

HOUSE BILL REPORT

HB 1578

*As Passed House
March 15, 1991*

Title: An act relating to vacation of county roads.

Brief Description: Authorizing owners of property in the vicinity of a county road to petition for its vacation.

Sponsor(s): Representative Appelwick.

Brief History:

Reported by House Committee on:
Local Government, March 6, 1991, DP;
Passed House, March 15, 1991, 91-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The process for a county to vacate and abandon a road includes the following steps:

- o The process is initiated by 10 "freeholders residing" in the vicinity of the road filing a petition with the county legislative authority requesting the vacation. The petition must show the land owned by each petitioner and set forth that the road is useless as part of the county road system and the public will be served by the vacation.
- o A report on the proposed vacation is prepared by the county engineer, including the engineer's opinion whether the road should be vacated, whether the road is or has been in use, the condition of the road, and the public benefit of the proposed vacation.
- o Either the county legislative authority, or a hearings examiner, holds a public hearing on the proposed vacation. Notice of the hearing is both posted on the

road and published in the county official newspaper. The county legislative authority makes its decision on the vacation after the public hearing. However, if a hearings examiner is used, the examiner prepares a record of the hearing and the county legislative authority makes its decision on the vacation at a public meeting.

- o The petitioners are responsible for the county's expenses incurred in the proceedings.

The petition initiating a city and town street vacation is required to be signed by the owners of at least two-thirds of the property abutting the street that is proposed to be vacated. City and town street vacations also may be initiated by resolution of the city or town council.

Summary of Bill: The signature requirement on a petition initiating the process to vacate a county road is altered from 10 freeholders residing in the vicinity of the road that is proposed to be abandoned to 10 owners of an interest in any real estate in the vicinity of the road that is proposed to be abandoned.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Freeholders are people who own property. It is difficult to find people who reside in the near vicinity of roads located in commercial areas.

Testimony Against: None.

Witnesses: Peter Lukevich, landowner and real estate attorney.