

FORM OF PETITION FOR  
VACATION AND ABANDONMENT OF COUNTY ROAD RIGHT OF WAY  
(RCW 36.87.020)

TO: BOARD OF BENTON COUNTY COMMISSIONERS:

We, the undersigned, being owners of the majority of the frontage, do hereby respectfully petition the Board of County Commissioners of Benton County, Washington, for the vacation and abandonment of the following described county road right of way in Benton County, Washington: (Attached herewith is a vicinity map of the right of way)

and in support of said petition; allege:

I

That the land owned by each petitioner of the aforesaid right of way is described as follows:  
(Attach a copy of legal description for each signature.)

II

That such county road right of way is useless as part of the county road system and that the public will be benefited by its vacation and abandonment, for the following reasons:

III

That this petition is accompanied by a bond in the penal sum of Five Hundred Dollars, (\$500.00), payable to the Benton County Engineer, pursuant to statute, conditioned upon the petitioners paying into the county road fund of said county the amount of all costs and expenses incurred in the examination, report, and all proceedings pertaining to this action for the vacation and abandonment of said right of way

NAME (print)	SIGNATURE	RESIDENCE	DATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS RE: Substitute Senate Bill No. 3356, regarding Road Right of Way Vacation Fees.

WHEREAS, The Legislature of the State of Washington passed Substitute Bill No. 3356, effective July 28, 1985, and

WHEREAS, said bill revises Section 36.87.020 of the Revised Code of Washington by eliminating the requirement of a one hundred dollar (\$100.00) bond to accompany a Road Right of Way Vacation request and allowing the legislative authority to set the proper bond amount, and

WHEREAS, Section 36.87.070 of the Revised Code of Washington has been revised to allow recovery of all expenses incurred by the vacation request regardless of the final decision on the vacation request, if the legislative authority has required a bond, and

WHEREAS, the average cost of a vacation is five hundred dollars (\$500.00).

NOW THEREFORE, BE IT RESOLVED that a deposit in the form of a cashiers check, certified check, or money order in the amount of five hundred dollars (\$500.00) will be required to accompany any petition for Road Right of Way Vacation, against which all costs and expenses incurred in the examination, report and proceedings pertaining to a petition shall be charged.

Dated this 12th day of August, 1985.

(Chairman Sebero absent)

\_\_\_\_\_  
Chairman of the Board.  
\_\_\_\_\_  
Member.  
\_\_\_\_\_  
Chm. Pro-Tem ~~Member~~

Attest: VERNER MILLER

County Auditor and Exofficio Clerk of the Board

By Glenette Evans  
Deputy Auditor

Constituting the Board of County Commissioners of Benton County, Washington.

**36.86.090 Logs dumped on right-of-way—Removal—Confiscation.** Logs dumped on any county road right-of-way or in any county road drainage ditch due to hauling equipment failure, or for any other reason, shall be removed within ten days. Logs remaining within any county road right-of-way for a period of thirty days shall be confiscated and removed or disposed of as directed by the boards of county commissioners in the respective counties. Confiscated logs may be sold by the county commissioners and the proceeds thereof shall be deposited in the county road fund. [1963 c 4 § 36.86.090. Prior: 1951 c 143 § 1.]

**36.86.100 Railroad grade crossings—Obstructions.** Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a county road for a distance of one hundred feet from the crossing in such a manner as to permit a person upon the road to obtain an unobstructed view in both directions of an approaching train. The county legislative authority shall cause brush and timber to be cleared from the right of way of county roads in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such a manner as to permit a person traveling upon the road to obtain an unobstructed view in both directions of an approaching train. It is unlawful to erect or maintain a sign, signboard, or billboard within a distance of one hundred feet from the point of intersection of the road and railroad grade crossing located outside the corporate limits of any city or town unless, after thirty days notice to the Washington utilities and transportation commission and the railroad operating the crossing, the county legislative authority determines that it does not obscure the sight distance of a person operating a vehicle or train approaching the grade crossing.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a county road or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the county legislative authority or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing. Nothing in this section prevents the posting or maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs conform to the "Manual for Uniform Traffic Control Devices" issued by the state department of transportation. The county legislative authority shall inspect highway grade crossings and make complaint of the violation of any provisions of this section. [1983 c 19 § 1; 1963 c 4 § 36.86.100. Prior: 1955 c 310 § 6.]

*Railroad crossings, obstructions: RCW 47.32.140.*

## Chapter 36.87

### ROADS AND BRIDGES—VACATION

#### Sections

36.87.010	Resolution of intention to vacate.
36.87.020	County road frontage owners' petition—Bond, cash deposit, or fee.
36.87.030	Freeholders' petition—Action on petition.
36.87.040	Engineer's report.
36.87.050	Notice of hearing on report.
36.87.060	Hearing.
36.87.070	Expense of proceeding.
36.87.080	Majority vote required.
36.87.090	Vacation of road unopened for five years—Exceptions.
36.87.100	Classification of roads for which public expenditures made—Compensation of county.
36.87.110	Classification of roads for which no public expenditures made—Compensation of county.
36.87.120	Appraised value as basis for compensation—Appraisal costs.
36.87.130	Vacation of roads abutting bodies of water prohibited unless for public purposes or industrial use.
36.87.140	Retention of easement for public utilities and services.
36.87.900	Severability—1969 ex.s. c 185.

**36.87.010 Resolution of intention to vacate.** When a county road or any part thereof is considered useless, the board by resolution entered upon its minutes, may declare its intention to vacate and abandon the same or any portion thereof and shall direct the county road engineer to report upon such vacation and abandonment. [1969 ex.s. c 185 § 1; 1963 c 4 § 36.87.010. Prior: 1937 c 187 § 48; RRS § 6450-48.]

**36.87.020 County road frontage owners' petition—Bond, cash deposit, or fee.** Owners of the majority of the frontage on any county road or portion thereof may petition the county legislative authority to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The legislative authority may (1) require the petitioners to make an appropriate cash deposit or furnish an appropriate bond against which all costs and expenses incurred in the examination, report, and proceedings pertaining to the petition shall be charged; or (2) by ordinance or resolution require the petitioners to pay a fee adequate to cover such costs and expenses. [1991 c 363 § 89; 1985 c 369 § 4; 1963 c 4 § 36.87.020. Prior: 1937 c 187 § 49, part; RRS § 6450-49, part.]

*Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.*

**36.87.030 Freeholders' petition—Action on petition.** On the filing of the petition and bond and on being satisfied that the petition has been signed by petitioners residing in the vicinity of the county road or portion thereof, the board shall direct the county road engineer to report upon such vacation and abandonment. [1963 c 4 § 36.87.030. Prior: 1937 c 187 § 49, part; RRS § 6450-49, part.]

**36.87.040 Engineer's report.** When directed by the board the county road engineer shall examine any county road or portion thereof proposed to be vacated and aban-

thereof is vacated the legislative body may include in the resolution authorizing the vacation a provision that the county retain an easement in respect to the vacated land for the construction, repair, and maintenance of public utilities and services which at the time the resolution is adopted are authorized or are physically located on a portion of the land being vacated: PROVIDED, That the legislative body shall not convey such easement to any public utility or other entity or person but may convey a permit or franchise to a public utility to effectuate the intent of this section. The term "public utility" as used in this section shall include utilities owned, operated, or maintained by every gas company, electrical company, telephone company, telegraph company, and water company whether or not such company is privately owned or owned by a governmental entity. [1975 c 22 § 1.]

**36.87.900 Severability—1969 ex.s. c 185.** If any provision of this act, or its application to any person, property or road is held invalid, the validity of the remainder of the act, or the application of the provision to other persons, property or roads shall not be affected. [1969 ex.s. c 185 § 8.]

### Chapter 36.88

## COUNTY ROAD IMPROVEMENT DISTRICTS

#### Sections

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| 36.88.010 | Districts authorized—Purposes.   | 36.88.190 | Improvement bonds, warrants authorized.  |
| 36.88.015 | Additional purposes.   | 36.88.200 | Improvement bonds—Form, contents, execution.   |
| 36.88.020 | Formation of district—How initiated.   | 36.88.210 | Improvement bonds—Issuance—Sale—Deposit of proceeds.   |
| 36.88.030 | Formation of district—By resolution of intention—Procedure.  | 36.88.220 | Improvement bonds—Guaranty fund.   |
| 36.88.035 | Notice must contain statement that assessments may vary from estimates.                                    | 36.88.230 | Improvement bonds—Guaranty fund in certain counties—Operation.   |
| 36.88.040 | Formation of district—By resolution of intention—Election—Rules.   | 36.88.235 | Improvement bonds—Guaranty fund assets may be transferred to county general fund—When.   |
| 36.88.050 | Formation of district—By petition—Procedure.   | 36.88.240 | Improvement bonds—Repayment restricted to special funds—Remedies of bond owner—Notice of restrictions.   |
| 36.88.060 | Formation of district—Hearing—Resolution creating district.  | 36.88.250 | Improvement bonds—Remedies of bond owners—Enforcement.   |
| 36.88.062 | Formation of district—Committee or hearing officer may conduct hearings—Report to legislative authority.   | 36.88.260 | Assessment where bonds issued—Payment in installments.   |
| 36.88.065 | Formation of district—Alternative method.  | 36.88.270 | Assessment where bonds issued—Payment in cash—Notice of assessment.  |
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| 36.88.076 | Credits for other assessments.   | 36.88.300 | District costs and expenses—What to include.   |
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*Assessments and charges against state lands: Chapter 79.44 RCW.*

*Deferral of special assessments: Chapter 84.38 RCW.*

*Local improvements, supplemental authority: Chapter 35.51 RCW.*