

STREET VACATION SUBMITTAL PACKET



CITY OF SNOHOMISH

Founded 1859, Incorporated 1890

116 UNION AVENUE • SNOHOMISH, WASHINGTON 98290 • TEL (360) 568-3115 FAX (360) 568-1375



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STREET VACATION PETITION APPLICATION SUBMITTAL PACKET

This packet contains:

1. Frequently Asked Questions about Street Vacations
2. Petition for Vacation of Public Right-of-Way Form
3. Street Vacation Submittal Checklist
4. Land Use Application Form
5. RCW 35.79: Streets -- Vacation

Submit Application to:

City Clerk
116 Union Avenue
Snohomish, WA 98290

Permit Counter Hours:
Monday – Friday 9:00 a.m. to 5:00 p.m.

Phone: (360) 568-3115
Fax: (360) 568-1375

For any questions that you might have, please contact the City of Snohomish Planning & Development Services at (360) 568-3115.



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STREET VACATION

For additional information, refer to Snohomish Municipal Code (SMC) 12.48 and RCW 35.79

WHAT IS A STREET VACATION?

A street vacation is a process whereby the City agrees to relinquish its ownership of a street right-of-way to a land owner. This includes all circulators, for both pedestrians and vehicles.

WHO MAY REQUEST A STREET VACATION?

Any owner of interest in any real estate abutting any street or alley may request a street vacation.

WHAT IS THE PROCEDURE?

All requests for street vacations are to be submitted to the **City Clerk**. After application submittal, the following process will take place:

- After complete petition receipt: The City Clerk will place the request on the City Council Agenda.
- The Public Works Director will review the legal description of all properties involved and field check the survey information. An appraisal will be performed prior to the City Council meeting on the petition.
- The Public Works department will review the petition and report their findings to the City Council.
- The City Council will adopt a resolution setting a time for the hearing, which will be between **20-60 days** from the date of the resolution.
- **20 days** prior to the hearing: Public notice of the hearing will be posted.
- City Council will make its decision. Authorizations will be made by ordinance.

NOTE: City Council may require compensation that does not exceed the appraised value of the property as stated in RCW 35.79.030. It may also determine that the City will retain an easement or right to exercise and grant easements on the vacated land for construction, repair, and maintenance of public utilities and services.

WHAT ARE THE CRITERIA FOR GRANTING A STREET VACATION?

Approval of a street vacation may only be granted if the City Council finds that the following criteria have been satisfied:

- The vacation will provide a public benefit, and/or will be for a public purpose.
- The right-of-way vacation will not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
- The public need will not be adversely affected.
- The right-of-way is not contemplated or needed for future public use.
- No abutting owner will become landlocked or his access will not be substantially impaired. There must be an alternate mode of ingress and egress.

HOW DO I BEGIN?

Before submitting a petition for the vacation of any street or alley, an abutting property owner is encouraged to submit a written request to the City Clerk for a pre-application meeting with the City Council to discuss the proposal. Requests should include a description of the right-of-way for which vacation is proposed, a statement of the applicant's reasons for requesting vacation, and a statement as to how the requested vacation meets the above criteria for granting street vacations.

The meeting is free, and is an opportunity for the City Council to hear from the applicant, other interested parties, and City staff concerning the proposal before formal submittal. At the meeting, the Council may make a preliminary determination as to whether the proposal complies with the criteria, or what changes, if any, should be made prior to submittal. This preliminary determination shall not be final or binding in any respect.



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WHAT ARE THE DEPOSITS AND FEES FOR?

One half of all revenue received by the City as proceeds of street vacation will be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the City (Ord. 1996, 2001; Ord. 2123, 2007).

The deposit due at the time of application is to cover the cost of processing your application. If the cost exceeds the deposit, the petitioners are responsible for paying the additional amount. If the cost is less than the deposit, the balance will be refunded to the petitioners, or, upon their decision, may be applied to the compensation amount.

Until all application fees have been paid in full, no action will be taken on the petition.

HOW IS THE AMOUNT OF COMPENSATION DETERMINED?

The City Council requires compensation by the petitioners to the City of Snohomish in accordance with the following criteria:

- If the street or alley has been part of a dedicated public right-of-way for 25 years or more, or if the street (or portions thereof) was acquired at public expense, an amount that does not exceed the full appraised value of the area will be due.
- If the street or alley has been part of a dedicated public right-of-way for less than 25 years, or if the street (or portions thereof) was not acquired at public expense, an amount that does not exceed one half of the appraised value of the area will be due.

Compensation may be waived or reduced if the vacation is initiated by the City, or when the City Council deems it to be in the best interest of the City, in accordance with the following:

- When the abutting property is owned by a governmental entity or by a non-profit organization whose purpose is for the necessary support of the poor or infirm.
- When the street was vacated by the provisions of Section 32, Chapter 19, Laws of 1889-90, the "nonuser" statute (fully described in SMC 12.48.050).

WHAT DOES THE CITY NEED TO REVIEW MY APPLICATION?

In addition to the necessary forms and deposits, the City requires a letter addressed to the City Council, answering the following questions:

- Will the vacation provide a public benefit, and/or be for a public purpose?
- Will the right-of-way vacation adversely affect the street pattern or circulation of the immediate area or the community as a whole?
- Will the public need be adversely affected?
- Is the right-of-way contemplated or needed for future public use?
- Will any abutting property owner become landlocked, or will his access be substantially impaired?

A vicinity map, showing the location of the proposed street vacation and adjacent properties is also required, as is a survey and legal description produced by a professional land surveyor.

NOTE: This information should not be used as a substitute for City codes and regulations. You should review all the details of your project with the Planning and Development Services Department at 116 Union Avenue (360) 568-3115 between 9:00 a.m. and 5:00 p.m. Monday through Friday.



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PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

Date:

Project #

PETITION SUBMITTED BY:

Name:	
Address:	
City/State/Zip:	
Phone:	
Cell Phone:	
Alternate Phone:	
E-mail:	

DEPOSITS

<input type="checkbox"/>	Application	\$ 300.00
TOTAL:		\$
Date of Receipt:		
Receipt #:		

THE UNDERSIGNED owners of more than two-thirds of the property abutting the following described street hereby request the vacation of a portion of:

PETITION SIGNED BY:

<p>_____ Signature Date</p> <p>Print Name:</p>	Owner of the following described property:
<p>_____ Signature Date</p> <p>Print Name:</p>	Owner of the following described property:
<p>_____ Signature Date</p> <p>Print Name:</p>	Owner of the following described property:
<p>_____ Signature Date</p> <p>Print Name:</p>	Owner of the following described property:
<p>_____ Signature Date</p> <p>Print Name:</p>	Owner of the following described property:



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STREET VACATION – SUBMITTAL CHECKLIST

ALL SUBMITTALS **MUST** BE COMPLETE

- Petition for Vacation of Public Right-of-Way Application Form
Including signatures of owners adjacent to two-thirds of the property abutting the street or alley
- Land Use Application Form
- Vicinity Map, showing the following:
 - Location of the proposed street
 - Adjacent properties
- Survey and Legal description
Produced by a professional Land Surveyor, licensed to work in Washington State.
- Letter addressed to the City Council, answering the following questions
 - Will the vacation provide a public benefit, and/or be for a public purpose?
 - Will the right-of-way vacation adversely affect the street pattern or circulation of the immediate area or the community as a whole?
 - Will the public need be adversely affected?
 - Is the right-of-way contemplated or needed for future public use?
 - Will any abutting property owner become landlocked, or will his access be substantially impaired?

Complete applications must be submitted to the City Clerk



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LAND USE APPLICATION

<input type="checkbox"/> CONDITIONAL USE <input type="checkbox"/> DESIGN REVIEW <input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> HOME OCCUPATION <input type="checkbox"/> LOT LINE ADJUSTMENT <input type="checkbox"/> PLAT <input type="checkbox"/> SHORT PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> PLANNED RESIDENTIAL DEVELOPMENT <input type="checkbox"/> SEPA (ENVIRONMENTAL REVIEW) <input type="checkbox"/> SHORELINE SUBSTANTIAL DEVELOPMENT <input type="checkbox"/> STREET VACATION <input type="checkbox"/> VARIANCE <input type="checkbox"/> OTHER: _____ PROJECT ADDRESS OR LOCATION: _____	FOR OFFICE USE ONLY						
	FILE #:						
	DATE:	REC'D BY:					
	FEE:	RECEIPT #:					
	<input type="checkbox"/> HE	<input type="checkbox"/> STAFF	<input type="checkbox"/> DRB	<input type="checkbox"/> CC			
	Permit Type	1	2	3	4	5	6
	STAMP IN DATE						
Land Use Designation:							
Property Tax#(s): (14 digits)							
Property Owner:					Phone:		
Mailing Address:					E-mail:		
Applicant/Agent:					Phone:		
Mailing Address:					E-mail:		
Please Attach a Detailed Description of Your Request							
Note: Property Legal Description Must be Attached							
SIGNATURE OF OWNER(S):							
<p>The undersigned owner, and his/her/its heirs and assigns, in consideration of the processing of the application, agree to release, indemnify, defend and hold the City of Snohomish harmless from any and all damages, including reasonable attorney's fees, arising from any action or infraction based in whole or in part upon false, misleading, inaccurate or incomplete information furnished by the owner, his/her/its agents or employees. The undersigned owner grants his/her/its permission for public officials and the staff of the City of Snohomish to enter the subject property for the purpose of inspection and posting attendant to this application.</p> <p>I/We, hereby attest that I am/we are the owner(s) in fee simple of the property involved in this application and that the foregoing statements and answers contained herein, and the information herewith submitted, are in all respects true and correct to the best of my/our knowledge and belief. I/We shall be solely responsible for verification of all property lines and setbacks. I/We also understand that signing and submitting this application authorizes City staff and agents to enter and inspect the site at any reasonable time for the purpose of reviewing this application.</p>							
_____ Signature			_____ Printed Name			_____ Date	
Subscribed and sworn to before me this _____ day of _____, 20 _____							
_____ Notary Name Printed							
_____ Signature of Notary							
Notary Public in and for the State of Washington, County of Snohomish. Appointment expires: _____							

Chapter 35.79 RCW STREETS – VACATION

35.79.010	Petition by Owners – Fixing Time for Hearing
35.79.020	Notice of Hearing – Objections Prior to Hearing
35.79.030	Hearing – Ordinance of Vacation
35.79.035	Limitations on Vacations of Streets Abutting Bodies of Water – Procedure
35.79.040	Title to Vacated Street or Alley
35.79.050	Vested Rights not Affected

RCW 35.79.010 Petition by owners -- Fixing time for hearing.

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is 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, legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution. [1965 c 7 § [35.79.010](#). Prior: 1957 c 156 § 2; 1901 c 84 § 1, part; RRS § 9297, part.]

RCW 35.79.020 Notice of hearing -- Objections prior to hearing.

Upon the passage of the resolution of the city or town clerk shall give twenty days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city or town and a like notice in a conspicuous place on the street or alley sought to be vacated. The said notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the city or town council or similar legislative authority without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown: PROVIDED, That if fifty percent of the abutting property owners file written objection to the proposed vacation with the clerk, prior to the time of hearing, the city shall be prohibited from proceeding with the resolution. [1965 c 7 § [35.79.020](#). Prior: 1957 c 156 § 3; 1901 c 84 § 1, part; RRS § 9297, part.]

RCW 35.79.030 Hearing -- Ordinance of vacation.

The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated. The ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located. One-half of the revenue received by the city or town as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city or town. [2002 c 55 § 1; 2001 c 202 § 1; 1987 c 228 § 1; 1985 c 254 § 1; 1969 c 28 § 4. Prior: 1967 ex.s. c 129 § 1; 1967 c 123 § 1; 1965 c 7 § [35.79.030](#); prior: 1957 c 156 § 4; 1949 c 14 § 1; 1901 c 84 § 2; Rem. Supp. 1949 § 9298.]

RCW 35.79.035 Limitations on vacations of streets abutting bodies of water -- Procedure.

- (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 or town to acquire the property for port purposes, beach or water access purposes, 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; or
 - (c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated
- (2) Before adopting a resolution vacating a street or alley under subsection (1)(b) of this section, the city or town shall:
 - (a) Compile an inventory of all rights of way within the city or town that abut the same body of water that is abutted by the street or alley sought to be vacated;
 - (b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city or town for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;
 - (c) Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and
 - (d) Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (b) of this subsection, and that the vacation is in the public interest.
- (3) No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city or town only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites. [1987 c 228 § 2.]

RCW 35.79.040 Title to vacated street or alley.

If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each. [1965 c 7 § [35.79.040](#). Prior: 1901 c 84 § 3; RRS § 9299.]

RCW 35.79.050 Vested rights not affected.

No vested rights shall be affected by the provisions of this chapter. [1965 c 7 § [35.79.050](#). Prior: 1901 c 84 § 4; RRS § 9300.]

USEFUL LINKS:

REFERENCE ITEM	LINK
Snohomish Municipal Code See section 12.48	http://www.ci.snohomish.wa.us/MunicipalCode.htm
Land Use Map	http://www.ci.snohomish.wa.us/MapLandUse.htm
Snohomish Comprehensive Plan	http://www.ci.snohomish.wa.us/ComprehensivePlan.htm
Application Forms	http://www.ci.snohomish.wa.us/FormsApplications.htm
City of Snohomish Design Standards and Guidelines Outside the Historic District	http://www.ci.snohomish.wa.us/PDFs/DesignStandards.pdf
Snohomish Historic District Design Standards	http://www.ci.snohomish.wa.us/PDFs/DesignStandardsHistoricDistrict.PDF
Endangered Species Act Response Planning	http://snoedc.com/pdfs/Snohomish_ESA_Strategy_060704b.pdf

For more information, visit Snohomish City Hall at 116 Union Avenue any time from 9:00 a.m. until 5:00 p.m. Monday through Friday, excluding holidays. You may also contact Planning & Development Services at (360) 568-3115.