

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works

DATE: August 20, 2019

REQUESTED ACTION: Approve the County Engineer's Report and Preliminary Order to vacate a portion of Northeast 35th Avenue north of Northeast Salmon Creek Avenue. Work Order No. 014014.

Consent Hearing County Manager

BACKGROUND

A public hearing was held on April 16, 2019 regarding the vacation of the portion of Northeast 35th Avenue north of Northeast Salmon Creek Avenue and 200 feet south of Northeast 143rd Street. The Council ordered a continuation of the public hearing and directed staff to reexamine the petitioner's request.

Council indicated they would not support traffic being circulated through the neighborhood north of the proposed apartment complex. A revised site plan was submitted which directed traffic generated by the future apartment complex southerly to NE Salmon Creek Avenue. The change resulted in the proposed vacation to be increased from 19,311 sf to 25,432 sf.

Clark County acquired this road through the Board of County Commissioners' Order of Establishment on July 1, 1938. The area proposed to be vacated is zoned Office Residential-30 (OR-30) and University (U).

State and Federal regulations require that the proceeds from this road vacation be returned to the County Road Fund. Staff is recommending petitioners compensate the County \$50,000 for value of the land.

COUNCIL POLICY IMPLICATIONS

None.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

Notices were resent to the affected property owners. Signs were reposted 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.

PW19-102

BUDGET DETAILS

Local Fund Dollar Amount	N/A
Grant Fund Dollar Amount	N/A
Account	N/A
Company Name	White and WSU petitioners

DISTRIBUTION:

Council staff will post all staff reports to the county website, www.clark.wa.gov/council-meetings.

Please notify Real Property Services of the council's action by calling Paulette Matison, ext. 4975.

Attachments: Engineer's Report, Preliminary Order to Vacate, Power Point

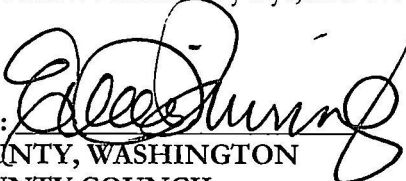


Tom Grange, PE
Engineering & Construction Division Manager



Ahmad Qayoumi, PE
Public Works Director/County Engineer

Primary Staff Contact: Laura Henry Slye, Ext. 4777

APPROVED: 

CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: Aug. 20, 2019

SR# _____



APPROVED: _____
Shawn Hennessee, County Manager

DATE: _____

NOTICE OF HEARING

The Clark County Council will hold a public hearing on Tuesday, August 20, 2019, at 6:00 pm which is a continuation from the public hearing held on the 16th day of April, 2019. The location is to be held in the Hearing Room, 6th floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. The Clark County Council is to consider the County Engineer's Report on the advisability of a partial road vacation on a portion of Northeast 35th Avenue lying northerly of Northeast Salmon Creek Avenue.

Legal Description

All that portion of NE 35th Avenue lying in the southwest quarter of Section 24, Township 3 North, Range 1 East, Willamette Meridian, Clark County Washington, created as the Maya-Jones Road by Order of Establishment on May 1, 1938, recorded in Road Book 10 Pages 445-448, records of Clark County Surveyor's Office, as a 60 foot right of way, lying 30 feet on each side of the following described centerline:

Commencing at the Northeast corner of the Plat of Avalon Meadows, recorded in Book J of Plats at Page 13, records of Clark County Auditor's Office, being also the centerline of NE 35th Avenue; Thence, along the east line of said Plat, South $1^{\circ} 39' 19''$ West 221.09 feet; Thence, along a curve to the left having a 716.20 feet radius and a central angle of $8^{\circ} 44' 03''$ an arc distance of 109.18' to a point on the easterly prolongation of the south line of said plat, being also TRUE POINT OF BEGINNING;

Thence, continuing along said curve to the left through a central angle of $13^{\circ} 32' 06''$ an arc distance of 169.19 feet; Thence, South $20^{\circ} 36' 36''$ East for a distance of 103.20 feet;

Thence along a curve to the right having a 409.26 foot radius, a central angle of $21^{\circ} 22' 30''$ an arc distance of 152.68 feet, more or less, to its intersection with the southerly continuation of the northerly right of way line of Salmon Creek Avenue, and the terminus of this description.

The easterly and westerly right of way lines of said NE 35th Avenue shall be shortened and continued, respectively to terminate at the northerly right of way line of said Salmon Creek Avenue on the south end and at the south line of Avalon Meadows plat on the north end.

Containing approximately 25,423 square feet.

Clark County shall reserve an easement for all existing utilities.

More information concerning this matter may be obtained from Clark County Public Works, 1300 Franklin Street, Vancouver, Washington. Contact Laura Henry Siye (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 014014

CLARK COUNTY COUNCIL



Clerk of the Council

Approved as to Form Only:
Prosecuting Attorney

By 

William Richardson
Deputy Prosecutor

Please publish: Aug. 7, 2019 and Aug. 14, 2019

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 NE 35th Avenue)
lying northerly of NE Salmon Creek Avenue)
)

ENGINEER'S REPORT

I, THE UNDERSIGNED, COUNTY ENGINEER OF CLARK COUNTY, WASHINGTON, duly directed by Council of said County on the 26th day of February, 2019, by Resolution No. 2019-02-14 to make an examination of a portion of road sought to be vacated in the Resolution of the Clark County Council, did on the 20th day of March, 2019. During the April 16, 2019, public hearing Clark County Council tabled their decision and directed staff to further examine the road vacation request. My examination of the portion of road proposed to be vacated in said petition and at the direction of the Clark County Council report as follows:

FIRST:

Said portion of road is located within the SW Quarter of Section 24, T3N, R1E, WM.

SECOND:

This road was originally created as Maya-Jones Road by Order of Establishment on May 23, 1938 as found in Road Book 10, Page 448.

THIRD:

Said road has existing improvements consisting of a 14-foot wide paved surface, sanitary sewer, storm drains, ditches, and related facilities, water mains and other utilities which all serve the public.

FOURTH:

Said road was the primary access for several homes until the mid-1990s when the Avalon Meadows subdivision was created. Shortly thereafter, a barricade was installed on NE 35th Avenue at approximately the northern limit of the proposed road vacation. Presently, the road serves as a private driveway for two single-family homes.

FIFTH:

The requested area of the proposed vacation has increased from 19,311 sf. to 25,423 sf.

SIXTH:

The petitioners are proposing a 50-unit apartment development (Leilani Ridge) on the west side of NE 35th Avenue. They are proposing that the area within road vacation serve as the primary access and parking for the development. The revised plan indicates that the driveway will be relocated on the easterly side of NE 35th Avenue. If approved, the land and property interests will be returned to the parent parcel, and the access will be on the Washington State University property.

SEVENTH:

If approved, a private access and 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:

An appraisal report was performed which established a land value of \$6.80/sf. Staff is in agreement on how this value was derived. An assemblage discount is a standard practice for road vacations in the appraisal industry. The lower value is justified because the land generally has utility only to the adjoining properties. RCW 36.87.12 allows the County to adjust the appraisal value accordingly. Staff is recommending a seventy percent assemblage discount which is consistent with similar road vacations requests within the last year.

(25,423/sf x \$2.04/sf = \$50,000 rounded).

NINTH:

Petitioners compensate the county \$50,000 for the value of the land.

TENTH:

Applicant alleges that this road, at present, does not serve the public today and is not needed in the future for the following reasons:

- Washington State University (WSU) campus is located to the east of NE 35th Avenue and north of the adjacent residential neighborhood. As a result, it is unlikely there would be any opportunity for further residential develop which would utilize this segment of NE 35th Avenue being vacated.
- The county barricade was erected in 1998 to stop WSU related cut-through traffic affecting the residential neighborhood to the north and west. For this reason, WSU provided their main access to the campus via NE Salmon Creek Avenue and NE 50th Avenue.
- Vacating this roadway would serve the public interest by preventing future conflicts between residential and campus traffic.
- NE 35th Avenue has steep topography and has an angled approach to NE Salmon Creek Avenue which would prohibit the construction of road improvements to meet current county standards.

ELEVENTH:

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 shall be held by Clark County and remain in effect until such time the petitioners record a replacement easement with all impacted utilities.

TWELVETH:

If approved, a public pedestrian easement shall be reserved to maintain a continuous walkway and biking connection to WSU and to NE Salmon Creek Avenue as required by CCC40.350.010 Pedestrian/Bicycle Circulation Standards.

THIRTEENTH:

If approved, the road vacation shall not impede the fire department and other emergency service providers the ability to access NE 35th Avenue with emergency vehicle to provide emergency and fire response.

FOURTEENTH:

NE 35th Avenue is not included in the Six-Year Transportation Improvement Plan (TIP) and there are no plans to improve this road section.

FIFTEENTH:

This portion of NE 35th Avenue is not needed for traffic circulation.

SIXTEENTH:

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

SEVENTEENTH:

The public will be benefited by the vacation through reduction in maintenance requirements.


EIGHTEENTH:

That the petitioners pay all administrative costs and expenses.

NINETEENTH:

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

DATED this 15th day of AUGUST, 2019


Ahmad Qayoumi, PE
Public Works Director/County Engineer

STATE OF WASHINGTON

COUNTY OF CLARK

In the matter of the Petition by
White and Washington State University

PRELIMINARY

ORDER

VACATING

COUNTY ROAD

For the vacation of a county road known as
NE 35th Avenue, lying northerly of
NE Salmon Creek Avenue

RV 19-04

IN THE MATTER OF THE VACATION OF A COUNTY ROAD petitioned by White and Washington State University et al., the Council finds as follows:

FIRST: That the petition was filed on the 4th day of October, 2018, and that it was signed by the owners of a majority of the frontage of the road.

SECOND: That the petition was accompanied by a check in the sum of \$1,000, which was found to be good and sufficient and was approved by the Director of Public Works on the 12th day of October, 2018.

THIRD: That on the 26th day of February, 2019, the County Engineer was directed by the Council to examine the road and make a report in writing on the same.

FOURTH: That by an order of the Council, the notice of the time and place where a hearing would be held was published and posted on the 26th day of February, 2019, the 3rd day of April, 2019 and the 10th day of April 2019, as provided by law.

FIFTH: That on the 20th day of March, 2019, the County Engineer filed in the office of the Council his written report.

SIXTH: That a public hearing was held on April 16, 2019. The Council tabled their decision and ordered a continuance of the public hearing to be set at a later date. The Council directed staff to meet with the petitioners and develop a vehicular circulation plan that would not direct traffic into the neighborhood lying northerly of the site.

SEVENTH: The new site plan resulted in the petitioner requesting additional right of way to be vacated.

EIGHTH: The report of the County Engineer states:

- 1) Said portion of road is located within the SW Quarter of Section 24, T3N, R1E, WM.
- 2) This road was originally created as Maya-Jones Road by Order of Establishment on May 23, 1938 as found in Road Book 10, Page 448.
- 3) Said road has existing improvements consisting of a 14-foot wide paved surface, sanitary sewer, storm drains, ditches, and related facilities, water mains and other utilities which all serve the public.
- 4) Said road was the primary access for several homes until the mid-1990s when the Avalon Meadows subdivision was created. Shortly thereafter, a barricade was installed on NE 35th Avenue at approximately the northern limit of the proposed road vacation. Presently, the road serves as a private driveway for two single-family homes.
- 5) The requested area of the proposed vacation has increased from 19,311 sf. to 25,423 sf.
- 6) The petitioners are proposing a 50-unit apartment development (Leilani Ridge) on the west side of NE 35th Avenue. They are proposing that the area within the road vacation serve as the primary access and parking for the development. The revised plan indicates that the driveway will be relocated on the easterly side of NE 35th Avenue. If approved, the land and property interests will be returned to the parent parcel and the access will be on the Washington State University property.
- 7) If approved, a private access and 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.
- 8) An appraisal report was performed which established a land value of \$6.80/sf. Staff is in agreement on how this value was derived. An assemblage discount is a standard practice for road vacations in the appraisal industry. The lower value is justified because the land generally has utility only to the adjoining properties. RCW 36.87.12 allows the County to adjust the appraisal value accordingly. Staff is recommending a seventy percent assemblage discount which is consistent with similar road vacations request within the last year. (25,423/sf x \$2.04/sf = \$50,000 rounded).
- 9) Petitioners compensate the County \$50,000 for the value of the land.

Applicant alleges that this road, at present, does not serve the public today and is not needed in the future for the following reasons:

- a. Washington State University (WSU) campus is located to the east of NE 35th Avenue and north of the adjacent residential neighborhood. As a result, it is unlikely there would be any opportunity for further residential develop which would utilize this segment of NE 35th Avenue being vacated.
 - b. The county barricade was erected in 1998 to stop WSU related cut-through traffic affecting the residential neighborhood to the north and west. For this reason, WSU provided their main access to the campus via NE Salmon Creek Avenue and NE 50th Avenue.
 - c. Vacating this roadway would serve the public interest by preventing future conflicts between residential and campus traffic.
 - d. NE 35th Avenue has steep topography and has an angled approach to NE Salmon Creek Avenue which would prohibit the construction of road improvements to meet current county standards.
- 10) 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 shall be held by Clark County and remain in effect until such time the petitioners record a replacement easement with all impacted utilities.
 - 11) If approved, a public pedestrian easement shall be reserved to maintain a continuous walkway and biking connection to WSU and to NE Salmon Creek Avenue as required by CCC40.350.010 Pedestrian/Bicycle Circulation Standards.
 - 12) If approved, the road vacation shall not impede the fire department and other emergency service providers the ability to access NE 35th Avenue with emergency vehicle to provide emergency and fire response.
 - 13) NE 35th Avenue is not included in the Six-Year Transportation Improvement Plan (TIP) and there are no plans to improve this road section.
 - 14) This portion of NE 35th Avenue is not needed for traffic circulation.
 - 15) That the road be vacated in favor of the true property owner(s).
 - 16) The public will be benefited by the vacation through reduction in maintenance requirements.
 - 17) That the petitioners pay all administrative costs and expenses.
 - 18) And, that the public will be benefited by the vacation.

19) During the public hearing the Council added the following the following conditions:

- a. Access to and from the development is limited to NE Salmon Creek Avenue.
- b. Locking bollards or a Knox Block with a gate, to accommodate emergency vehicle access to the neighborhood to the north, must be required in any future approval of development plans for the property upon which this road lies.
- c. Any future driveway that services a development upon this property must meet County access standards.

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 road, and the Council being satisfied that the 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 Council, that the county road petitioned to be vacated by White and Washington State University 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.

THE ROAD VACATION SHALL BE DESCRIBED AS FOLLOWS:

All that portion of NE 35th Avenue lying in the southwest quarter of Section 24, Township 3 North, Range 1 East, Willamette Meridian, Clark County Washington, created as the Maya-Jones Road by Order of Establishment on May 1, 1938, recorded in Road Book 10 Pages 445-448, records of Clark County Surveyor's Office, as a 60-foot right of way, lying 30 feet on each side of the following described centerline:

Commencing at the Northeast corner of the Plat of Avalon Meadows, recorded in Book J of Plats at Page 13, records of Clark County Auditor's Office, being also the centerline of NE 35th Avenue; Thence, along the east line of said Plat, South 1° 39' 19" West 221.09 feet; Thence, along a curve to the left having a 716.20 feet radius and a central angle of 8°44'03" an arc distance of 109.18' to a point on the easterly prolongation of the south line of said plat, being also **TRUE POINT OF BEGINNING**;

Thence, continuing along said curve to the left through a central angle of 13°32'06" an arc distance of 169.19 feet; Thence, South 20°36'36" East for a distance of 103.20 feet; Thence along a curve to the right having a 409.26 foot radius, a central angle of 21°22'30" an arc distance of 152.68 feet, more or less, to its intersection with the southerly continuation of the northerly right of way line of Salmon Creek Avenue, and the terminus of this description. The easterly and westerly right of way lines of said NE 35th Avenue shall be shortened and continued, respectively to terminate at the northerly right of way line of said Salmon Creek Avenue on the south end and at the south line of Avalon Meadows plat on the north end.

Containing approximately 25,423 square feet.

DONE THIS 20th DAY OF August, 2019.

Work Order Number 014014

ATTEST:

[Signature]
Clerk of the Council

County Council
Clark County, Washington

By [Signature]
Eileen Quiring, Chair

By _____
Temple Lentz, District 1

By _____
Julie Olson, District 2

By _____
John Blom, District 3

By _____
Gary Medvigy, District 4

APPROVE AS TO FORM ONLY:

[Signature]
William Richardson
Deputy Prosecuting Attorney

