

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Public Works/ Real Property Services

**DATE:** March 24, 2015

**REQUESTED ACTION:** Accept and approve the Engineer's Report, and Preliminary Order to Vacate a portion of NE 13<sup>th</sup> Avenue located between NE 78<sup>th</sup> Street and NE 88<sup>th</sup> Street, Section 2, T2N, R1E, WM. Work Order Number 11354

**SR Number:**

**FOR APPROVAL BY:** \_\_\_ BOCC \_\_\_ COUNTY MANAGER \_\_\_X\_\_\_ HEARING

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## **PUBLIC WORKS GOALS:**

- Provide safe and efficient transportation systems in Clark County
- Create and maintain a vibrant system of parks, trails and green spaces
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a healthy, desirable quality of life
- Increase partnerships and foster an engaged, informed community
- Cultivate a nimble, responsive work force
- Make Public Works a great place to work

## **BACKGROUND**

Kess Romano has filed a petition for the vacation of a portion of NE 13th Avenue lying between NE 78th Street and NE 88th Street located in Section 2, T2N, R1E, WM. (Parcel # 145515-000) The County purchased this parcel in 1968 for the Padden Expressway. In 1993, the County sold this parcel retaining a 40-foot half-width right-of-way. The applicant is requesting to reduce the existing right of way from 40 feet wide to 30 feet as a plat condition for the Creekwood I Subdivision. This road vacation obligates Public Works to abide with Federal Granting regulations which requires the proceeds from this sale to be returned to the County Road Fund. Staff is recommending the petitioner to compensate the County at the assessed value which is \$3.00 per square foot. The area is approximately 1,320 square feet or 0.03 acres.

## **ADMINISTRATIVE POLICY IMPLICATIONS**

None

## **COUNCIL POLICY IMPLICATIONS**

None

## **PREVIOUS REVIEWS AND ACTIONS**

On February 17, 2015, BOCC ordered the County Engineer under Resolution 2015-02-07 to examination the road vacation petition.

## **COMMUNITY OUTREACH**

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



PW 15-018

**BUDGET IMPLICATIONS**

Check one.

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.


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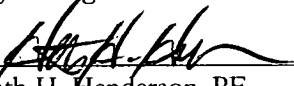
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**DISTRIBUTION OF COUNTY MANAGER STAFF REPORTS:**

Public Works Administration – Anita Temme

**PUBLIC WORKS APPROVALS:**

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

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

Attachments:  
Notice of Hearing, Engineer's Report, Preliminary Order to Vacate, Maps.

CC: Laura Henry Slye, Ali Safayi, Carolyn Heniges, Sue Stephan, Greg Shafer

APPROVED: March 24, 2015  
CLARK COUNTY, WASHINGTON  
BOARD OF COUNTY COUNCILORS

DATE: 3/25/15

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

IN THE MATTER OF THE RESOLUTION )  
OF )  
THE BOARD OF COUNTY COMMISSIONERS )  
FOR )  
THE VACATION OF A COUNTY ROAD )  
 )  
KNOWN AS A portion of NE 13<sup>th</sup> Avenue between )  
NE 78<sup>th</sup> St. and NE 88<sup>th</sup> St. )

ENGINEER'S REPORT

I, THE UNDERSIGNED, COUNTY ENGINEER OF CLARK COUNTY, WASHINGTON, duly directed by the Board of County Councilors of said County on the 17<sup>th</sup> day of February, 2015, by Resolution No. 2015-02-07 to make an examination of a portion of road sought to be vacated in the Resolution of the Board of County Councilors, did on the 24<sup>st</sup> day of March, 2015, examine the portion of road proposed to be vacated in said petition, and report as follows:

FIRST:

Said portion of road is located within the SW Quarter of Section 02, T2 N, R 1E, W.M.

SECOND:

Said road was established as Stockford Road under Book 5 of Roads, Page 231 as a 30 foot road being 15 feet half width.

THIRD:

In 1968, Clark County purchased parcel #145515-000 for the Padden Expressway and in 1993, sold this parcel under AF# 9306210310 retaining a 40 foot wide half width right of way.

FOURTH:

NE 13<sup>th</sup> Avenue is designated as a Collector Road (C-2) in the arterial atlas. The road vacation will result in a 30 foot half-width right-of-way which conforms to the current road standards.

FIFTH:

The 10 foot in width road vacation is a condition of approval for the Creekwood I Subdivision.

SIXTH:

That an easement for all existing utilities including the right of ingress and egress shall be held by Clark County. Easements shall remain in effects until at such time the petitioners records easements with all impacted utilities.

SEVENTH:

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

EIGHTH:

Petitioner to compensate County the value of the land being vacated at \$3,960.00.

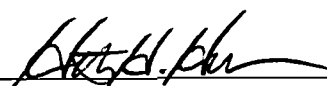
NINTH:

That the petitioner pays all administrative costs and expenses.

TENTH

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

DATED this 10<sup>TH</sup> day of MARCH, 2015.

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

STATE OF WASHINGTON

County of Clark

In the matter of the Petition by  
Kess Romano

RV 15-15

For the vacation of a County Road known  
as a constructed portion of NE 13<sup>th</sup> Avenue  
lying between NE 78<sup>th</sup> Street and NE 88<sup>th</sup> Street

PRELIMINARY  
ORDER  
VACATING  
COUNTY ROAD

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

FIRST: That the petition therefore was filed on the 22<sup>nd</sup> day of January, 2015, 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 \$1000.00, which said check was found to be good and sufficient, and was duly approved by the Director of Public Works on the 26<sup>th</sup> day of January, 2015.

THIRD: That on the 17<sup>th</sup> day of February, 2015, the County Engineer was duly directed to examine said road and make a report in writing on the same.

FOURTH: That on the 10<sup>th</sup> day of March, 2015, the County Engineer filed in the office of the Board his report in writing, as provided by law.

FIFTH: That by an order duly passed by this Board on the 17<sup>th</sup> day of February, 2015, the 24<sup>th</sup> day of March, 2015, was set for hearing the report of the Engineer, and the consideration thereof, and 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:

- That said portion of road was established as Stockford Road in Book 5 of Roads, Page 231 as a 30 foot width being 15 feet on each side of centerline.
- In 1986 the County purchased parcel #145515-000 for the Padden Expressway and in 1993, sold this parcel under AF# 9306210310 retaining a 40 foot wide half width right-of-way.

- That NE 13<sup>th</sup> Avenue is designated as a Collector (C-2) in the arterial atlas and that the partial road vacation will result in a 30 foot half-width right-of-way which conforms to the current road standards.
- That the 10 foot width to be vacated is a condition of approval for the Creekwood I Subdivision.

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

EIGHTH: That Clark County shall retain an easement for all existing utilities, including ingress and egress, until such time the petitioners provides easements or makes provisions satisfactory to the impacted utilities.

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

TENTH: That \$3,960.00 in compensation for the value of the land being vacated be required

ELEVETH: That the Petitioner pays all administrative costs and expenses.

The Board 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 Board 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 BOARD, that the county road petitioned to be vacated by Kess Romano, 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 10 foot wide strip of land located in the Southwest quarter of Section 2, Township 2 North, Range 1 East, of the W.M. lying in Lot 1 in the John Hokanson Estate as determined in Book 3 of Judgments, Page 29, records of Clark County, in a portion of the William Kelly Donation Land Claim in Clark County Washington described as follows:

Commencing at the Southwest corner of said Southwest Quarter of Section 2; Thence, South 89°07'49" East along the South line of said Southwest Quarter of Section 2, a distance of 738.10 feet; Thence, North 00°52'11" East 1218.86 feet to a point in the centerline of NE 13th Avenue which is the Southwest corner of that tract conveyed by deed to Clark County recorded under Auditor's File No. G517114, records of Clark County; Thence, South 88°15'09" East along the South line of said tract 30.00 feet to the TRUE POINT OF BEGINNING; Thence, North 01°44'51" East parallel with the centerline of said NE 13th Avenue 132 feet to the North line of said Clark County tract; Thence, South 88°15' 09" East along said North line 10.00 feet to the Northwest corner of that tract conveyed by deed to

Todd Francis recorded under Auditor's File No. 9306210310 records of Clark County; Thence, South 01°44'51" West along the West line of said tract 132.00 feet to the Southwest corner of said tract, said point being on the South line of said Clark County tract; Thence, North 88°15'09" West along the South line of said Clark County tract 10.00 feet to the TRUE POINT OF BEGINNING. Containing 1320 square feet.

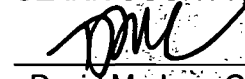
An easement for all existing utilities, including the right of ingress and egress, to be retained by Clark County. Easements shall remain in effect until at such time the petitioners records easements with all impacted utilities.

DONE THIS 24<sup>th</sup> DAY OF March, 2015.

ATTEST:

  
Clerk of the Board

BOARD OF COUNTY COUNCIL  
CLARK COUNTY, WASHINGTON

  
David Madore, Chair

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Tom Mielke, Council

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Jeanne Stewart, Council

# Public Hearing

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Partial Road Vacation for  
NE 13<sup>th</sup> Avenue  
Creekwood 1 Subdivision

March 25, 2015

# History Overview of NE 13<sup>th</sup> Avenue



- ∞ 1904 - Board of County Commissioners creates a 30-ft wide road as *Stockford Road* by Order of Establishment . (15 feet half width).
- ∞ 1968 – Clark County purchases parcel #145515-000 for the Padden Expressway.
- ∞ 1993 - County sold subject parcel and retained a 40 foot half width right-of-way.
- ∞ 2015 – Reducing existing right-of-way to 30 ft. half width is a condition of approval for the Creekwood 1 Subdivision.



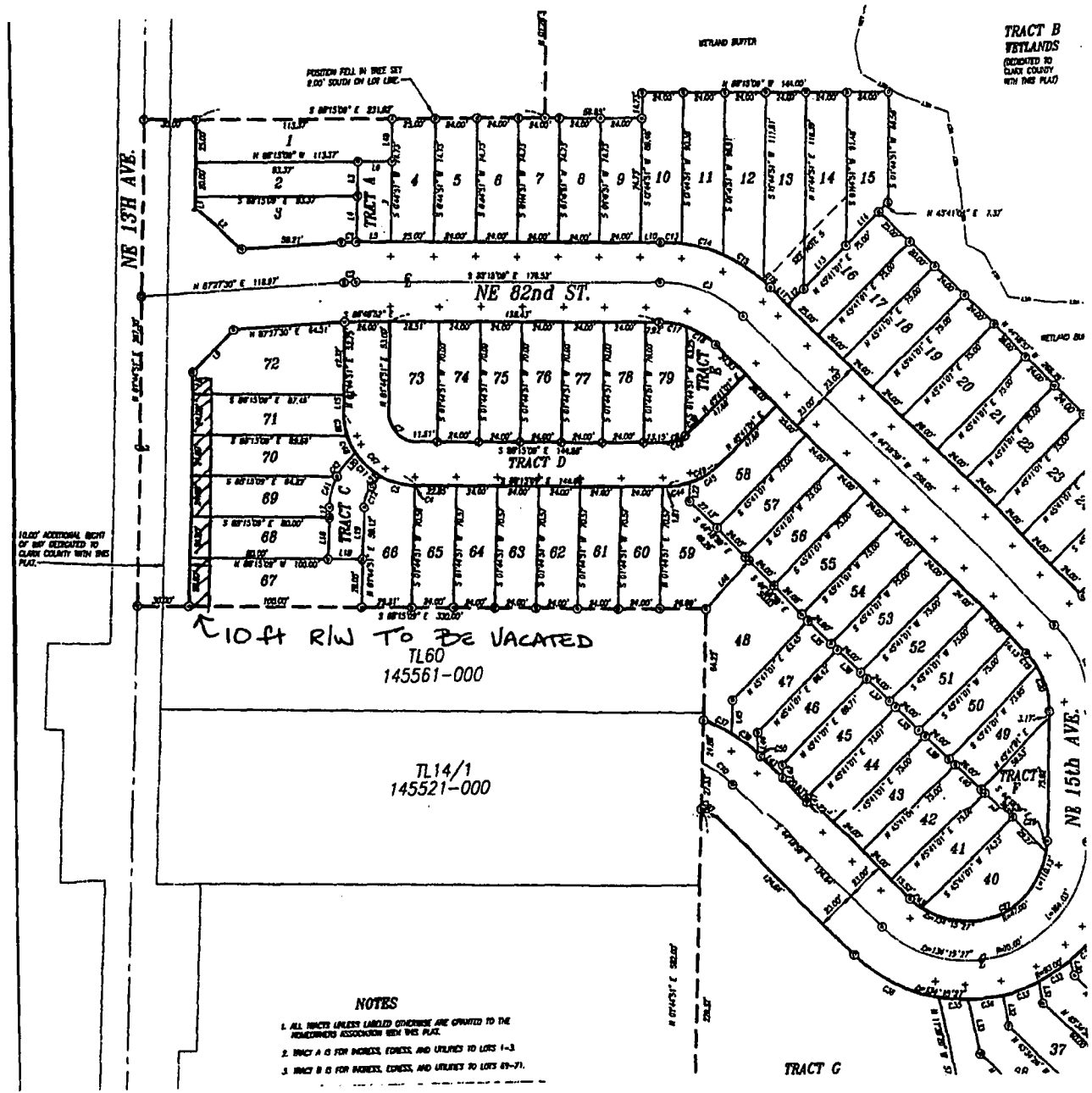
# NE 13<sup>th</sup> Avenue



- œ Petitioner – Kess Romano
- œ Right-of-way 1,320 s.f. or 0.03 acres
- œ Location – Hazel Dell Neighborhood
- œ Transportation – Agree to vacate.
- œ Long Range Planning – Agree to vacate.
- œ Local agencies and schools – Agree to vacate.



# CREEKWOOD 1 – PROPOSED SUBDIVISION



TRACT B  
WETLANDS  
DEDICATED TO  
CLARK COUNTY  
WITH THIS PLAT

10.00' ADDITIONAL RIGHT  
OF WAY DEDICATED TO  
CLARK COUNTY WITH THIS  
PLAT.

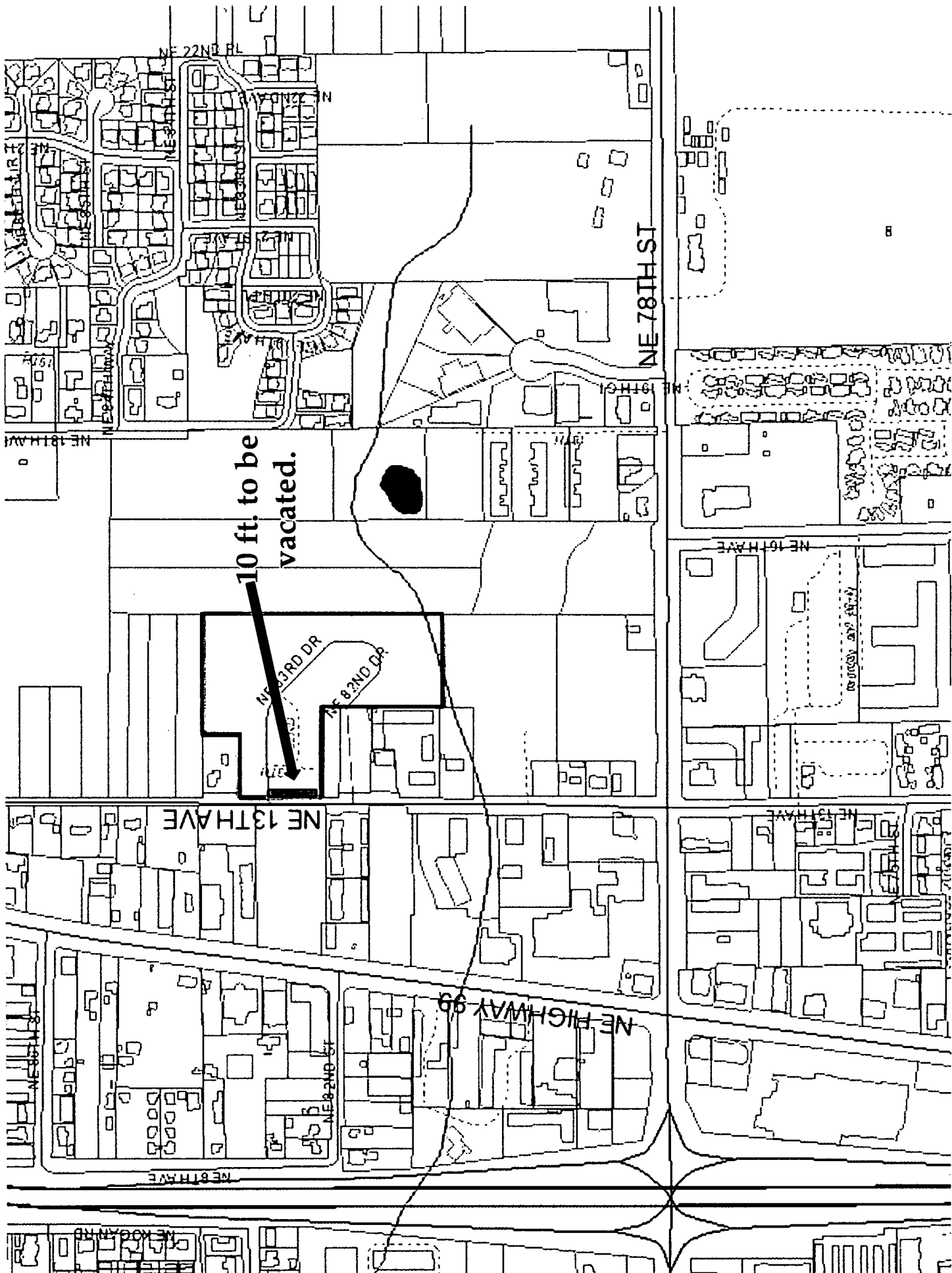
10ft RIW TO BE VACATED  
TL60  
145561-000

TL14/1  
145521-000

**NOTES**

1. ALL RIGHTS UNLESS LARGED OTHERWISE ARE GRANTED TO THE HOMEOWNERS ASSOCIATION WITH THIS PLAT.
2. TRACT A IS FOR ACCESS, EGRESS, AND UTILITIES TO LOTS 1-3.
3. TRACT B IS FOR ACCESS, EGRESS, AND UTILITIES TO LOTS 61-71.

TRACT G



10 ft. to be vacated.

NE 22ND BL

NE 19TH AVE

NE 78TH ST

NE 3RD DR

NE 82ND DR

NE 16TH AVE

NE 13TH AVE

NE 13TH AVE

NE HIGHWAY 99

NE 8TH AVE

NE 82ND ST

NE 80TH ST

8



## ∞ Action of the Board

- ∞ Approve and accept Engineer's Report and Preliminary Order to Vacating County Road