

Balducci moved Amendment 2.
The motion carried.

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6/27/23

County transportation system

[E. Auzins]

Sponsor: Balducci

Proposed No.: 2023-0099.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0099, VERSION 2**

2 On page 9, line 187, after "county" strike "~~((transportation))~~ road" and insert

3 "transportation"

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5 **EFFECT prepared by E. Auzins: Removes a proposed change to the criteria for road**
6 ***vacations.***

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8 SECTION 5. Ordinance 18420, Section 61, and K.C.C. 14.40.0104 are hereby
9 amended as follows:

10 A. Upon receipt of a petition, the county road engineer shall determine whether
11 owners of the majority of the lineal footage of the frontage of the right of way proposed for
12 vacation have signed the petition. If the county road engineer determines the signatories of
13 the petition own less than the majority of the lineal footage of the frontage of the right of
14 way proposed for vacation, the county road engineer shall notify the petitioners (~~and the~~
15 ~~clerk of the council~~) that the petition does not have sufficient signatories. The petitioners
16 shall have thirty days from the date of that notice to supplement the petition by filing with
17 the (~~clerk of the council, with a copy of the county road engineer,~~) department of local
18 services, road services division, a sufficient number of additional petition signatures to
19 establish that a majority of owners of the lineal footage of the frontage of the right of way
20 proposed for vacation support the petition. Failure to include the signature of a majority
21 the owners of the lineal footage of the frontage of the right of way proposed for vacation is
22 grounds for the county road engineer to (~~report in writing to the council clerk~~) find that
23 the petition is deficient. In that event, no further action will be taken on the petition and the
24 county road engineer shall inform the petitioners of the determination.

25 B. If either directed by the council in accordance with K.C.C. 14.40.010.A., or if
26 under subsection A. of this section the county road engineer determines that (~~the~~) a
27 petition is valid, then the county road engineer shall examine the right of way proposed to
28 be vacated and abandoned and complete a report that complies with the requirements in

29 RCW 36.87.040, including the county road engineer's opinion of whether the right of way
30 should be vacated. The report should address:

- 31 1. Whether the county right of way should be vacated and abandoned;
- 32 2. Whether the county right of way is in use or has been in use;
- 33 3. The condition of the right of way;
- 34 4. Whether it is advisable to preserve all or a portion of the right of way for the
35 county **transportation** system of the future;
- 36 5. Whether the public will be benefited by the vacation of the county right of way;
- 37 6. The appraised value of the county right of way or portion thereof proposed for
38 vacation as well as the county road engineer's recommendation for compensation to be
39 determined in accordance with the factors listed in K.C.C. 14.40.020.A.;
- 40 7.a. Whether the proposed county right of way to be vacated serves as access to
41 property abutting the county right of way that is subject of the vacation request; and
42 b. a recommendation for requiring access easements for all abutting properties as
43 a condition of granting the vacation;
- 44 8.a. Whether the proposed county right of way to be vacated contains utilities; and
45 b. a recommendation for retaining an easement for the construction, repair, and
46 maintenance of public utilities and services that are authorized at the time the ordinance is
47 adopted or are physically located on a portion of the right of way being vacated;
- 48 9. Other matters that may be of interest, including any fees charged under K.C.C.
49 14.40.0106.B.;
- 50 10. Whether the proposed area to be vacated abuts a body of salt or fresh water as
51 set forth in RCW 36.87.130;
- 52 11. A list of the property owners whose property abuts the county right of way or
53 any portion thereof proposed for vacation who are not petitioners; and
- 54 12. If not waived in accordance with K.C.C. 14.40.106.C. a list of all costs
55 incurred in preparing the report.

56 C. Upon completion of the report by the county road engineer, the executive shall
57 transmit the report, any petition, and a proposed ordinance to the council. The hearing
58 examiner is appointed by the council to conduct the public hearing of any proposed
59 vacation of a county right of way.
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