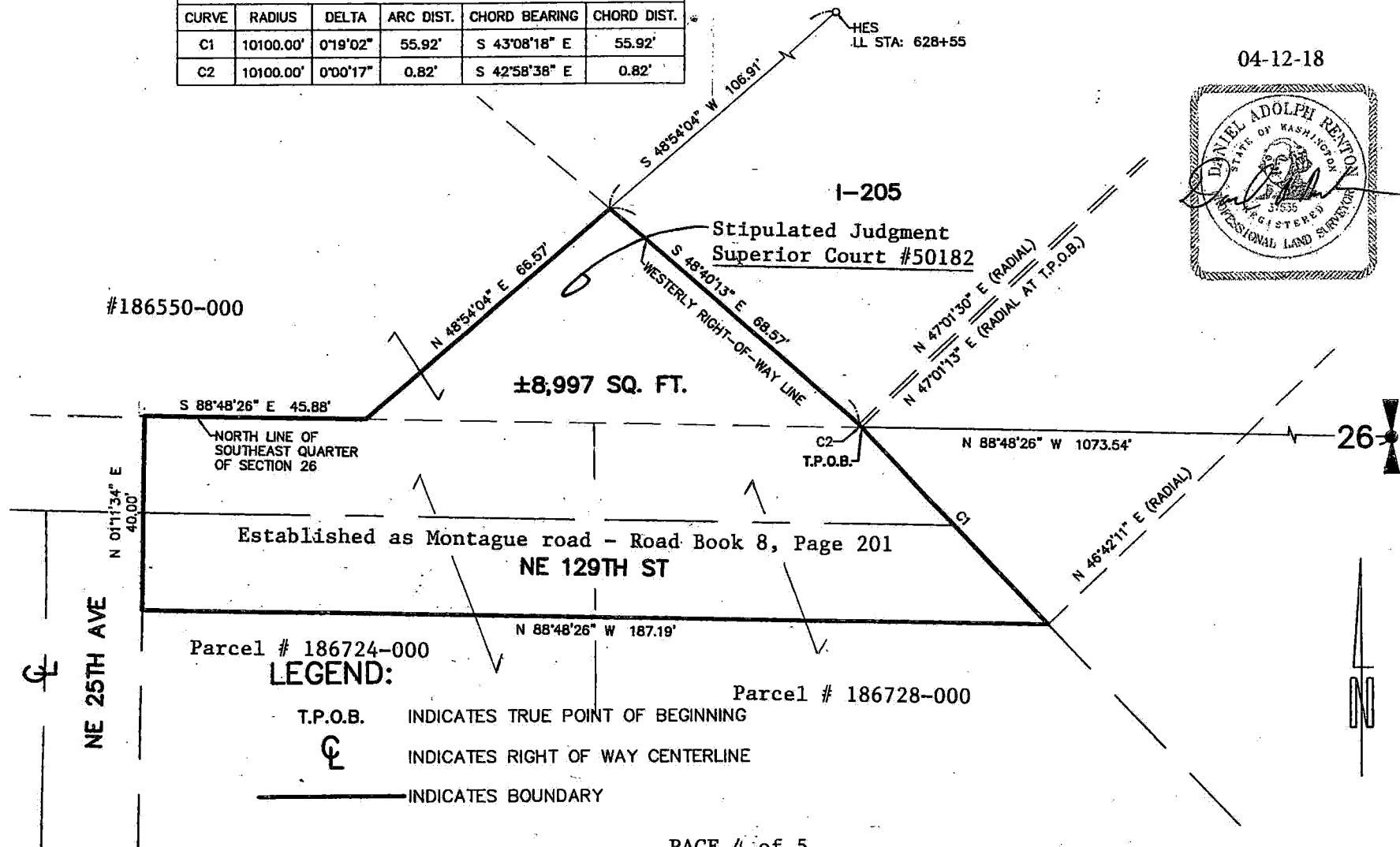
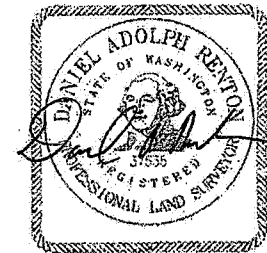
Subject to an easement for all existing utilities for the construction, repair and maintenance of said public utilities and services, including the right of ingress and egress be held by Clark County and remain in effect until such time the petitioner(s) record a replacement easement with all impacted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

- A 15-foot wide sanitary sewer easement in favor to Clark County Public Works including catch basins and storm lines.
- A 15-foot wide utility easement in favor of Clark Public Utilities which includes poles, aerial cables, buried cables and junction boxes.
- A 10-foot wide utility easement in favor of Comcast for the existing infrastructure which includes an existing conduit and pedestals.

SECTION 26, T3N, R1E

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC DIST.	CHORD BEARING	CHORD DIST.
C1	10100.00'	0°19'02"	55.92'	S 43°08'18" E	55.92'
C2	10100.00'	0°00'17"	0.82'	S 42°58'38" E	0.82'

04-12-18



LEGEND:

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

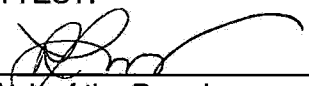
Ⓞ INDICATES RIGHT OF WAY CENTERLINE

— INDICATES BOUNDARY

DONE THIS 26th DAY OF June, 2018.

Work Order Number 012588

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 129th Street
lying easterly of NE 25th Avenue to I-205

Section 26, Township 3 North, Range 1 East, W.M.

June 26, 2018

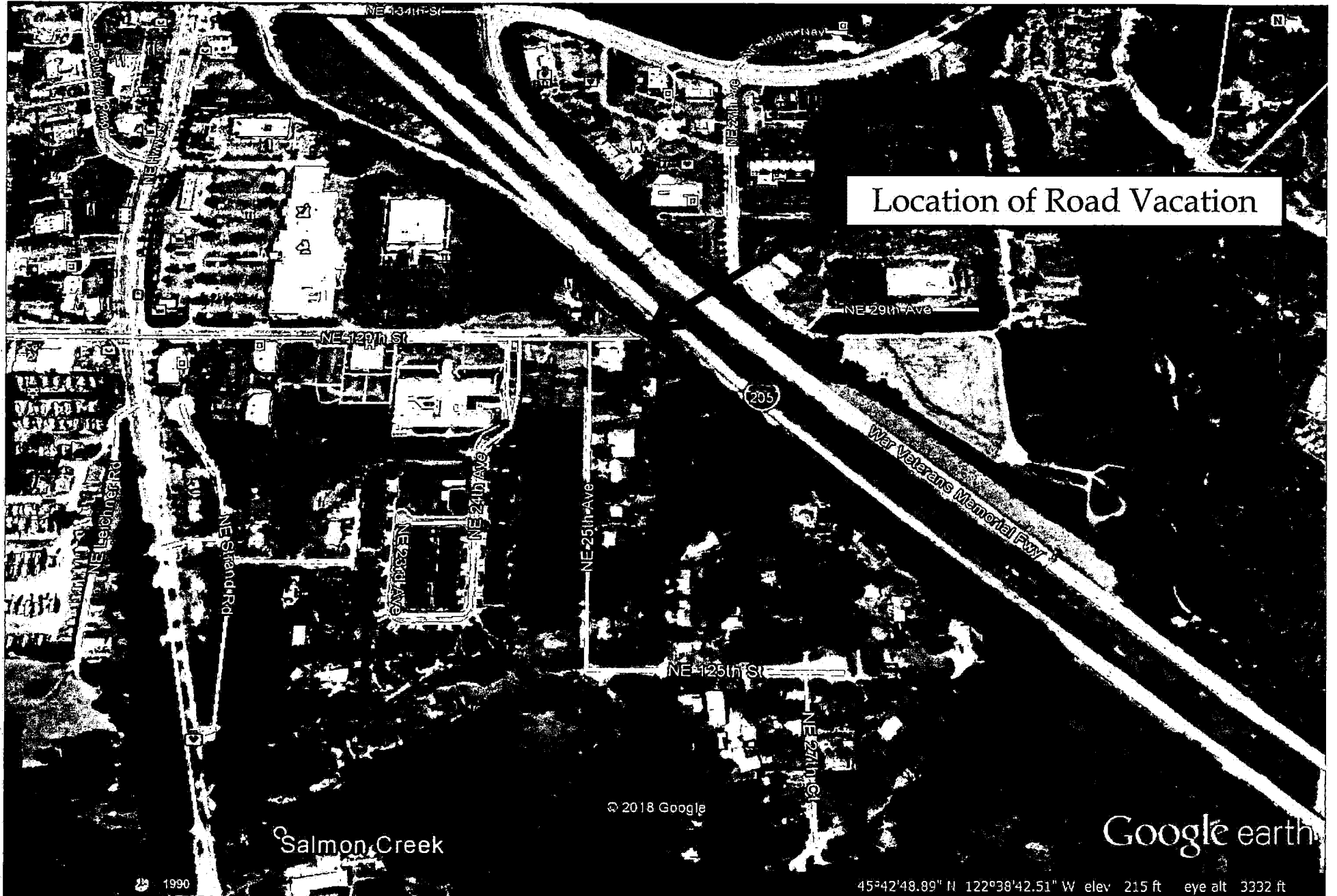
Historical Overview

NE 129th Street



- œ On October 4th, 1921, this road was established as Montague Road as a 30-foot wide road under an Order of Establishment found in Road Book 8, Page 201.
- œ The construction of I-205 truncated NE 129th Street east and west of the new interstate highway which severed traffic connectivity.
- œ Washington State Department of Transportation (WSDOT) acquired additional right of way for the construction of the cul-de-sac.
- œ In 1969, WSDOT deeded the additional right-of-way back to the County through a Turn-back agreement..

NE 129th Street



Location of Road Vacation

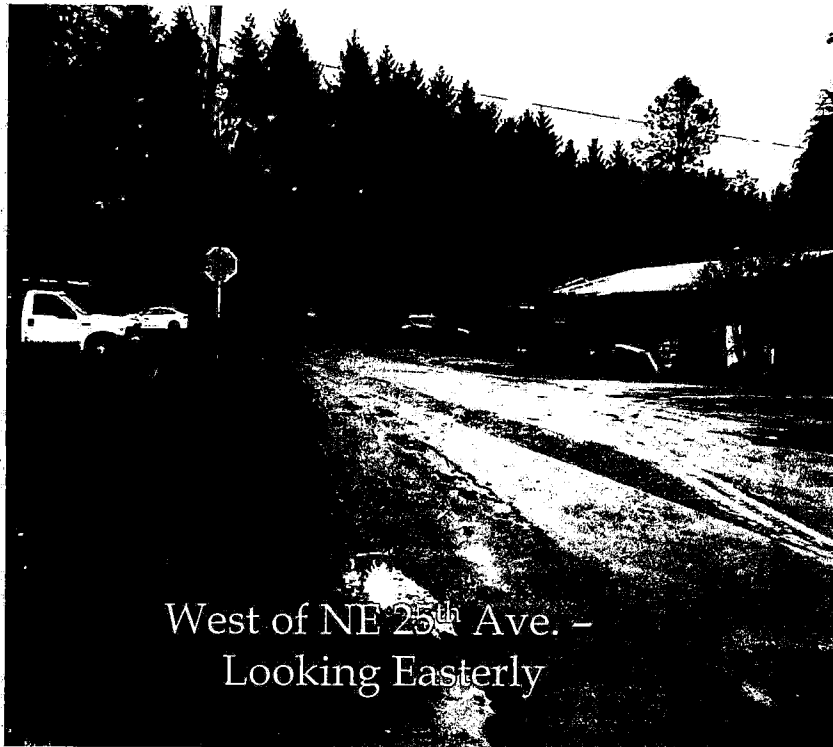
Salmon Creek

Google earth

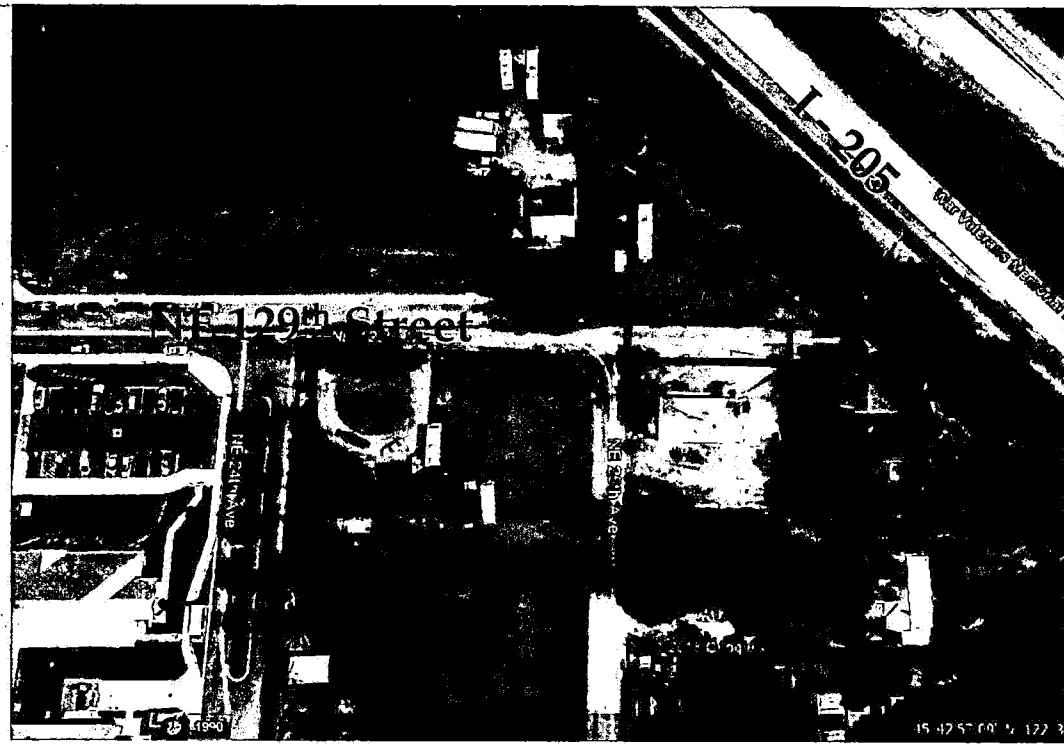
© 2018 Google

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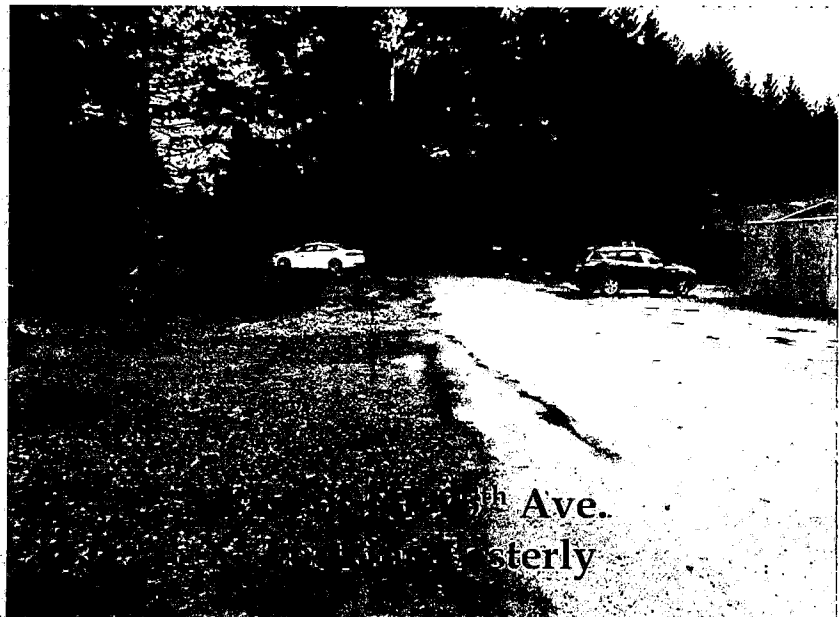
45°42'48.89" N 122°38'42.51" W elev 215 ft eye alt 3332 ft



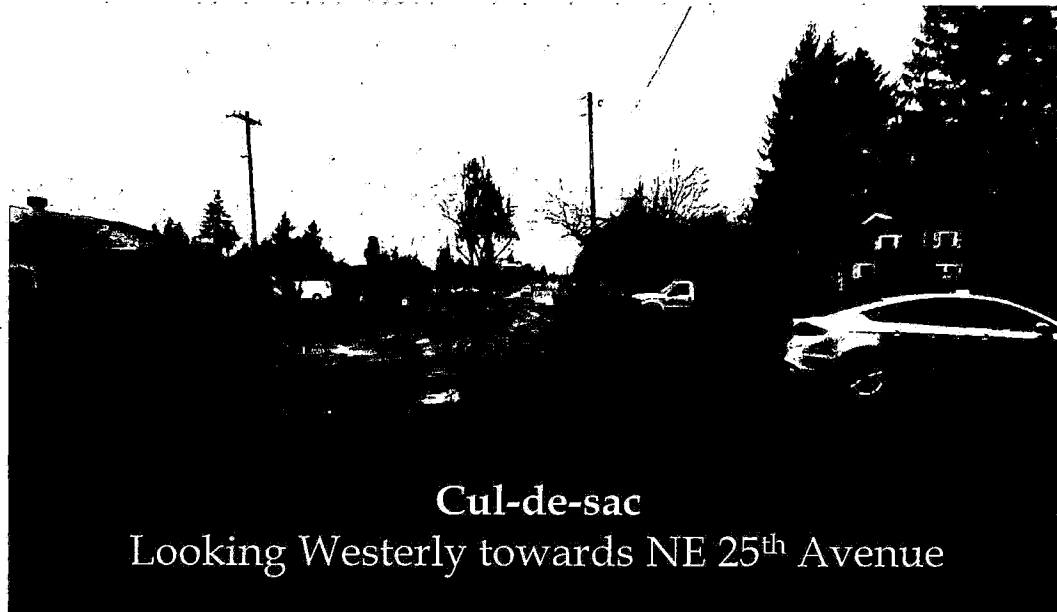
West of NE 25th Ave. -
Looking Easterly



NE 129th Street



NE 25th Ave.
Looking Easterly

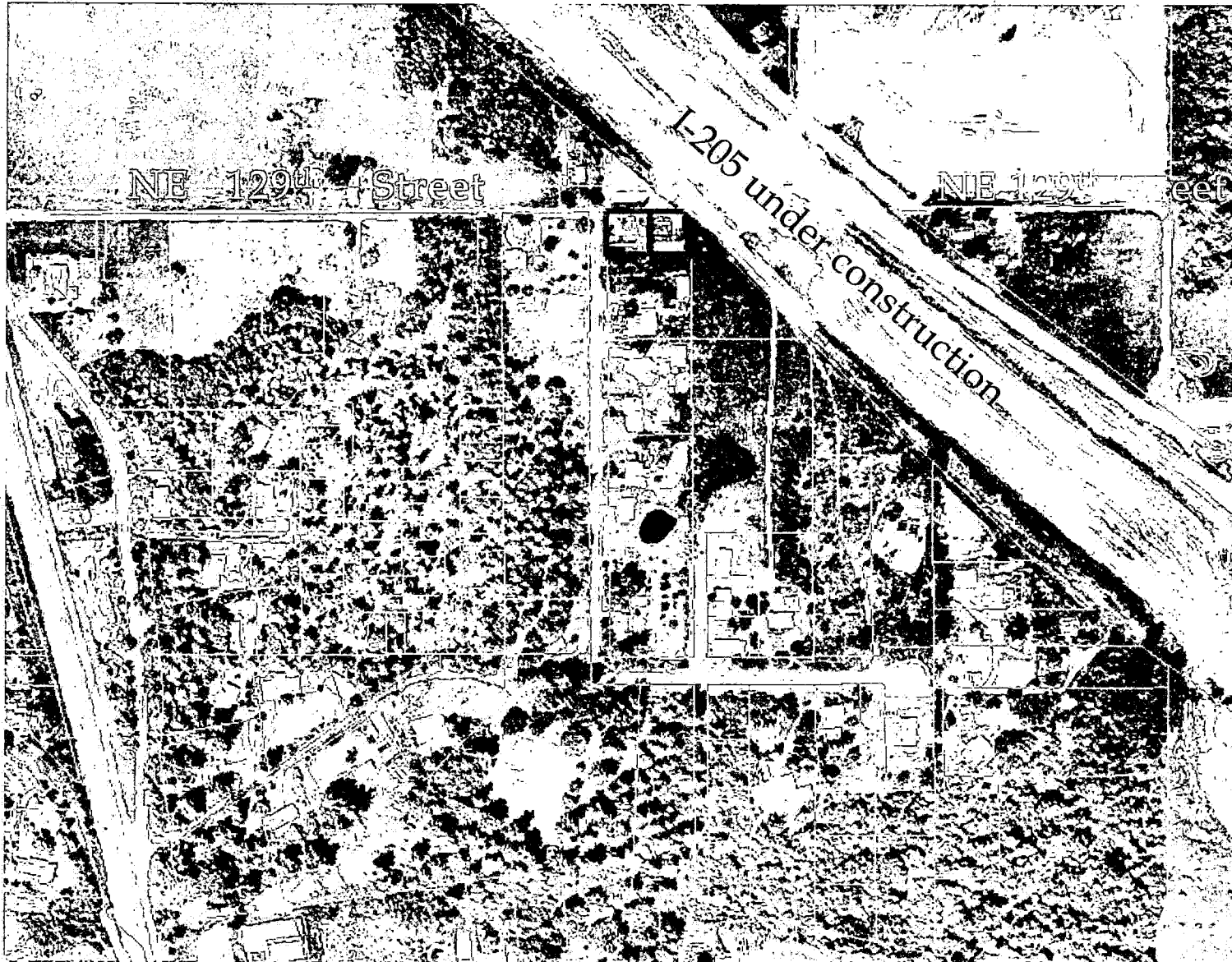


Cul-de-sac
Looking Westerly towards NE 25th Avenue

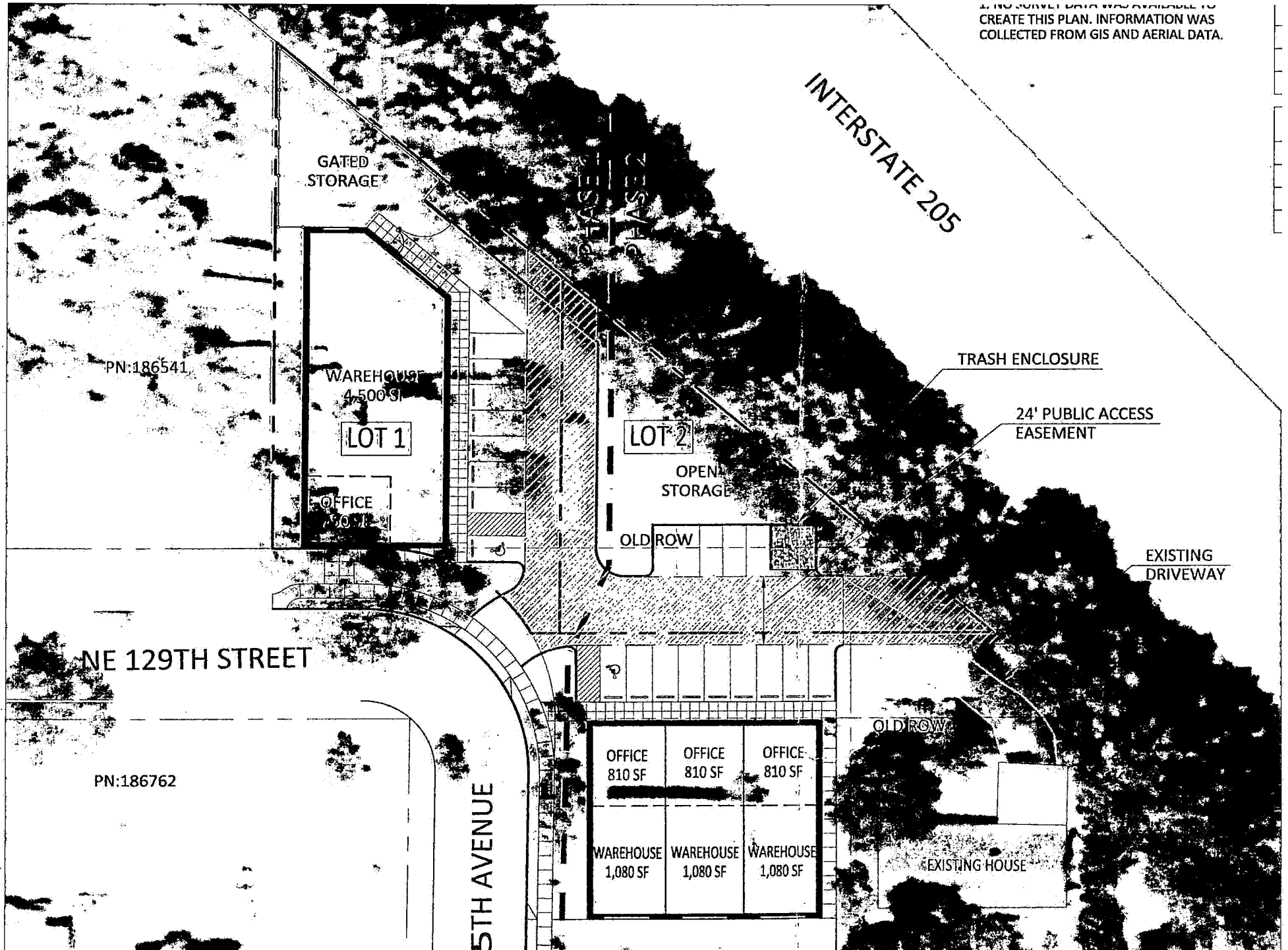
1955 NE 129th Street



1974 NE 129th Street



1. NO SURVEY DATA WAS AVAILABLE TO
CREATE THIS PLAN. INFORMATION WAS
COLLECTED FROM GIS AND AERIAL DATA.



Why Vacate NE 129th Street ?



- ∞ NE 129th Street has never been included in the 6-year Transportation Improvement Plan (TIP) and there are no plans to develop this road section.
- ∞ NE 129th Street is no longer needed to meet traffic circulation needs.
- ∞ There are no long range transportation plans for connectivity.

Staff supports the Road Vacation with the following conditions:



- ∞ An easement to be reserved for all existing utilities.
- ∞ Road maintenance agreement be recorded with all effected property owners prior to the Final Road Vacation.
- ∞ That the petitioners pay the appraised value of \$30,588
- ∞ That the petitioners pay all administrative costs and expenses.



☞ Action of the Board

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