

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 20, 2005 - SPECIAL SESSION
PUBLIC HEARING: RESOLUTION #C-128-05/R-49-05**

The Board of Island County Commissioners met in Special Session at 11:00 a.m., December 20, 2005, in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present. The Special Session was called to conduct a Public Hearing on Resolution #C-128-05/R-49-05 In the Matter of the Petition of Gretchen Otness, et. al. for the vacation of a portion of County road right of way known as Ocean Drive.

**CONTINUATION OF PUBLIC HEARING: RESOLUTION #C-128-05/R-49-05 - PETITION
OF GRETCHEN OTNESS, ET. AL. FOR THE VACATION OF A PORTION OF COUNTY
ROAD RIGHT OF WAY KNOWN AS OCEAN DRIVE**

At 11:00 a.m. Chairman Shelton opened a Public Hearing on Resolution #C-128-05/R-49-05 In the Matter of the Petition of Gretchen Otness, et. al. for the vacation of a portion of County road right of way known as Ocean Drive, continued from the hearing held on December 15, 2005 at the Camano Multipurpose Center, Camano Island. Bill Oakes, Public Works Director, and a number of staff from that Department were present. Video conferencing provided an opportunity for the Petitioner, Gretchen Otness, to participate from Camano Island.

At the Camano Island hearing there was agreement on the amount of property to be vacated and agreement that the County would gain a small piece of property. Not resolved were costs associated with the order of vacation. Staff at the Camano Island hearing stated costs to be \$6,580.01 of which \$500 had already been paid, leaving a balance due the County of \$6,080.01. Therefore, the Board asked the Public Works Director to review actual dollar amount figures and provide same for today's hearing. The Board has the ability to set the figure deemed appropriate.

Mr. Oakes provided background on the vacation, using the wallboard to draw a sketch of the property to depict the following:

Pre-1967 property and a road vacation that moved the property line and quitclaimed certain property to the County; then vacated a line and location of the house in 1967

Before the Otness' time frame, location of an additional foundation

A line from a recorded survey in 2003 that shows a back line on the lot.

Additional distance requested September, 2005, from the same surveyor

To bring all that land back into the property petitioners request 16.64' and vacation proposed by the Otness'.

Using the same sketch Mr. Oakes drew a line to show the County's proposal on the vacation after review and two triangle pieces, noting the problem there is a third triangle which is difficult from a surveying point of view to say what it is. If the vacation description in 1967 is accurate then the property line delineation in 2003 is not accurate and there is a dispute over the actual configuration of the property after 1967. The third triangle on the survey of the boundary is potentially misinterpreting the record. *[for purposes of the record, Mr. Oakes after the hearing drew the sketch on paper with copy on file with the Clerk of the Board]*.

To handle the technical issues Mr. Oakes advised that the County needed to receive from the petitioners

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a professional land surveyor stamped and signed drawing showing what the vacation is and is not. Mr. Oakes believed the petitioners hired a surveyor, but the County does not have a signed and stamped drawing from that surveyor for the vacation.

Mrs. Otness referenced her surveyor, Doug Ross, and thought that had all been submitted last February. Even though she stated that the stamped and signed survey had been hand-delivered twice to Dick Snyder's Office, Mr. Oakes clarified that the stamped and signed drawing found actually was the recorded boundary survey from 2003 and not a proposed vacation drawing, a 2003 recorded survey done for another owner by Delta Land Surveyors. The drawing the Otness' submitted was what the petitioner wants to own but is not signed and stamped by the surveyor. Mrs. Otness explained her frustrations with the County over the last 2-1/2 years and errors made.

Mr. Oakes fully admitted the Department had not communicated well with the petitioners and he was taking action to correct that; right now from a land surveying point of view this is a very complicated vacation and the county needs that survey. He apologized to Mrs. Otness for the lack of communication.

Commissioner McDowell reviewed with Mrs. Otness what it is the County needs: a signed and stamped survey from her surveyor; and as a condition of the vacation with the new concept of the triangle, that needs to be included on the survey - clarification as to what the actual lot line moving "from and to". Petitioners were requested to have their surveyor call and talk directly with Bill Oakes.

Mr. Oakes provided the Board with an estimate of cost for road vacation that gave an hourly breakdown along with equipment, spent so far on the road vacation [*copy on file with the Clerk of the Board*].

Commissioner McDowell researched the costs and provided the following clarifying information. When an individual wants to obtain ownership of public property, in this case right of way, the law is clear there are two costs to consider: (1) value of the land, to be established by the Assessor; (2) cost of the administrative work performed by the County. The County Engineer took that total cost of the lot and came up with a square foot cost coming to around \$6,000, which seemed high, and reduced that to \$3,000. The Assessor indicates that looking at the total project the value was somewhere around \$500 for the land, and the Public Works Director concurs. Proposed total cost to the Otness': \$500 for land plus \$3,381.012 cost of work performed by the County, less \$500 already paid by the petitioner.

Mr. Oakes thought that a percentage of the administrative costs could be contributed to neighbors concerns, including going out and locating the road and adding that to the County's own survey information, etc. also, the Department did request at the end of the process an alternative vacation line from what was proposed in the final order, and that decision on the part of the Department had not been discussed with the petitioner. Percentage of costs for those two areas would be 20% neighbors concerns, etc. and 10% due to the decision on the part of Public Work to alter the vacation.

The Commissioners agreed that the administrative cost figure of \$3,388.01 be reduced by that 30%. The total net figure then due Island County would be \$2,371.60, which takes into account: \$500 for land; property the County will gain; administrative costs reduced by 30% ; and \$500 already paid by the petitioners. Consensus reached to grant the vacation conditioned on petitioner's surveyor supplying the County with the survey stamped and signed, showing the proper legal description of the actual vacation agreed upon by the Petitioner's surveyor and the Public Works Director concurs with after

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talking with the Petitioner's surveyor.

That seemed agreeable to Mrs. Otness, but she wanted to have an opportunity to discuss it with her husband.

Commissioner Byrd moved approval of Resolution #C-128-05/R R-49-05 In the Matter of the Petition of Gretchen Otness, et. al. for the vacation of a portion of County road right of way known as Ocean Drive, the Final order of vacation conditioned upon Petitioner's surveyor providing a revised drawing, stamped and signed survey map acceptable to the County and legal documents [clearly showing the before and after vacation] and receipt of payment in the amount of \$2,371.60.

There being no further business to come before the Board, the meeting adjourned at 11:38 a.m. The Board will next meet in Special Session this afternoon at 1:30 p.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William J. Byrd, Member

ATTEST: _____
Elaine Marlow
Clerk of the Board