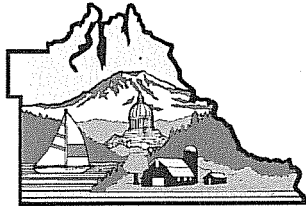


Cathy Wolfe  
District One  
Sandra Romero  
District Two  
Karen Valenzuela  
District Three

**HEARING EXAMINER**



**THURSTON COUNTY**  
WASHINGTON  
SINCE 1852

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

**CASE NO:** RTS-VAC 10-002

**PETITIONERS:** David L. and Ramona R. Weickum

**SUMMARY OF REQUEST:**

The Petitioners request vacation of a segment of Pingree Avenue right-of-way adjacent to their property, abutting the west end of their property, located at 9545 178<sup>th</sup> Way, Southwest in Rochester, Washington.

**LOCATION OF THE PROPOSAL:**

The subject right-of-way lies in Section 32, Township 16N, North, Range 3 West, W.M. and is the portion of unopened, Pingree Avenue lying between Lot 23, in block 2 and Lot 1, in Block 7, as shown on the plat of Wright's Addition to Rochester Washington, Division No. 2, as recorded in Volume 8 of Plant at Page 49, records of Thurston County, Olympia, Washington, together with the portion lying adjacent to the north half of the vacated alley in Block 2 of said plat.

**SUMMARY OF DECISION:**

The petition for road vacation is recommended to be granted.

**HEARING AND REORD:**

The hearing on this request was held before the undersigned Hearing Examiner on September 20, 2010. The following exhibits are admitted as part of the record:

Exhibit 1: Staff Report by Thurston County Public Works Department for Case No. RTS-VAC 10-02, prepared by Dale R. Rancour, P.E., County Engineer and dated August 17, 2010. This Exhibit includes the three page staff report and Attachments a through e, which are listed on page three of the Staff Report.

Exhibit 2: A Thurston County map showing blocks one through ten in the Wright's Addition to Rochester Washington subdivision and depicting the acreage of each block.

At the hearing, the following individuals testified under oath:

- Kelli Larson, Public Works, Thurston County Real Estate Services Section.
- David Weickum, Petitioner.

After considering the testimony and exhibits described above, the Hearing Examiner makes the following findings of fact, conclusions of law, and decision.

### **FINDINGS OF FACT**

1. Pingree Avenue is an unopened county right-of-way that never has been improved or opened for public use.
2. The Petitioners, David L. and Ramona R. Weickum, own property abutting Pingree Avenue, with the subject right-o-way abutting the west end of their property, their property being located at 9545 178<sup>th</sup> Way, Southwest in Rochester, Washington.
3. The existing road system serves the current transportation needs of the area. The properties in the area have been built out to zoning maximums, such that only limited new development in the area is expected by Thurston County. Therefore, the County does not expect the subject right-of-way ever to be needed in order to support access to property adjoining the undeveloped Pingree Avenue.
4. The Petitioner is aware of the compensation requirement associated with the County's vacation of the subject right-of-way and is prepared to meet this requirement, as it is set forth in RCW TCC 13.36.030 and TCC 13.36.040.
5. The Petitioners would like the County to vacate the right-of-way so the land will be incorporated in their adjacent parcel. The subject right of way was inside of a fenced back yard area when the Petitioners recently purchased the property abutting the right of way and only subsequent to the purchase discovered survey markers in their back yard indicating they did not possess full ownership of their back yard.

### **CONCLUSIONS OF LAW**

1. RCW 36.87.060 allows a hearing officer to conduct a public hearing to consider a proposed road vacation, to prepare a record of the proceedings, and to make a recommendation to the Board of Commissioners on the proposed vacation.
2. This procedure is implemented, under Thurston County Code (TCC) 13.36.060, which provides that "[e]xcept where the board specifically retains jurisdiction, a hearing examiner will be used to conduct a hearing and make a recommendation to the board in all cases." Thus, both state and county law require the Hearing Examiner's decision to be in the form of a recommendation to the Board of

County Commissioners.

3. A road may be vacated by the county only if (1) the road is useless as part of the county road system and (2) that the public will be benefitted by its vacation and abandonment. RCW 36.87.020. If the county road is found to be useful as part of the county road system, it shall not be vacated. But if it is not useful and the public will be benefitted by the vacation, thereof, the county may vacate the road, or any portion thereof. RCW 36.87.060(1).
4. Based on finding of fact Nos. 1 and 3 above, it is concluded that the area proposed to be vacated is not needed as part of the Thurston County road or right-of-way system and is not useful for those purposes. The public will be benefitted by the requested vacation.
5. For these reasons, the proposed road vacation meets the standards of RCW 36.87.020 and RCW 36.87.060 and should be granted.

#### **RECOMMENATION**

The Hearing Examiner recommends that the Board of Commissioners should approve the vacation of a segment of the unimproved Pingree Avenue right-of-way that is adjacent to the Petitioner's property, which is located at 9545 178<sup>th</sup> Way, Southwest in Rochester, Washington and is under file number RTS-VAC 10-002.

Dated this 29<sup>th</sup> day of September, 2010



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Jacqueline Brown Miller  
Thurston County Hearing Examiner *pro tem*

