

# STREET VACATION APPLICATION

<p><b>Legal Description (or Tax #), Parcel Number(s) of adjacent property:</b></p> <p>_____</p> <p>Addition: _____, Block(s): _____,</p> <p>Lot(s): _____</p>	<p><b><u>Office Use Only</u></b></p> <p>Permit LUP _____</p> <p>Associated Permits:</p> <p>_____</p> <p>_____</p>
<p><b>General description of the street and/or alley petitioned for vacation, and reasons for the request:</b></p> <p>_____</p>	
<p>Current uses of all adjacent properties:</p> <p>Is this property on the edge of an existing plat? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, what is the name of the plat?</p>	
<p><b>Property Owner:</b></p> <p>Name: _____</p> <p>Address: _____</p> <p>City/St/Zip: _____</p> <p>Phone: _____</p> <p>Email: _____</p>	<p><b>Contact/Representative (if different):</b></p> <p>Name: _____</p> <p>Address: _____</p> <p>City/St/Zip: _____</p> <p>Phone: _____</p> <p>Email: _____</p>
<p>In addition to other conditions that may be imposed by the City Council, the applicant hereby acknowledges that a twenty-five (25) foot utility/access easement, running twelve and one-half (12½) feet on each side of the centerline of the street proposed for vacation, or along existing utilities, may be retained by the City of Port Townsend. The applicant hereby certifies that all of the above statements and information contained in any exhibits, plot plans, or other transmittals made herewith are true. The applicant acknowledges that any action taken by the City of Port Townsend, based in whole or in part on this application, may be reversed if it develops that any such statement or other information contained herein is false. The undersigned hereby saves and holds harmless the City of Port Townsend from any and all causes of action, judgments, claims, restrictions, or other restrictions which may have been established by parties other than the City of Port Townsend.</p>	

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

***Please be aware that, should the street vacation be granted, the applicant will need to pay the final appraised value of the property.***

*See Page 2 for further required signatures, plan submittal requirements and cost.*

*Washington State Law requires that a petition for vacation of any street or alley be signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated (RCW Chapter 35.79).*

The undersigned petitioners, each owners of real estate abutting the described area on Page 1, hereby join in support of this application and approve of the vacation of said area:

NAME	ADDRESS

### Submittal Requirements CHECKLIST

- Completed Street Vacation application form (Page 1 & 2).
- Street Vacation Fees: \$840.88 (Includes \$50.00 Sign board deposit).
- Property Appraisal Fee: \$2,000.00 (actual fee will be used, with money charged or refunded).  
***Must be two separate checks, one for \$840.88 and one for \$2,000.00.***
- A site plan, to scale, on 8-1/2" by 11" sheet of paper, showing:
  - The street, alley, or portion thereof proposed to be vacated.
  - The name, address, and Assessor's parcel number of each adjacent property owner, including the applicant, and the location of each respective property.
  - The nearest constructed street to the area proposed for vacation.
  - The locations of *all* utilities existing within the right-of-way proposed to be vacated.
  - North Arrow.
- The location of any critical areas and/or buffers as described in PTMC 19.05, including all floodplains, lying within or adjacent to the proposed vacation.
- The location of any significant trees, as defined in PTMC 12.04.030.

For more Street Vacation information, see Port Townsend Municipal Code Chapter 12.20, accessible on the website: <http://www.cityofpt.us/>



# STREET VACATION PROCEDURE

This handout summarizes the City of Port Townsend's Street Vacation procedures and approval criteria. The filing of a Pre-Application request with the City's Planning & Community Development Department (PCD) is strongly encouraged prior to the submittal of any Street Vacation request.

1. An Applicant (or “petitioner”) completes the Street Vacation Application form and pays the applicable fee.<sup>1</sup> At least two-thirds of the property owners abutting the right-of-way proposed for vacation must sign the application to guarantee a public hearing is held before City Council. If less than two-thirds of the property owners have signed, Council may deny the request without holding a public hearing.
2. An adjacent property owner list (APO) within 300 feet of all properties involved with the vacation must be prepared and submitted with the application. A local Title Company must prepare the list and map used to create it. The APO’s and their addresses must be placed onto labels suitable for mailing.
3. City staff will notify all appropriate utility providers, other municipal departments and any other committee or agency that may be interested in or affected by the proposed vacation.
4. City staff then prepares a Resolution for City Council to consider that sets a public hearing date for their review of the Street Vacation request. By law, the hearing date must be no fewer than 20 days nor more than 60 days from the date the Resolution is approved.
5. For the public hearing, City staff prepares a recommendation on the proposed vacation for Council to consider. Staff's recommendation may be either to approve, approve with conditions or deny the proposed vacation. Please be advised that in general, street vacations are discouraged by municipal code. Staff’s presentation will analyze the vacation request for consistency with current plans and the vacation approval criteria.<sup>2</sup> Staff and utility providers will also review the proposed vacation to determine if it will impair current or anticipated needs of emergency services, transportation (including mass transit and non-motorized), and utilities. The proposed vacation is also reviewed for potential impacts to critical areas subject as steep slopes, wetlands, etc. Where proposed vacations involve land abutting a body of fresh or salt water, the proposal is evaluated for current and anticipated future needs of public access to the water (both viewing and physical access).
6. At the public hearing, Council reviews PCD’s recommendation and all other testimony in support of, or opposition to, the proposed street vacation. The Council shall adopt Findings and Conclusions to preliminarily grant or deny the requested street vacation. The approved Findings and Conclusions shall reference any conditions Council deems appropriate for petitioner to secure final vacation approval. The petitioner must meet all conditions within

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<sup>1</sup> A separate deposit of \$2,000 is required at the time of application submittal. This is in addition to the application fee and is intended to cover costs associated with a property appraisal in the event preliminary approval from Council is granted. Ultimately, all costs associated with the fair market appraisal are the responsibility of the petitioner. Property appraisals for Street Vacations often cost far more than the deposit.

<sup>2</sup> See PTMC 12.20.060; also listed on pgs. 2 & 3 of this handout.

180 days unless extended by Council. Upon completion of all specified conditions, Council grants final vacation approval by adoption of an Ordinance. The Ordinance may retain an easement or the right to exercise and grant easements over vacated right-of-way, provided the proposed vacation does not abut a body of salt or fresh water, unless the requirements of RCW [35.79.035](#) are met, as now or hereafter amended. In addition, unless waived by the Council, final approval of a street vacation must include completion of a city lot line adjustment that merges the vacated area into the adjoining private lands in accordance with Council's Findings and Conclusions.

7. As part of the public hearing, the petitioner (or their authorized agent) must attend and participate in the hearing. The petitioner is responsible for demonstrating to Council that the vacation request is consistent with all applicable approval criteria. Unless the Council finds all applicable approval criteria will be met, the public right-of-way shall be retained.

### **IF THE VACATION PETITION IS APPROVED**

1. The Petitioner will have already paid a \$2,000 deposit to the City for a real estate appraisal of the street right-of-way. If the appraisal cost is less than \$2,000, then payment for the right-of-way will be reduced by the difference. If the appraisal cost exceeds \$2,000, the petitioner must pay the difference. Recent private appraisal costs involving Street Vacations have increased significantly and can occasionally reach several thousand dollars.
2. The petitioner then pays to the City the full appraised fair market value plus the balance due for any of the appraisal cost. Where applicable, it will be the responsibility of the petitioner to obtain reimbursement from the neighbors for their fair share. In lieu of payment of appraised value, the City Council may (at their discretion) accept an alternative dedication or conveyance of real property to the City in exchange for the vacated right-of-way.
3. If successful with Council and the subsequent appraisal fair market value is acceptable, the petitioner must prepare and submit a City Lot Line Adjustment (LLA) application. This effort will include preparation of a privately funded Record of Survey that will merge the vacated right-of-way into the adjoining property (or properties). When the LLA has been approved by PCD staff and is ready to be recorded, staff will return to Council with an Ordinance that effectively vacates the right-of-way.
4. The vacation Ordinance and LLA documents are then recorded concurrently with the Jefferson County Auditor and the Street Vacation becomes final. The Applicant is responsible for all costs associated with both the preparation of the LLA and recording of the various Street Vacation documents.

### **Street Vacation Approval Criteria**

#### **PTMC 12.20.060 – Review Criteria**

An application seeking the complete or partial vacation of a street, right-of-way, or alley may be approved by the City Council only upon an applicant demonstrating, to the satisfaction of the City Council compliance with all of the following criteria, measured both in terms of present and potential public need for the street, right-of-way, or alley:

- A. That the proposed vacation of a street, right-of-way, or alley is in compliance with the City’s engineering design standards manual and the goals and policies of the City comprehensive plan and other adopted City plans, as shown on the list maintained by the building and community development department, including but not limited to the following “functional” or “subarea” plans, as now adopted and hereafter adopted, revised, or amended:
  1. Shoreline Master Program;
  2. Gateway Plan;
  3. Non-Motorized Transportation Plan;
  4. Stormwater Plan;
  5. Water System Plan;
  6. Sewer Plan;
  7. Parks & Recreation Plan, and
- B. That the proposed vacated street right-of-way or alley is not required for current or anticipated overall area motor vehicle circulation; and
- C. That the current and anticipated future effectiveness of fire, law enforcement, medical, or other emergency services will not be unduly impaired by the vacation of the street, right-of-way, or alley; and
- D. That the current and anticipated future needs for public transportation service (transit), mail delivery, private utility service delivery, solid waste collection service, and other public service delivery will not be unduly impaired by the vacation of the street, right-of-way, or alley; and
- E. That the proposed vacated street, right-of-way, or alley is not required as a current or anticipated utility corridor (suitable water, sewer, storm sewer, and other easements may be required to satisfy this criterion; the dimensions of the easement shall conform with the City’s adopted engineering design standards); and
- F. That the proposed vacated street, right-of-way, or alley is not required as a current or anticipated bicycle, pedestrian, or equestrian pathway, trail or sidewalk corridor (suitable trail easements may be required to satisfy this criterion); and
- G. That the proposed vacation will not increase the potential for disturbance of a critical area, as defined by PTMC 19.05, including critical areas within and outside of the street, right-of-way, or alley proposed for vacation; and
- H. That, in the case of the proposed vacation of any portion of a street or alley which abuts a body of fresh or salt water, the proposed vacation meets the criteria and has been reviewed and approved in accordance with RCW 35.79.035, as now or hereafter amended.
- I. The city shall not vacate, by petition, less than the full width of the right-of-way. The city may initiate and vacate by resolution less than a full width of right-of-way.

**RCW 35.79.035 Additional Criteria for Rights-of-way Adjacent to Bodies of Fresh or Salt Water**

1. A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:
  - A. The vacation is sought to enable the city to acquire the property for port purposes, beach or water access, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;
  - B. The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach, or water access; boat moorage; launching sites; park; public view; recreation; or education.