
Local Government Committee

SB 5613

Brief Description: Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety.

Sponsors: Senators Rivers, Schoesler, Becker, Brown, Short, Warnick, Wilson, L. and Fortunato.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows a county to vacate a county road abutting a body of water in certain public safety circumstances.
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Hearing Date: 3/15/19

Staff: Yvonne Walker (786-7841).

Background:

A road or street vacation removes and terminates the public interest in a right-of-way and extinguishes the easement for public travel represented by the right-of-way.

When a county road, or any part of it, is considered useless, the board of county commissioners (board) may, by resolution, declare its intention to vacate and abandon all or a part of the road and direct the county road engineer to report on the vacation and abandonment. Alternatively, owners of the majority of the frontage on any county road or portion of road may petition the board to vacate and abandon all or a part of the road. The petition must show the land owned by each petitioner and declare that the county road or portion of road is useless and the public will benefit from its vacation and abandonment.

When directed by the board, the county road engineer must examine all or a portion of a county road proposed to be vacated and abandoned and report the county road engineer's opinion as to:

- whether the road should be vacated and abandoned;
- whether the road is in use or has been in use;

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- the condition of the road;
- whether it is advisable to preserve it for the county road system in the future; and
- whether the public will be benefited by the vacation and abandonment.

The board must schedule a hearing to consider the engineer's report, together with any evidence for, or objection against, vacation and abandonment. If the county road is found useful as a part of the county road system, it cannot be vacated. If it is found not useful and the public will benefit by the vacation, the board may vacate the road or portion of road.

However, no county may vacate a county road or portion of road which abuts a body of water unless the purpose of the vacation is to enable a public authority to acquire the vacated property for:

- port purposes;
- boat moorage or launching sites;
- for park, viewpoint, recreational, educational or other public purposes; or
- unless the property is zoned for industrial uses.

Summary of Bill:

A county may vacate all or part of a county road that abuts on a body of salt or freshwater for the protection of public safety when the county road ends on private property and part of the private property provides access to a mainline railroad bridge creating a public safety hazard.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.