

ORDINANCE NO. 62-07

**AN ORDINANCE COMBINING AND SUPERCEDING  
ORDINANCE NOS. 151, 1238 AND 116-94  
AN ORDINANCE ESTABLISHING NEW PROCEDURES FOR ROAD VACATIONS**

**WHEREAS**, the Revised Code of Washington, Chapter 36.87, provides that the Board of County Commissioners may vacate county roads on its own initiative or upon petition of property owners abutting a road, and

**WHEREAS**, Ordinances 151, 1238 and 116-94, codified as Mason County Code Chapters 12.20 and 12.40, set forth procedures for processing road vacations, which procedures require revision and updating.

**WHEREAS**, a public hearing was held on June 12, 2007 in the Commission Chambers to take public comment and consider proposed amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mason County Commissioners, that Ordinances 151, 1238 and 116-94 are hereby combined and superceded, that Mason County Code Chapter 12.40 shall be abolished and Mason County Code Chapter 12.20 shall be revised and amended per the attached new Mason County Code Chapter 12.20.

**DATED** this 12<sup>th</sup> day of June, 2007.

ATTEST: Rebecca D. Rogers  
Clerk of the Board

APPROVED AS TO FORM:

[Signature]  
Deputy Prosecuting Attorney

cc: Cmmrs.  
County Engineer  
Community Development

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Title 12 BRIDGES AND ROADS  
Chapter 12.20 VACATION OF ROADS

12.20.010 Authority.

County roads may be vacated in accordance with the provisions of RCW 36.87, and Mason County may require as a condition precedent to the vacation the receipt of compensation from the person or persons benefiting from the vacation.

12.20.020 Administration.

The county engineer shall administer the road vacation process in accordance with RCW 36.87 and this chapter of the Mason County Code. The county engineer shall maintain and archive all records related to road vacations.

12.20.030 Public Hearing.

In accordance with RCW 36.07.060 (2), road vacation public hearings shall generally be held by the Mason County Hearing Examiner who shall consider the report of the county engineer, take testimony and evidence, prepare a record of the proceedings, and present a recommendation to the Mason County Board of County Commissioners. The Board of County Commissioners may hold any road vacation public hearing when deemed appropriate by the board.

12.20.040 Classification of roads.

For the purpose of vacating county roads, all roads shall be classified as follows:

- (1) Class A. All roads for which the right of way is an easement;
- (2) Class B. All roads for which the right of way is owned in fee simple and for which the county paid the full fair market value of the fee simple estate.

12.20.050 Compensation.

Any person or persons desiring to have any portion of any county road vacated shall be required by the Mason County Board of County Commissioners as a condition precedent to the vacation to compensate the county prior to the vacation. The compensation shall include, but not be limited to, the appraised, fair market value of the county's fee simple interest in the vacated road as of the effective date of the vacation, and the costs of any and all appraisals deemed necessary by Board of County Commissioners the Hearing Examiner or the Board of County Commissioners, together with any and all administrative costs incurred by the county in vacating the road. Said administrative costs shall include the costs of the Hearing Examiner in holding the public hearing and reporting recommendations to the Board of County Commissioners. Such compensation must be paid to Mason County within six months of the date the vacation was approved by the Mason County commissioners or the vacation shall be null and void.

12.20.060 Compensation rate.

(a) The county shall require, as a condition precedent to the vacation of roads or portions thereof within the classifications set forth in Section 12.20.040, that persons benefiting from the vacation thereof compensate Mason County as set forth in the following schedule:

- (1) Class A roads. No compensation other than for the administrative costs of the vacation action;
- (2) Class B roads. One hundred percent of the appraised, fair market value.

12.20.070 Manner of payment.

Payment shall be made to the Mason County treasurer and may be credited to the county road fund in those cases where the right-of-way was obtained through the use of county road funds and where administrative costs have been charged to the road fund, and in all other cases, shall be credited to the county current expense fund.

12.20.080 Deposit.

Each petition for vacation of a road shall be accompanied by a bond or cash deposit of a minimum of five hundred dollars, which shall be used to defray examination, report, publication, investigation and other costs connected with the application. When deemed necessary by the county engineer, an additional deposit amount may be required to cover appraisal or other costs. Board of County Commissioners For any petition, whether granted or denied, for which the deposit exceeds the total costs, the excess deposit shall be refunded to the petitioner. For any petition, whether granted or denied, for which the costs exceed the deposit, the excess shall be billed to the petitioner and be due and payable immediately.

12.20.090 Appraisal--Determination of value.

In the case of Class B, fee simple right of way, the appraised value of the vacated road shall be the true and fair market value of the parcel of land vacated, as determined by the county assessor at the time of vacation. The appraisal shall be prepared prior to the public hearing and shall be cited in the county engineer's report.

12.20.100 Appraisal--Officer.

Appraisals shall be made by the county assessor.