



CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works/Engineering & Construction Division/Real Property Services

DATE: November 10, 2015

REQUESTED ACTION: Accept and approve the Engineer's Report and Preliminary Order to Vacate a portion of NE 187th Avenue located in the vicinity of NE 29th Street running northerly 800 feet to its terminus. Located in Section 19, T2N, R3E, WM. Work Order Number 11307.

___ Consent X Hearing ___ County Manager

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

Owners of Lennar Northwest, Inc., et al, have filed a petition for the vacation of NE 187th Avenue from NE 29th Street northerly to its terminus. Clark County acquired this road in 1974 under Auditor's file number G659165. The proposed vacation area is zoned (R1-6) Single Family Residence and is approximately 23,999 S.F or 0.55 acres.

COUNCIL POLICY IMPLICATIONS

None

ADMINISTRATIVE POLICY IMPLICATIONS

None

COMMUNITY OUTREACH

Notices will be sent to the affected property owners, utility companies, and public.

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.

PW15-090

BUDGET DETAILS

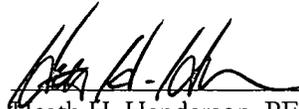
Local Fund Dollar Amount	n/a
Grant Fund Dollar Amount	n/a
Account	n/a
Company Name	Lennar Northwest, Inc. (Petitioners)

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>



Tom Grange, PE
Engineering & Construction Division Manager



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



APPROVED: _____
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: NOV 10, 2015

SR#

APPROVED: _____
Mark McCauley, Acting County Manager

Date: _____

PW 15-090

NOTICE OF HEARING

The Clark County Board of Councilors will hold a public hearing at 10 a.m., on Tuesday, the 10th day of November, 2015, in the Hearing Room, 6th floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington to consider the County Engineer's Report on the advisability of a partial road vacation on a portion of NE 187th Avenue located northerly of NE 29th Street to its terminus.

Legal Description

A strip of land thirty (30) feet in width being the West thirty (30) feet of the following described property and as described under AF# G65165:

That certain portion of the East half of the East half of Section 19, Township 2 North, Range 3 East, W.M. being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section and running thence North 0° 42' 39" East, along the West line of said Subdivision of Section 19, a distance of 670 feet; Thence, North 89° 59' 20" East, 140.00 feet; Thence, South 0° 42' 39" West, 800 feet; Thence, South 89° 59' 20" West, 140.00 feet; Thence, North 0° 42' 39" East, 130 feet to the Point of Beginning.

Contains 0.55 acres, more or less.

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 Slye (360) 397-6118, extension 4777.

Any person wishing to give testimony in this matter should appear at the time, date, and place above stated.

Work Order Number 11307

BOARD OF CLARK COUNTY COUNCILORS


Clerk of the Board

Approved as to Form Only:
Prosecuting Attorney

By 

Please publish: October 21, 2015 and ~~October 28~~, 2015

Persons requiring auxiliary aids or special arrangements in order to participate in this hearing should call 397-2322, at least two days prior to the scheduled meeting.

IN THE MATTER OF THE RESOLUTION)
OF)
THE BOARD OF COUNTY COUNCILORS)
FOR)
THE VACATION OF A COUNTY ROAD)
)
KNOWN AS A portion of NE 187th Avenue)
In the vicinity of NE 129th Street and running)
northerly 800 feet to its terminus.)

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 6th day of October, 2015, by Resolution No. 2015-10-02 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 23rd day of October, 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, Section 19, T2N, R3E, W.M.

SECOND:

Said road was deeded to Clark County by Quit Claim Deed G659165 on April 1, 1974.

THIRD:

County does not maintain said road.

FOURTH:

That a solid board fence has been recently been installed 15 feet into the County right-of-way and upon a private 30 foot wide easement (as shown on Record of Survey filed in Book 2 of Surveys) which serves property owners northerly of the main petitioner.

FIFTH:

That all the petitioners affected by the road vacation come to a complete agreement either by extinguishing or reducing the existing 30 foot easement and that agreement be filed in the County auditor's office prior to the recording of the Final Order to Vacate.

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 effect until at such time the petitioners record easements with all impacted utilities.

SEVENTH:

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

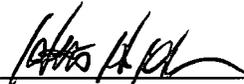
EIGHTH:

That the petitioners pay all administrative costs and expenses.

NINTH:

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

DATED this 3RD day of NOVEMBER, 2015.



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

STATE OF WASHINGTON

County of Clark

In the matter of the Petition by
Lennar Northwest, Inc. et al

PRELIMINARY

ORDER

VACATING

COUNTY ROAD

For the vacation of a County Road known as
NE 187th Avenue lying in the vicinity of NE 29th Street
and running northerly approximately 800 feet to its terminus.

RV 15-6d

IN THE MATTER OF THE VACATION OF COUNTY ROADS petitioned by Lennar Northwest Inc., et al, the Board finds as follows:

FIRST: That the petition therefore was filed on the 9th day of September, 2015, and that said petition was resubmitted with the majority of the owners along the frontage of said county road on September 30, 2015.

SECOND: That said petition was accompanied by a check in the sum of \$1,000.00, which said check was found to be good and sufficient, and was duly approved by the Director of Public Works on the 14th day of September, 2015.

THIRD: That on the 6nd day of October, 2015, the County Engineer was duly directed to examine said road and make a report in writing on the same.

FOURTH: That on the 3rd day of November, 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 6th day of October, 2015, the 10th day of November, 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:

- Said portion of road is located within Section 19, T2N, R3E, W.M.
- Said road was deeded to Clark County by Quit Claim Deed G 659165 on April 1, 1974.
- The County does not maintain said road.
- That the 30 foot easement qualified on the Record of Survey File in Book 2 of Surveys, Page 189 remain in full effect until such time the petitioners/owners record a document to extinguish or change the width of said easement.
- 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 petitioner's records easements with all impacted utilities.
- That the road petitioned to be vacated be vacated to the true property owner(s).
- That the petitioners pay all administrative costs and expenses.
- That the public will be benefited by its vacation.

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 Lennar Homes Inc., 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 strip of land thirty (30) feet in width being the West thirty (30) feet of the following described property and as described under AF# G65165:

That certain portion of the East half of the East half of Section 19, Township 2 North, Range 3 East, W.M. being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section and running thence North 0° 42' 39" East, along the West line of said Subdivision of Section 19, a distance of 670 feet; Thence, North 89° 59' 20" East, 140.00 feet; Thence, South 0° 42' 39" West, 800 feet; Thence, South 89° 59' 20" West, 140.00 feet; Thence, North 0° 42' 39" East, 130 feet to the Point of Beginning.

Contains 0.55 acres, more or less.

Reserving a non-exclusive easement to Clark County over all said right of way for the County, local public agencies, and all public and private utilities for ingress, egress, constructing, reconstructing, installing, enlarging, extending, operating, maintaining, repairing infrastructure, providing new services, emergency and law enforcement services.

Reserving a 30 foot ingress, egress easement qualified on the Record of Survey File in Book 2 of Surveys, Page 189 remain in full effect until such time the petitioner's/owners record a document to extinguish or change the width of said easement.

Said easements shall remain in effect until such time the petitioners record replacement easements with all impacted utilities and local agencies.

DONE THIS 10th DAY OF November, 2015

ATTEST:


Clerk of the Board

BOARD OF COUNTY COUNCIL
CLARK COUNTY, WASHINGTON


David Madore, Chair

Jeanne E. Stewart, Councilor

Tom Mielke, Councilor

Public Hearing



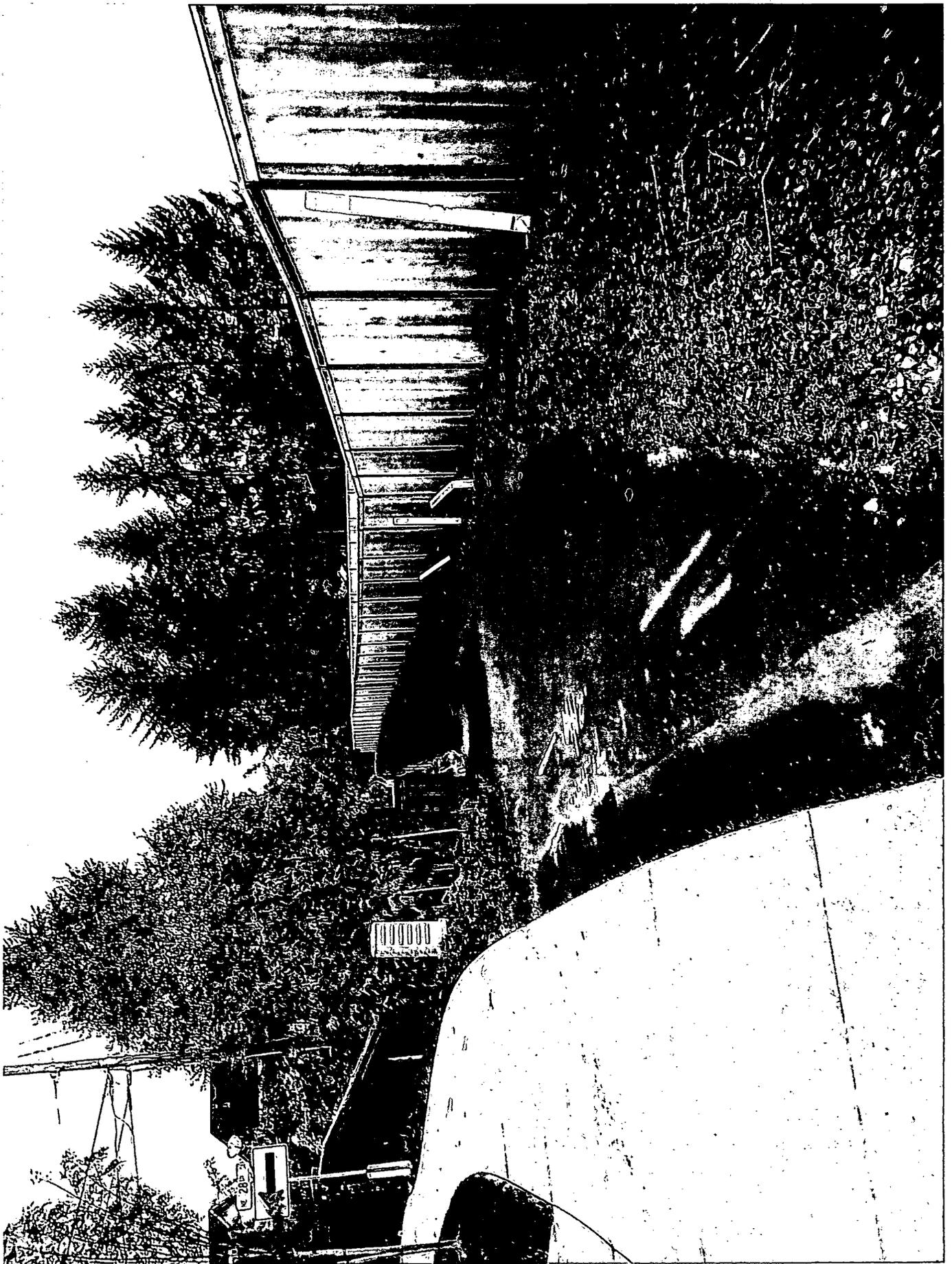
Partial Road Vacation for
NE 187th Avenue

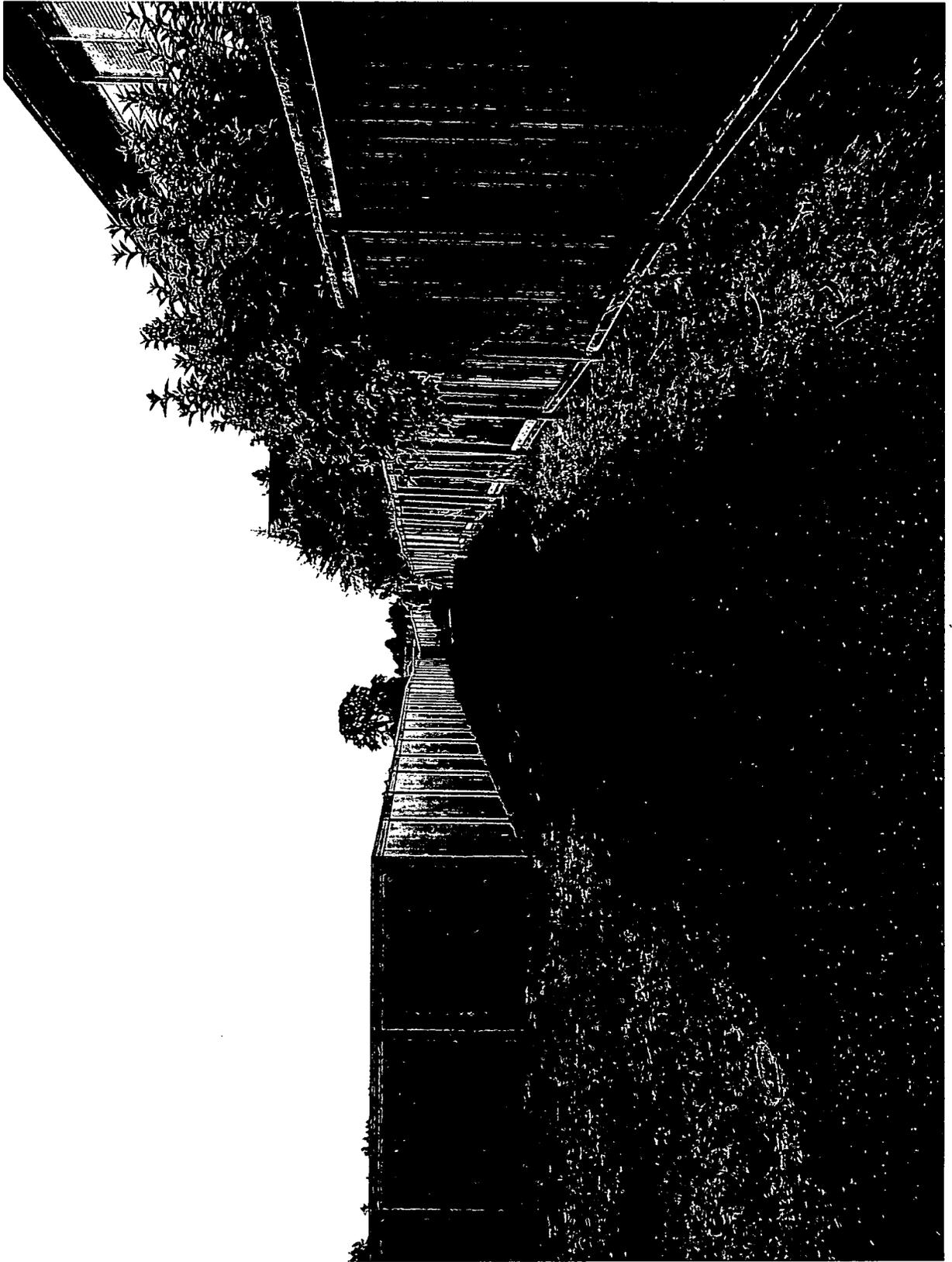
November 10, 2015

History Overview of NE 187th Avenue

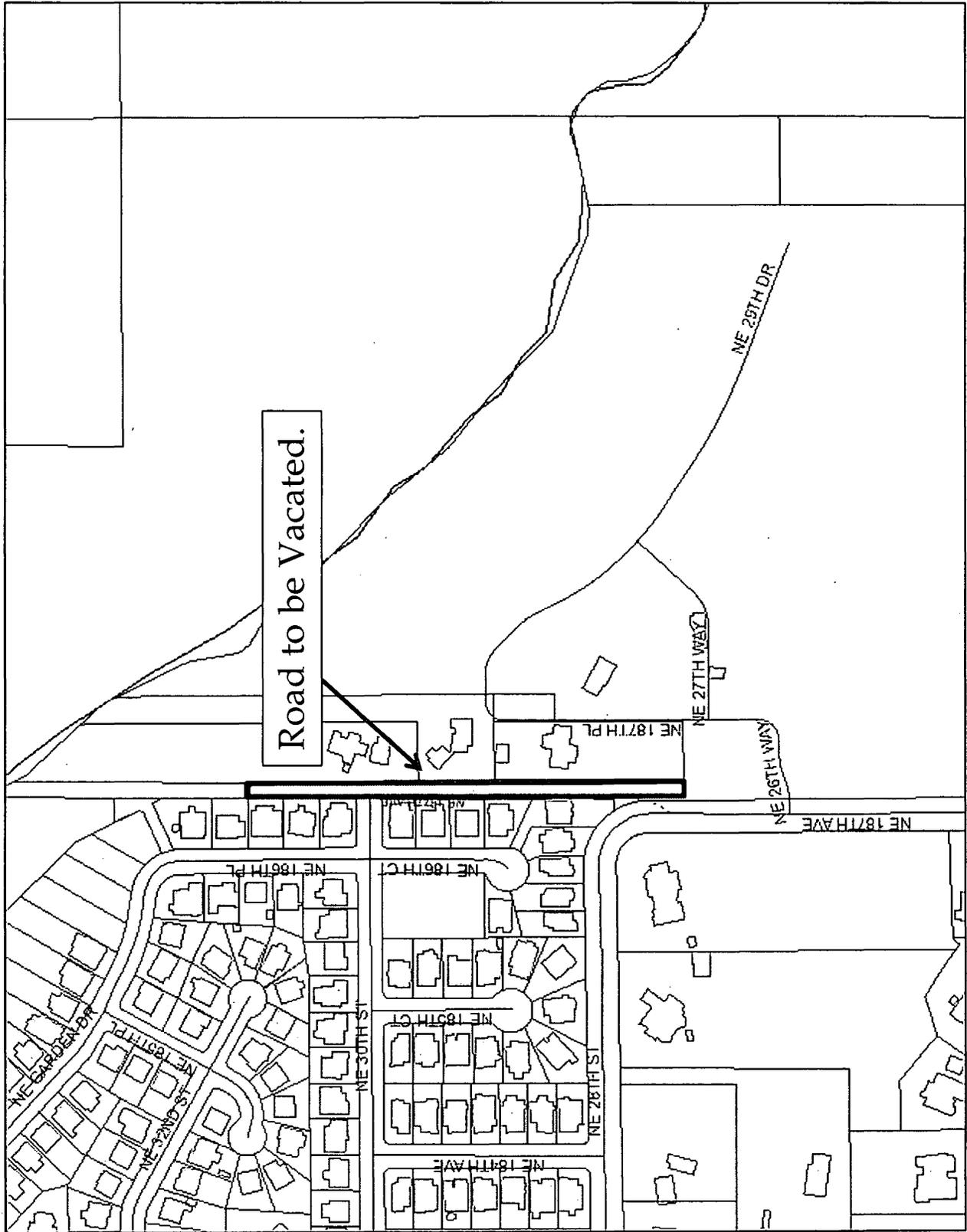


- ❧ The County acquired this road on April 1, 1974 under Auditor's Files number G659165
 - ❧ The County has never maintained this road.
-
- ❧ Petitioners – Lennar Northwest, Inc., et all
 - ❧ Right-of-way –or 0.55 acres
 - ❧ Zoning – (R1-6) Single Family Residence

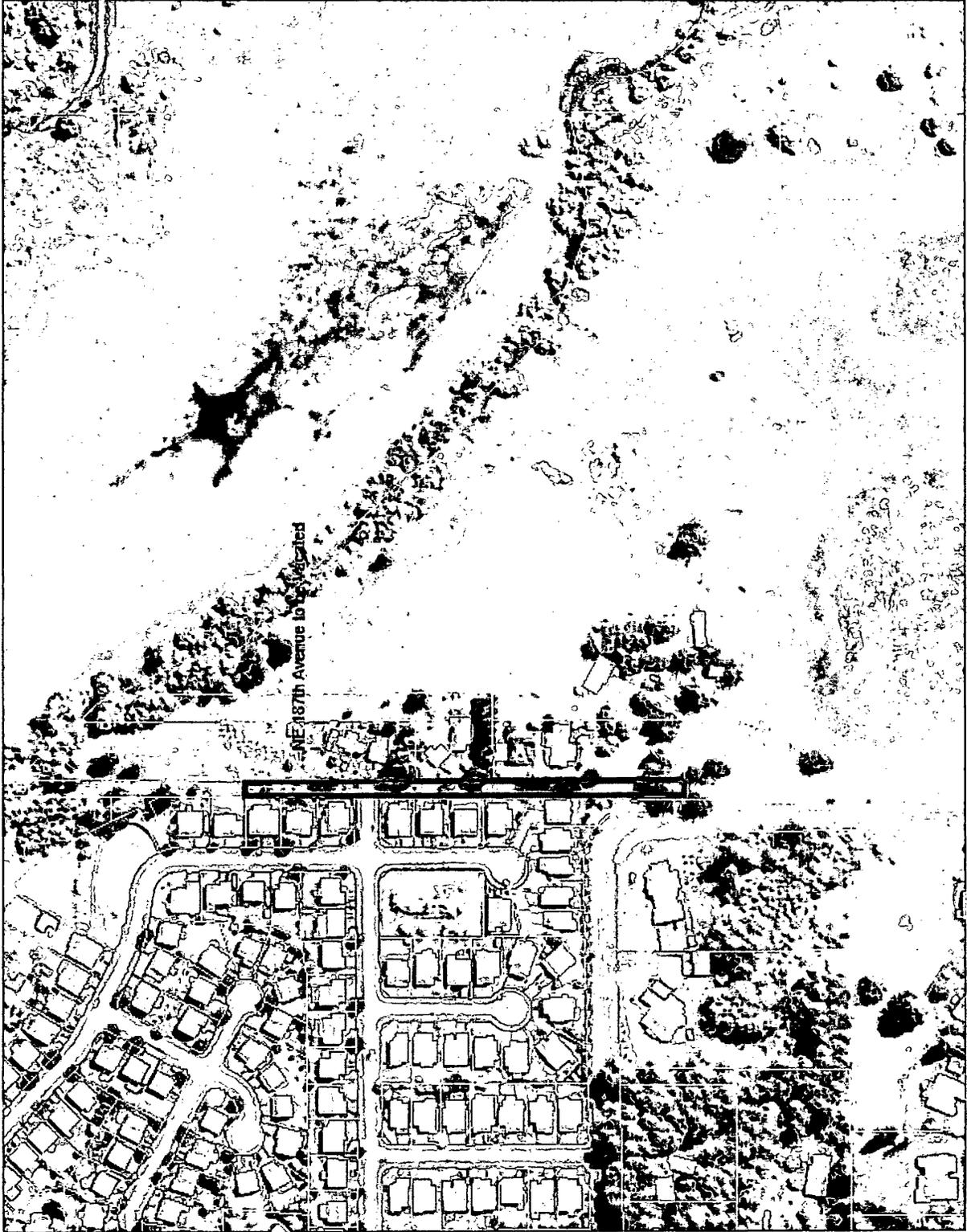




NE 187th Avenue – Area proposed to be vacated



Aerial Photo





∞ Action of the Board

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

**BOARD OF COUNTY Councilors
HEARING PACKET**

Hearing Item:	Accept and approve the Engineer's Report and Preliminary Order to Vacate a portion of NE 187 th Avenue located in the vicinity of NE 29 th Street running northerly 800 feet to its terminus. Located in Section 19, T2N, R3E, WM. Work Order Number 11307.
Date:	November 10, 2015
Time:	10:00 am

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PW15-090