
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">• Authorizes counties to vacate roads abutting a body of fresh or salt water in certain public safety circumstances.
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Hearing Date: 2/21/20

Staff: Elizabeth Allison (786-7129).

Background:

A road or street vacation is the termination of public interest in a right-of-way. It extinguishes the easement for public travel that is represented by the right-of-way.

A county may vacate a county road that is considered useless after a board resolution and declaration that it intends to vacate and abandon the road or any portion of it. The county must direct the county road engineer to report on the road vacation. The report must include the engineer's opinion as to whether the county road should be vacated, whether the road has been in use, the condition of the road, whether it will be advisable to preserve the road for the county road system in the future, whether the public will benefit from the vacation, and all other facts that will be of importance to the board.

The owners of the majority of the frontage on any county road or portion of a road may petition the board to vacate all or 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The county must publish in the county official newspaper a notice of hearing upon the report for vacation of a county road at least once a week for two consecutive weeks preceding the date fixed for the hearing. The county must also post a copy of the notice at each termini of the county road to be vacated for at least 20 days preceding the date fixed for a hearing. During the hearing, the county legislative authority must consider the report of the engineer and any evidence for objecting to the vacation, and must not vacate the road if it is found to be useful and a public benefit. If found not useful or not a public benefit, the county may vacate the road.

A county may not vacate a road or any part of a road that abuts on a body of salt or fresh water unless the purpose of the vacation is to enable a public authority to acquire the property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other purposes, or unless the property is zoned for industrial uses.

Summary of Bill:

A county may vacate a road abutting a body of salt or fresh water for the protection of public safety when the 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.