

**CLARK COUNTY COUNCIL
HEARING PACKET**

Hearing Item: Approve the County Engineer's Report and Preliminary Order to vacate a portion of an unnamed, unopened right of way commonly known as the Southeast Bybee Road Extension.

Date: October 20, 2020

Time: 10:00 am

CONTENTS:

1. **Staff Report**
2. **Engineer's Report**
3. **Preliminary Order to Vacate**
4. **Copy of Resolution No. 2020-01-09**
5. **Power Point**

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works, Engineering & Construction Division

DATE: October 20, 2020

REQUESTED ACTION: Approve the County Engineer's Report and Preliminary Order to vacate a portion of an unnamed, unopened right of way commonly known as the Southeast Bybee Road Extension. Activity No. A280162.

Consent Hearing County Manager

BACKGROUND

Public Works has received a request to vacate the portion of an unconstructed extension of Southeast Bybee Road located in Section 23, Township 2 North, Range 3 East, WM. The area is approximately 28,390 square feet or 0.65 acres and is zoned single family residential R1-6.

In 1984, an 80-foot wide arterial right-of-way was dedicated to Clark County with the intention to provide a future alignment for Southeast Bybee Road. In 2008, the City of Camas annexed Southeast Bybee Road along with several properties to the south. Recent development within the City of Camas has reconfigured the traffic flow and the Bybee Road Extension is no longer identified as a viable means to realign the road.

The County Engineer supports the request as the right of way is not anticipated to be needed now or in the future, and the road is not included in the Six-Year Transportation Improvement Plan. The City of Camas supports this request and the public interest is served by vacating the road.

COUNCIL POLICY IMPLICATIONS

None. On January 21, 2020 the Clark County Council passed Resolution No. 2020-01-09 directing the County Engineer to examine the Southeast Bybee Road Extension and provide a report.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

Notices were sent to the affected property owners. Signs 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.

BUDGET DETAILS

Local Fund Dollar Amount	N/A
Grant Fund Dollar Amount	N/A
Account	N/A
Company Name	N/A

DISTRIBUTION:

Council staff will post all staff reports to the web. <https://www.clark.wa.gov/council-meetings>

ATTACHEMENTS: (1) Engineer’s Report (2) Preliminary Order to Vacate; (3) Resolution No. 2020-01-09; and (4) PowerPoint



Tom Grange, PE
Engineering & Construction Division Manager



Ahmad Qayoumi, PE
Public Works Director/County Engineer



Eva Haney, CGFM
Finance Division Manager

Primary Staff: Laura Henry Slye, Ext. 4777

APPROVED: _____
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: _____

SR# _____

IN THE MATTER OF THE RESOLUTION)
OF)
CLARK COUNTY COUNCIL)
FOR)
THE VACATION OF A COUNTY ROAD)
KNOWN AS an unnamed, unconstructed)
right of way, commonly known as)
SE Bybee Road Extension)

ENGINEER'S REPORT

I, THE UNDERSIGNED, COUNTY ENGINEER OF CLARK COUNTY, WASHINGTON, duly directed by Council of said County on the 21st day of January 2020, by Resolution No. 2020-01-09 to make an examination of a portion of road sought to be vacated in the Resolution of the Clark County Council, did so on the 17th day of March 2020. 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 roads are located within the West half of Section 32, T2N, R3E, WM.

SECOND:

The original alignment of SE Bybee Road was established as Grass Valley Road in 1865 under the Territory of Washington.

THIRD:

In 1984, an 80-foot wide arterial right of way was dedicated to the County as a condition of the County Ridge 1 Plat which was intended for a new alignment for SE Bybee Road.

FOURTH:

The portion asked to be vacated was never constructed or used as a travel way for the public.

FIFTH:

In 2008, the City of Camas annexed SE Bybee Road and surrounding properties to the south and east.

SIXTH:

The City of Camas has revised its plans for traffic circulation in the area and this right of way is no longer needed.

SEVENTH:

Lot 1 of County Ridge 1 is within the City limits of Camas; Lot 2 of County Ridge 1 is located within Clark County. The entire road vacation being requested is located in Clark County jurisdiction.

EIGHTH:

The requested area of the proposed vacation is 28,390 SF or 0.65 acres.

NINTH:

Said road is unconstructed, does not serve the public today and is not needed in the future.

TENTH:

No public funds have been expended to acquire, improve or maintain this right of way. As a result, the County is not seeking reimbursement for the value of the land.

ELEVENTH:

City of Camas supports the road vacation.

TWELVETH:

Said roads are not included in the Six-Year Transportation Improvement Plan (TIP) and there are no plans to improve this road section.

THIRTEENTH:

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 replacement easements with all impacted utilities are filed and recorded with the auditor's office.

FOURTEENTH:

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

FIFTHTEENTH:

That the property owners benefiting from the road vacation pay all administrative costs and expenses.

SIXTEENTH:

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

DATED this 8 day of October, 2020

Ahmad Qayoumi

Ahmad Qayoumi, PE
Public Works Director/County Engineer

STATE OF WASHINGTON

COUNTY OF CLARK

In the matter of the Petition by
Kevin Bare and Sherri Bare

P R E L I M I N A R Y

O R D E R

V A C A T I N G

C O U N T Y R O A D

For the vacation of a county road known as
An unnamed, unopened right of way
Commonly known as SE Bybee Road Extension

IN THE MATTER OF THE VACATION OF A COUNTY ROAD requested by the Kevin Bare and Sherri Bare, the Council finds as follows:

FIRST: That the petition therefore was filed on the 6th day of November 2019, and that the 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 13th day of November 2019.

THIRD: That on the 21st day of January 2020, the County Engineer was duly directed to examine said 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 24th day of March 2020, and the 31st day of March 2020, as provided by law.

FIFTH: As a result of the Governor's "Stay Home, Stay Healthy" directive, the public hearing was postponed and rescheduled to the 20th day of October 2020. The notice of hearing was republished on the 6th day of October and 13th day of October 2020.

SIXTH: That on the 26th day of March 2020, the County Engineer filed in the office of the Council his written report and resubmitted the report on the 8th day of October 2020.

SEVENTH: The report of the County Engineer states:

- Said portion of roads are located within the West half of Section 32, T2N, R3E, WM.
- The original alignment of SE Bybee Road was established as Grass Valley Road in 1865 under the Territory of Washington.
- In 1984, an 80-foot wide arterial right of way was dedicated to the County as a condition of the County Ridge 1 Plat which was intended for a new alignment for SE Bybee Road.

- The portion asked to be vacated was never constructed or used as a travel way for the public.
- In 2008, the City of Camas annexed SE Bybee Road and surrounding properties to the south and east.
- The City of Camas has revised its plans for traffic circulation in the area and this right of way is no longer needed.
- Lot 1 of County Ridge 1 is within the City limits of Camas; Lot 2 of County Ridge 1 is located within Clark County. The entire road vacation being requested is located in Clark County jurisdiction.
- The area of the proposed vacation is 28,390 SF or 0.65 acres.
- Said road is unconstructed, does not serve the public today and is not needed in the future.
- No public funds have been expended to acquire, improve or maintain this right of way. As a result, the County is not seeking reimbursement for the value of the land.
- City of Camas supports the road vacation.
- Said roads are not included in the Six-Year Transportation Improvement Plan (TIP) and there are no plans to improve this road section.
- 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 replacement easements with all impacted utilities are filed and recorded with the auditor's office.
- That said roads be vacated in favor of the true property owner(s).
- That the property owners benefiting from the road vacation pay all administrative costs and expenses.
- And, that the public will be benefited by the 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 Kevin Bare and Sherri Bare 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:

For Vacation of Dedicated but Unopened Right of Way in the Plat of Country Ridge 1.

All that portion of that 80-foot right of way dedicated to Clark County, Washington in the Plat of Country Ridge 1, recorded in Book H of Plats, at Page 263, records of Clark County Auditor, lying in the East half of the West half of Section 32, Township 2 North, Range 3 East, WM being 40 feet on each side of the following described centerline:

Beginning at a point on the west line of said Plat, being the corner common to Lots 1 and 2; Thence, South 71°58'20" East, a distance of 11.96 feet to a curve to the right having a radius of 2000 feet and a central angle of 9°49'25"; Thence, along the arc, a distance of 342.92 feet to the east line of said Plat, said point also being the corner common to Lots 1 and 2 and thereby terminating. The side lines of said right of way extending and shortening to the east and west lines of said Plat. Containing 28,390 square feet or 0.65 acres.

Clark County shall reserve an easement for all existing utilities.

DONE THIS _____ DAY OF _____, 2020.

Activity No. A280162

ATTEST:

County Council
Clark County, Washington

Clerk of the Council

By _____
Eileen Quiring, Chair

By _____
Temple Lentz, District 1

APPROVE AS TO FORM ONLY:

By _____
Julie Olson, District 2

Bill Richardson

William Richardson
Deputy Prosecuting Attorney

By _____
John Blom, District 3

By _____
Gary Medvigy, District 4

CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2020-01-09

A RESOLUTION declaring the intention of the County Council to investigate the possible partial vacation and abandonment of **a portion of an extension of Southeast Bybee Road lying within the plat of County Ridge 1**

WHEREAS, an application has been received alleging said road is no longer being used and will not be used.

NOW, THEREFORE, it is hereby directed that the Director of Public Works shall examine and report in writing his opinion on the advisability and propriety of vacating and abandoning that portion of road described as follows:

Legal Description

For Vacation of Dedicated but Unopened Right of Way in the Plat of Country Ridge 1.

All that portion of that 80-foot right of way dedicated to Clark County, Washington in the Plat of Country Ridge 1, recorded in Book H of Plats, at Page 263, records of Clark County Auditor, lying in the East half of the West half of Section 32, Township 2 North, Range 3 East, W. M. being 40 feet on each side of the following described centerline:

Beginning at a point on the west line of said Plat, being the corner common to Lots 1 and 2; Thence, South 71°58'20" East, a distance of 11.96 feet to a curve to the right having a radius of 2000 feet and a central angle of 9°49'25"; Thence, along the arc, a distance of 342.92 feet to the east line of said Plat, said point also being the corner common to Lots 1 and 2 and thereby terminating. The side lines of said right of way extending and shortening to the east and west lines of said Plat. Containing 28,390 square feet or 0.65 acres.

Clark County shall reserve an easement for all existing utilities.

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Activity number A280162.

PASSED THIS 21st DAY OF January, 2020

ATTEST:


Clerk to the Council

County Council
Clark County, Washington
By 

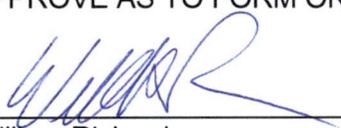
Eileen Quiring, Chair

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:


William Richardson
Deputy Prosecuting Attorney



Road Vacation Request for Southeast Bybee Road Extension

Public Works



Request to vacate right of way
A portion of Southeast Bybee Road
Council District 3

REQUESTED ACTION:

Accept the County Engineer's Report and approve the Preliminary Order to vacate a portion of an unnamed, unopened right of way commonly known as the Southeast Bybee Road Extension

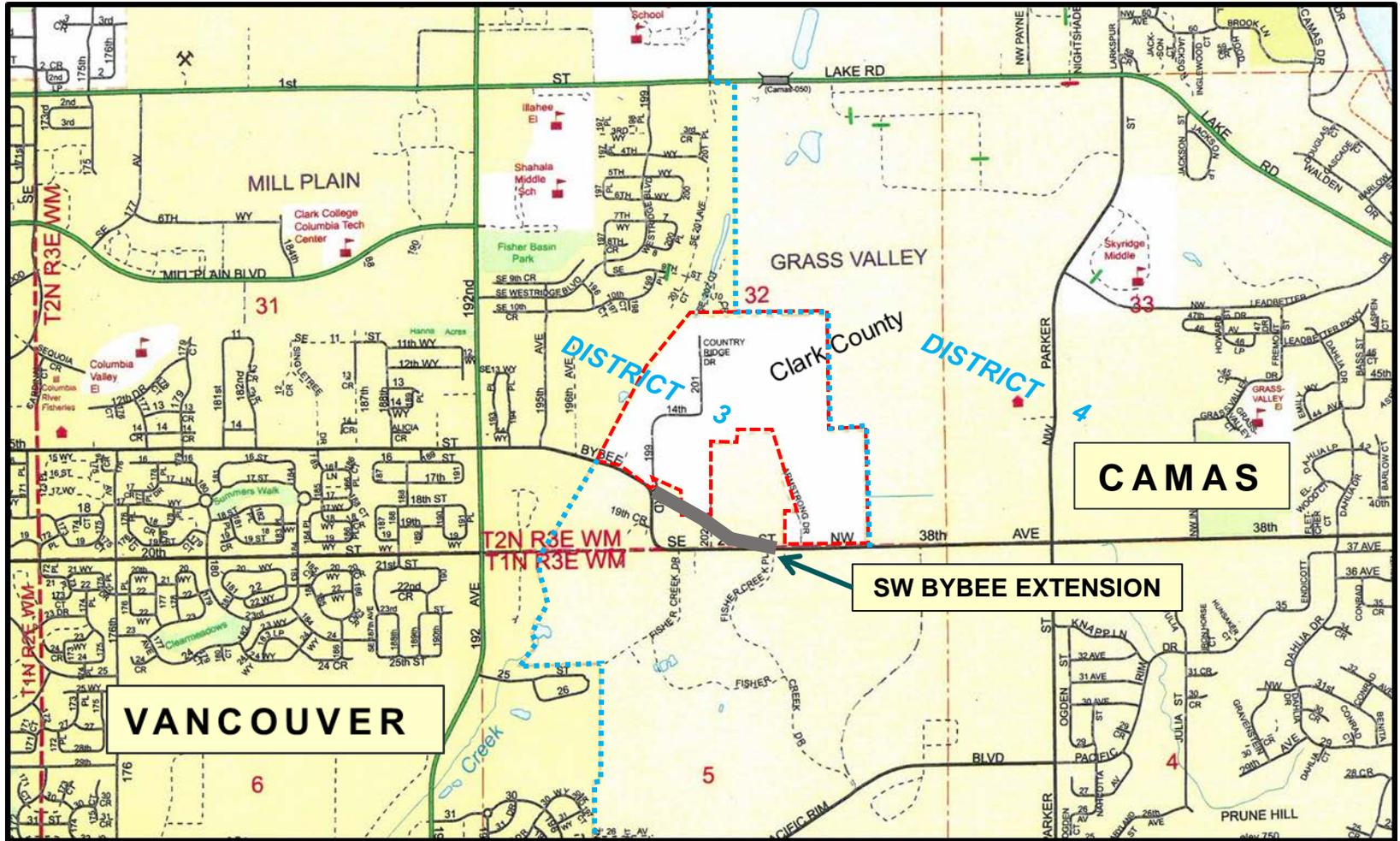


Request to vacate right of way A portion of Southeast Bybee Road Council District 3

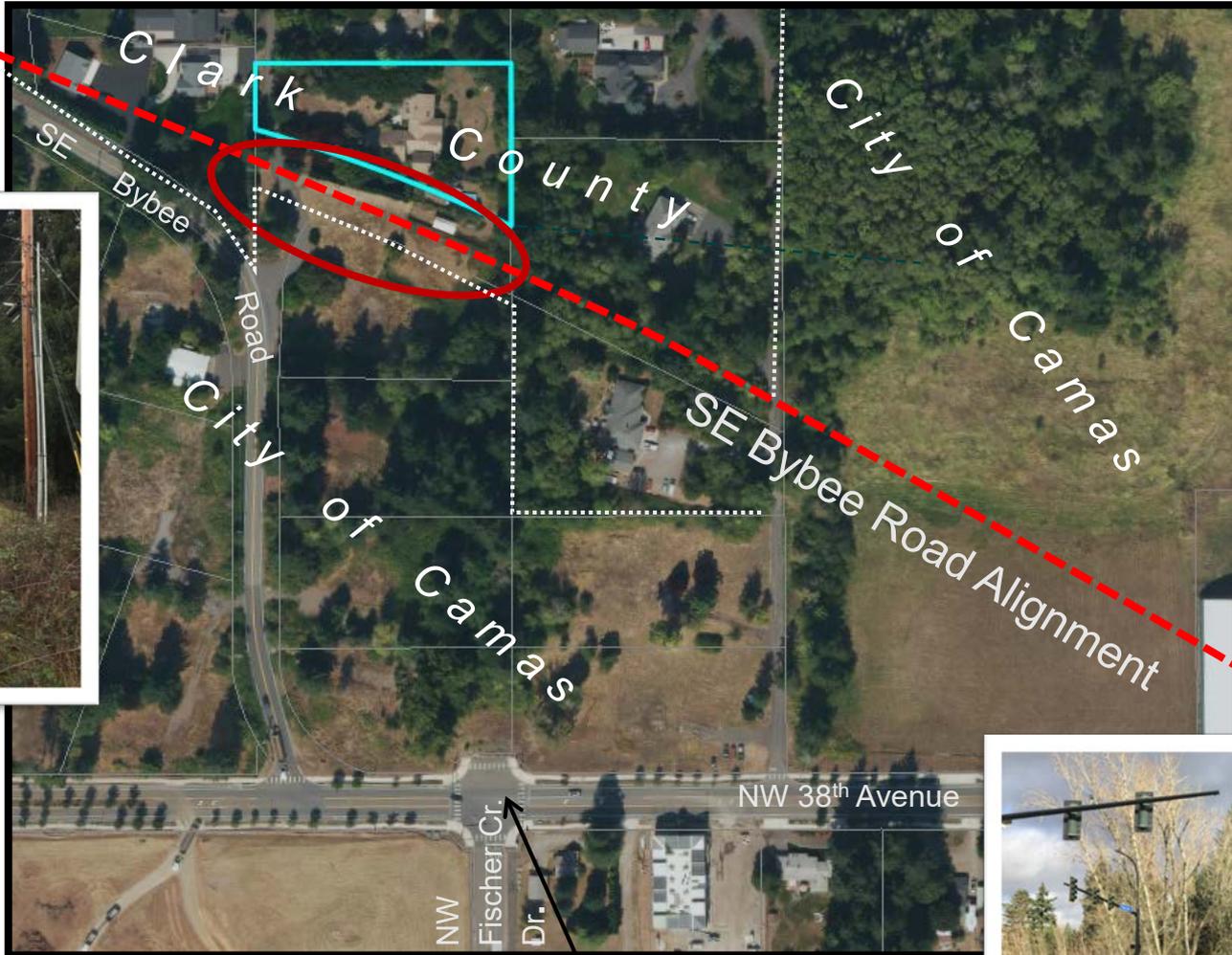
- The alignment of Southeast Bybee Road was established as Grass Valley Road in 1865 under the Territory of Washington.
- In 1984, an 80-foot wide arterial right-of-way was dedicated to Clark County as a condition of the County Ridge 1 Plat for a future new alignment for Southeast Bybee Road.
- In 2008, The City of Camas annexed Southeast Bybee Road along with several properties to the south.
- The City of Camas currently owns and maintains of Southeast Bybee Road.
- Recent development within the City of Camas has reconfigured the traffic flow and the Bybee Road Extension is no longer identified as a viable means to realign the road
- Southeast Bybee Road is not included in the 6-Year Transportation Improvement Plan (TIP) and there are no plans to develop this road section in the future.
- The county no longer requires this alignment.
- The City of Camas supports the road vacation.



Request to vacate right of way A portion of Southeast Bybee Road Council District 3



Request to vacate right of way
A portion of Southeast Bybee Road
Council District 3



Evergreen
Tennis

Signalized intersection



Request to vacate right of way
A portion of Southeast Bybee Road
Council District 3

Township 2 North, Range 3 East, Section 32



**Request to vacate right of way
A portion of Southeast Bybee Road
Council District 3**



Looking Westerly on Bybee Extension



Looking Easterly on Bybee Extension