

IN THE MATTER OF THE RESOLUTION )  
OF )  
THE BOARD OF COUNTY COUNCILORS )  
FOR )  
THE VACATION OF A COUNTY ROAD )  
 )  
KNOWN AS A portion of Lower River Road )  
Formally known as SR 501, )  
located in Sections 12, 13, & 24, T3N, R1W, WM. )

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 16<sup>th</sup> day of August, 2016, by Resolution No. 2016-08-02 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 12th day of September, 2016, 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 12, 13 and 24, T3N, R1W, WM.

SECOND:

The historical overview of Lower River Road is as follows:

- The County originally acquired this road by Order of Establishment January 15, 1859, by the Board of County Commissioners. (Road Book 1, Page 55)
- March 6, 1928, Clark County re-established Lower River at 40 feet wide under Order of Establishment by Board of County Commissioners. (Road Book 9, page 70)
- 1953 - 1954, Clark County improved Lower River Road and constructed the dike under CRP #53-36. Public Works purchased additional right-of-way (150 ft. wide) with reversionary rights.
- In 1964, Washington State Department of Transportation (WSDOT) took ownership of this road.
- In July 2013 and February 2016, WSDOT deeded this road back to Clark County.

THIRD:

Public Works initiated this road vacation and is the primary petitioner. Adjacent property owners New Columbia Garden Company Inc. (Fazio Property) and RAA 2010 LCC (Andersen Property) requested and have supported the County's petition to abandon the public's interest.

FOURTH:

Lower River Road is a two-lane road with sections falling into the Columbia River as a result of scour and erosion. WSDOT and Clark County have evaluated the short term and long term costs and cannot justify the expenditure of public dollars on failing infrastructure. The actual maintenance costs far outweigh the benefit to the public. Clark County has no plans to restore the dike/road.

FIFTH:

Before WSDOT deeded Lower River Road to the back to Clark County in 2013 and 2016, WSDOT crews installed a gate across the road. The road vacation request is from the gated location northerly to its terminus at the Ridgefield National Wildlife Refuge.

SIXTH:

This section of road serves mainly two property owners New Columbia Garden Company Inc. (Fazio Property) and RAA 2010 LCC (Andersen Property) who have historically used their property for agricultural purposes growing various crops and cattle pasturing.

EIGHTH

The current failure of the road/dike will ultimately flood private property. Presently, the adjacent owners are investing in an alternate land use which will be compatible with possible flooding of their property.

SEVENTH:

There are no long range transportation plans for connectivity due to the Ridgefield National Wildlife Refuge to the north and the environmental sensitivity of this area.

EIGHTH

If approved, that an easement for all utilities, including the right of ingress and egress shall be held by Clark County,

NINTH

If approved, that an easement for the Vancouver Public School District retains access rights as long as there is a public need. Should the residence/homes be removed, the access rights shall terminate.

TENTH

If approved, that an easement for the Discovery Clean Water Alliance (Alliance) from New Columbia Garden Company Inc. and RAA 2010 LCC, including the right of ingress and egress for operational and maintenance needs, and future capital construction related to existing and proposed Alliance infrastructure shall be filed with the County Auditor's prior to the Final Road Vacation.

ELEVENTH

If approved, a private road maintenance agreement between New Columbia Garden Company Inc. (Fazio Property) and RAA 2010 LCC (Andersen Property) and the Discovery Clean Water Alliance shall be required and filed with the County Auditor's prior to the Final Road Vacation.

TWELVETH

If approved, that an easement will be reserved to the U.S. Fish and Wildlife Service for access rights (ingress and egress) to the Ridgefield National Wildlife Refuge and to the Washington Fish and Wildlife Department for purposes ingress and egress for the continuing monitoring and surveying of wildlife in the area and for law enforcement of recreational activities related with its Shillapoo Wildlife Area.

THIRTEENTH

That the road be vacated in favor of the true property owners.

FOURTHEENTH

And, that the public will be benefited by the vacation through the reduction of maintenance requirements and liability.

DATED this 15<sup>th</sup> day of September, 2016.

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

STATE OF WASHINGTON

County of Clark

In the matter of the Petition by  
Clark County Public Works

PRELIMINARY

ORDER

VACATING

COUNTY ROAD

For the vacation of Lower River Road  
Located in Sections 12, 13, and 24,  
Township 3 North, Range 1 West, WM.

IN THE MATTER OF THE VACATION OF A COUNTY ROAD petitioned by Clark County Public Works, the Board of County Councilors finds as follows:

FIRST: That Public Works staff initiated this road vacation on the 18<sup>th</sup> day of July, 2016 and is the primary petitioner. Adjacent property owners New Columbia Garden Company Inc. (Fazio Property) and RAA 2010 LCC (Andersen Property) have supported the County's petition to abandon the public's interest.

SECOND: That on the 16<sup>th</sup> day of August, 2016, the County Engineer was duly directed to examine said road under Resolution 2016-08-02 and make a report in writing on the same.

THIRD: That on the 12<sup>th</sup> day of September, 2016, the County Engineer filed in the office of the Board his report in writing, as provided by law.

FOURTH: That by an order duly passed by this Board on the 7<sup>th</sup> day of September, 2016, and the 14<sup>th</sup> day of September, 2016, 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.

FIFTH: That said report of the County Engineer states the following:

- Said portion of road is located within Sections 12, 13, and 24, T3N, R1W, WM.
- The County originally acquired this road by Order of Establishment January 15, 1859, by the Board of County Commissioners. (Road Book 1, Page 55)
- March 6, 1928, Clark County re-established Lower River at 40 feet wide under Order of Establishment by the Board of County Commissioners. (Road Book 9, page 70)
- 1953-1954, Clark County improved Lower River Road and constructed the dike under CRP #53-36. Public Works purchased additional right-of-way (150 ft. wide) with reversionary rights.
- In 1964, Washington State Department of Transportation (WSDOT) took ownership of this road.
- In July 2013 and February 2016, WSDOT deeded this road back to Clark County.

- That an easement for all utilities, including the right of ingress and egress shall be held by Clark County.
- That an easement for the Vancouver Public School District shall retain access rights as long as there is a public need. Should the residence/homes be removed, the access rights shall terminate.
- That an easement for the Discovery Clean Water Alliance from New Columbia Garden Company Inc. (Fazio Property) and RAA 2010 LCC (Andersen Property) including the right of ingress and egress for operational and maintenance needs, and the right of expansion and future construction of their wastewater treatment facility shall be filed with the County Auditor's prior to the Final Road Vacation.
- That a private road maintenance agreement between New Columbia Garden Company Inc. (Fazio Property) and RAA 2010 LCC (Andersen Property) and the Discovery Clean Water Alliance shall be required and filed with the County Auditor's prior to the Final Road Vacation.
- That an easement will be reserved to U.S. Fish and Wildlife Service for access rights (ingress and egress) to the Ridgefield National Wildlife Refuge and to the Washington Fish and Wildlife Department for purposes ingress and egress for the continuing monitoring and surveying of wildlife in the area and for law enforcement of recreational activities.
- That the public will be benefited by its vacation.
- That the road petitioned to be vacated be vacated to the true property owners.

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 road, and the Board being satisfied that said road 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's Road Vacation petitioned, be vacated upon all conditions being met before the filing of a Final Order of Vacation; and the County Engineer is directed to make a statement in writing that all conditions have been met.

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

A 150.00 foot strip of land lying in Government Lots 1, 2, 3, and 4, Section 24, a portion of the J. Dillon Donation Land Claim lying in the Northwest quarter of Section 24 and the west half of Section 13, and a portion of the J.B. Knapp Donation Land Claim lying in the West half of Section 12, all in Township 3 North, Range 1 West, Willamette Meridian, Clark County, Washington as conveyed to Clark County, a political subdivision of the State of Washington, in deeds recorded under Auditor's file number 4999641 D and 5257249 D described as follows:

Those portions of the area designated for transfer to Clark County, as shown on Sheets 10, 11 and 12 of 14, SR501, Fruit Valley Road to Campbell Lake, accepted pursuant to legislative act on March 6, 1964, now of record and on file in the office of the Secretary of Transportation at Olympia, being a strip of land 150 feet wide, measuring 100 feet Westerly of and 50 feet Easterly of SR501 centerline as depicted on said SR501 to Campbell Lake Engineering plans, being from Engineers station 0+00 to 140+08.6.

Subject to all existing encumbrances, including easements, restrictions and reservations of record.

DONE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ATTEST:

BOARD OF COUNTY COUNCIL  
CLARK COUNTY, WASHINGTON

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Marc Boldt, Chair

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

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

\_\_\_\_\_  
David Madore, Councilor

\_\_\_\_\_  
Tom Mielke, Councilor

# Public Hearing



Partial Road Vacation for a portion  
of Lower River Road formally  
known as S.R. 501  
Secs. 12, 13, & 24, T. 3 N., R. 2 W.

September 20, 2016

# Historical Overview

## Lower River Road

- œ The County originally acquired this road by Order of Establishment January 15, 1859, by the Board of County Commissioners. (Road Book 1, Page 55)
- œ March 6, 1928, Clark County re-established Lower River at 40 feet wide under Order of Establishment by Board of County Commissioners. (Road Book 9, page 70)
- œ 1953 - 1954, Clark County improved Lower River Road and constructed the dike under CRP# 53-36. Public works purchased additional right-of-way (150 ft. wide) with reversionary rights.
- œ In 1964, Washington State Department of Transportation (WSDOT) took ownership of this road.
- œ In July 2013 and February 2016, WSDOT deeded this road back to Clark County.

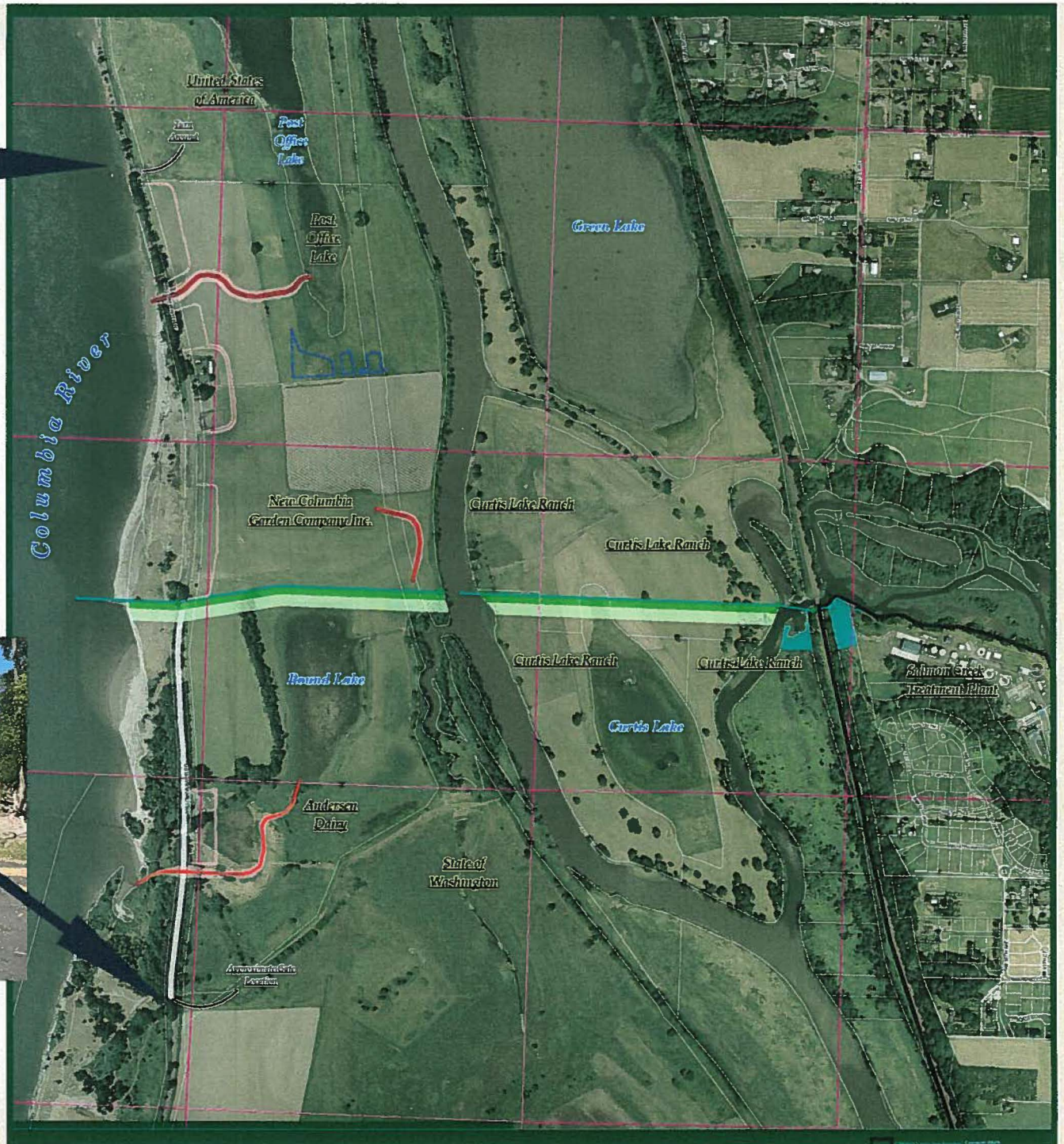


# Why to vacate Lower River Road



- ❧ Public Works initiated this road vacation. Adjacent property owners New Columbia Garden Company Inc. (Fazio Property) and RAA 2010 LCC (Andersen Property) support the County's petition to abandon the public's interest.
- ❧ This road serves mainly two property owners (Fazio/Andersen) who have historically used their property for agricultural purposes growing various crops and cattle pasturing.
- ❧ Sections of Lower River Road are falling into the Columbia River as a result of scour and erosion.
- ❧ The current failure of the road/dike will ultimately flood private property. Presently, the adjacent owners are investing in an alternate land use which will be compatible with possible flooding of their property.
- ❧ WSDOT and Clark County cannot justify the expenditure of public dollars on failing infrastructure.
- ❧ There are no long range transportation plans for connectivity due to the Wildlife Refuge to the north and the environmental sensitivity of this area.
- ❧ Zoning – Agriculture, Wildlife and Parks

End road vacation  
Engineer's Sta. 141+50  
At end of road



Begin road vacation  
Engineer's Sta. 0+00  
At the Gate

Public Works supports the vacation with conditions to ensure public interests are addressed as follows:



- ⌘ An easement to be reserved for all utilities.
- ⌘ Vancouver Public School District retains access rights as long as there is a public need.
- ⌘ An access easement for the Discovery Clean Water Alliance from New Columbia Garden Company Inc. (Fazio Property) and RAA 2010 LCC (Andersen Property) and temporary construction easements to construct a future outfall pipeline.
- ⌘ That an easement will be reserved to Washington Fish and Wildlife Department for purposes ingress and egress for the continuing monitoring and surveying of wildlife in the area and for law enforcement of recreational activities.



## ∞ Action of the Board

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