

SENATE BILL REPORT

SB 5413

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 14, 2011

Title: An act relating to allowing a majority of landowners to petition the county legislative authority to vacate and abandon the frontage of a county road.

Brief Description: Allowing a majority of landowners to petition the county legislative authority to vacate and abandon the frontage of a county road.

Sponsors: Senators Kilmer and Swecker.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/10/11, 2/14/11 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

Staff: Karen Epps (786-7424)

Background: Owners of the majority of the frontage of any county road may petition the county legislative authority to vacate a frontage road. The petition must show the land owned by each petitioner and set forth that the county road is useless as a part of the county road system. The petition or resolution must be filed with the county legislative authority. The legislative authority may require petitioners to make a cash deposit or pay a bond to cover the costs and expenses in the examination report. The legislative authority may require in the ordinance that the petitioners pay a fee to cover the costs and expenses of vacating the frontage road.

After the petition is filed and the bond is paid, the legislative authority directs the county engineer to report on the frontage road vacation. After the county engineer's report is received, either the legislative authority or a hearing officer must hold a public hearing. If the legislative authority holds the hearing, their decision is entered into the minutes of the

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hearing. If a hearing officer holds the hearing, the decision of the legislative authority is made at the next regular or special public meeting of the legislative authority.

Summary of Bill: A majority of the landowners or the owners of the majority of the frontage on any county road may petition the county legislative authority to vacate a frontage road.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill concerns a citizen's opportunity to vacate an easement that is no longer needed. The problem is that current law only allows the single largest landowner to petition the county even though several landowners may collectively own as much or more property. In other words, one person can hold up what should be a local decision making process. The bill would allow a majority of landowners to petition the county legislative authority. This bill does not require the county to do anything. This bill allows the county more discretion.

Persons Testifying: PRO: Senator Kilmer, prime sponsor; George Edward Smith, citizen.