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## Local Government Committee

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### HB 2607

**Brief Description:** Providing counties the ability to vacate county road rights of way.

**Sponsors:** Representatives Curtis and Haler.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Broadens a county's authority to vacate and abandon a waterfront roadway provided that such property is not necessary for specified public purposes and the abandonment does not undermine existing public access to a body of water.</li></ul>
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**Hearing Date:** 1/18/06

**Staff:** Thamas Osborn (786-7129).

**Background:**

**Authorization for a county to vacate and abandon a county road.**

A board of county commissioners (board) may vacate and abandon a county road upon the entry of a resolution finding that the road or any part thereof is "useless." The entry of such a resolution must be consistent with specified substantive and procedural requirements, which include:

- At the direction of the board, the county road engineer must conduct a study of the proposed road abandonment, make specified factual findings, and then make a recommendation as to whether the road should be abandoned;
- After meeting specified public notice requirements, the board must conduct a public hearing on the proposed abandonment, during which the board must consider the report of the county road engineer and any other evidence presented regarding the proposal; and
- Based upon the evidence presented at the public hearing, the board may authorize the abandonment of the road upon a finding that (1) the road is not useful and that (2) the public will benefit by the abandonment of the road.

These procedural steps may be initiated either by the resolution of the board or by a petition presented to the board by a majority of those owning the frontage on the portion of the road subject to the abandonment proposal.

**General prohibition against the abandonment of waterfront roadways.**

A county, however, may not abandon a county road that abuts a body of fresh or salt water, unless the purpose of the abandonment is to enable a public authority to acquire the vacated property for specified purposes, including:

- Port purposes;
- Boat moorage or launching sites; or for
- Parks, viewpoints, recreation, educational, or other public purposes.

**Summary of Bill:**

A county's authority to abandon a waterfront roadway is broadened so as to allow such abandonment pursuant to the passage of a resolution finding that:

- The road is not necessary for port purposes, boat moorage or launching sites, or other specified public purposes; and
- The abandonment of the road does not undermine or eliminate existing public access to a body of water.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2005.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.