



Shoreline Policy and Procedure

PDS - Street Vacation - PDS 10-1

<p>Subject: Procedure for Street Vacation - Petition Method</p>	<p>Code and statutory authority: SMC Chapter 12.17, RCW Chapter 35.79</p>
<p>Effective Date April 1, 2010</p>	<p>Approved By: </p>
<p>Prior Versions and Related Policies April 4, 2006</p>	<p>Director, PADS Director, Public Works  City Attorney</p>

1.0 PURPOSE

The purpose of this policy is to detail the street vacation procedure, focusing on petition submittal requirements, coordination of departmental review, and preparation for street vacation hearings.

2.0 DEPARTMENTS AFFECTED

Public Works, Planning and Development Services, City Attorney’s Office, City Clerk’s Office, and Fire Department.

3.0 REFERENCES AND FORMS

3.1 REFERENCES

- A. SMC Chapter 12.17
- B. RCW Chapter 35.79

3.2 STREET VACATION FORMS

- A. Street Vacation Petition Submittal Checklist
- B. Street Vacation Criteria Street
- C. Critical Areas Worksheet
- D. Street Vacation Petition and Affidavit
- E. Utility Notification and Request for Comment

4.0 PROCEDURES

4.1 PRE-PETITION CONSULTATION

- A. Prior to submittal of application PADS shall set up a pre-petition meeting with the applicant, the PADS Project Manager, a Public Works representative, and a Fire Department representative.

- B. At the meeting, Public Works should address the feasibility of the petition (i.e., long term circulation of capital projects, anticipated traffic impacts, existing utilities, etc.).
- C. At the meeting, PADS should provide applicant with this policy and the street vacation forms and shall inform the applicant of the amount of known costs involved in street vacation that applicant must pay (i.e., petition fee and public hearing cost) and the unknown costs involved that the applicant must also pay (cost of appraisal, cost of traffic study, closing costs and compensation to be paid to the City if vacation is approved). Compensation for property which has been part of the dedicated public right-of-way for 25 years or more or property that was acquired at public expense is the full-appraised value. If property has been part of the dedicated public right-of-way for less than 25 years, the compensation is ½ of the appraised value.
- D. Public Works researches dedication history to determine rights to vacation and obligation to make compensation. If City does not possess the information, then applicant must complete research.

4.2 PETITION REVIEW

- A. Petition is filed with the City Clerk's Office with street vacation fee deposit.
- B. Clerk's Office verifies petition signatures under RCW 35A.01.040. Within 3 days of filing of petition, City Clerk's Office sends signatures to county assessor for determination of sufficiency.
- C. PADS verifies procedural requirements of SMC 12.17 are met, completes internal review, contacts other departments for their review, and coordinates departmental responses.
 - 1. PADS verifies petition requirements:
 - a. Concise statement of relief sought.
 - b. Legal description of vacation.
 - c. Signed by owners of 2/3 interest in abutting property. Must also have names, address, and date of signing. Ensure Clerk's office has verified petition signatures with the county assessor under RCW 35A.01.040.
 - 2. PADS sets dates for:
 - a. City Council to approve resolution to set public hearing before the Planning Commission (petition must be heard by Planning Commission not less than 20 days or more than 60 days after date of resolution passage);
 - b. Public hearing before the Planning Commission; and
 - c. City Council consideration of ordinance to adopt/deny the street vacation.

3. PADS verifies posting and mailing of vacation notice.
 - a. At least 20 calendar days before the Planning Commission hearing: PADS posts a public notice in three conspicuous public places and in one conspicuous place on the street or alley sought to be vacated.
 - b. At least 15 days before the hearing: PADS mails public notice to each owner of property within 500 feet of the proposed vacation.
 4. Upon receipt of filed petition, PADS shall notify the following utilities affected by the potential vacation: electricity, natural gas, sewer, water, stormwater, and telecommunications. *See Utility Notification and Request for Comment template.*
 - a. PADS ensures utilities have responded with their easement requirements, if any, by date appraisal is ordered.
- D. Public Works reviews applicant’s traffic study of impacts on right-of-way needs for recommendation on petition and conditions of approval, to include impact on capital projects, long term circulation plans, public safety, public benefit, impacts on local access, and the need to retain easements.
1. Public Works either recommends approval of the street vacation per engineering review as-is or as-conditioned. If recommending approval as-conditioned, prepare draft conditions.
- E. Fire Department reviews petition, including how the vacation may affect access to property.
1. Fire Department provides City with comments on street vacation. If Fire recommends conditions to the street vacation, Fire prepares draft conditions. City will review Fire Department’s comments and proposed conditions for approval.

4.3 RESOLUTION

- A. City Attorney prepares resolution for City Council setting the date for the petition to be heard by the Planning Commission. PADS prepares staff report, attaching all public comment letters received.
- B. Resolution shall be prepared one week in advance of the City Manager’s Office staff report deadline.

4.4 PLANNING COMMISSION OPEN RECORD HEARING

- A. PADS prepares staff report for Planning Commission, incorporating Public Works studies and recommending whether to approve the vacation based on the departmental reviews and setting forth conditions for approval.

- B. PADS presents staff report at hearing before the Planning Commission.
- C. If Planning Commission recommends approval, applicant deposits with PADS the estimated appraisal costs, closing costs and compensation for the vacation.

4.5 SEPA

- A. Street vacations are exempt from SEPA threshold decision per WAC 197-11-800(2)(h).

4.6 APPRAISAL

- A. City Attorney orders appraisal, and forwards all proposed easement and condition information to appraiser.
- A. Petitioners are responsible for paying actual appraisal costs.

4.7 CITY COUNCIL CLOSED RECORD HEARING

- A. City Attorney prepares ordinance approving street vacation upon payment of closing costs and compensation. PADS prepares staff report for ordinance, attaching Planning Commission recommendation.
- B. PADS presents staff report at hearing before the City Council.

4.8 DECLARATION OF STREET VACATION AND DOCUMENT RECORDING

- A. City Attorney coordinates compliance with conditions of vacation including obtaining necessary signatures on utility and third party easements.
- B. City Attorney reconciles final fees and costs with deposits.
- C. City Attorney drafts declaration of vacation and other property instruments required by vacation ordinance or approves instruments drafted by utilities and third parties required by the vacation ordinance.
- D. City Manager signs declaration of street vacation.
- E. City Attorney records street vacation documents and reports status of vacation to City Clerk.



City of Shoreline

17544 Midvale Avenue North

Shoreline, WA 98133-4921

(206) 546-1700 ♦ Fax (206) 546-2200

Date

Utility address

Dear Sir or Madam:

The City of Shoreline has received a petition for vacation of the following street: property description here, and is soliciting comments from potentially affected utilities. Please inform the City if there is a need to reserve an easement for type of utility. If an easement is necessary, you must provide us with an as-built legal description for existing facilities. If you prefer to use your own easement form, please submit the form along with the legal description; otherwise, the City will prepare the easement using the City's form. Please call me at number or mail the information to my attention.

Sincerely,

Name of PADS Project Manager

Title