

CHAPTER XC.

[S. B. No. 220.]

RELATING TO VACATION OF ROADS.

AN ACT relating to the vacation of roads and repealing sections 3798 and 3799 of Ballinger's Annotated Codes and Statutes of the State of Washington.

Be it enacted by the Legislature of the State of Washington :

Petition of ten
freeholders—
to show what.

SECTION 1. When a county road, or part thereof, is considered useless, and ten freeholders residing in the vicinity of said road may petition the board of county commissioners to vacate the same, such petition shall show the land owned by each petitioner, and shall also set forth that such road will be useless as a part of the general road system, that the public will be benefited by its vacation. Such petition shall be accompanied by a bond in the penal sum of one hundred dollars, payable to the county, executed by one or more of such petitioners as principal or principals with two or more sureties, and conditioned that the petitioners will pay into the county treasury the amount of all costs and expenses incurred in the examination, report, and all other proceedings pertaining to such petition or vacation.

Petition
accompanied
by bond.

If accepted
bond to be
filed with
county
surveyor.

SEC. 2. The county commissioners when in session shall consider such petition and bond and if not rejected shall file the same with the county surveyor with instructions to examine said road and make a report in writing on the same. The surveyor shall include in his report his opinion as to whether the road should be vacated, whether the same is in use or has been in use, whether it will be advisable to preserve the same for a general road system in the future, whether the public will be benefited by the vacation and all other facts, matters and things which will be of importance to the board of county commissioners, and also file his cost bill.

Surveyor's
report—what
it shall
contain.

SEC. 3. The board when in session shall fix a date for hearing the said report and shall cause notice of said hearing to be published in the county official

newspaper and posted in a conspicuous place on said road, at least twenty days before the day set for hearing as follows: If the road be one mile or less than one mile long there shall be one notice posted near each end of said road; if said road be more than one mile long there shall be one notice posted near each end and one notice on each mile of said road.

Date for hearing report, notice of same to be given.

Notices—how posted.

SEC. 4. On the day set for hearing of said report the commissioners shall consider the same, together with the petition, and any objection that may be made to vacating the road, and if the road may be useful as a part of the general road system it shall not be vacated, but if the public will be benefited by the vacation then the commissioners may vacate the road or any portion thereof, and not otherwise; if the commissioners shall determine to vacate the road, or any part thereof, they shall, on payment of all costs by the principal petitioner declare the road vacated and make a record of the same.

Consideration of report and petition.

Vacation of road—when.

Record thereof.

SEC. 5. The clerk of the board of county commissioners shall make a statement in writing of all costs and expenses incurred in the proceedings and file the same with the county treasurer who shall proceed to collect the same.

Clerk's statement—filing thereof.

SEC. 6. No public road or highway or part thereof shall be vacated or cease to be a public highway until so ordered by the proper board of county commissioners, or by operation of law, or judgment of a court of competent jurisdiction.

No vacation unless properly ordered.

SEC. 7. The approval of any plat by the board of county commissioners or mayor and common council of any municipality shall not vacate any street, public road, or highway covered by such plat or over which such plat is laid.

Approval of plat not a vacation.

SEC. 8. Sections 3798 and 3799 of Ballinger's Annotated Codes and Statutes of the State of Washington be and they are hereby repealed.

Sections repealed.

Passed the Senate March 2, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.