

# City of Kalama

Incorporated 1890

## STREET RIGHT-OF-WAY VACATION INFORMATION SHEET

The City of Kalama handles petitions for vacations of street or alley rights-of-way as prescribed in RCW Chapter 35.79. The owner of any real property abutting any street or alley right-of-way within the City of Kalama may petition the City Council for the vacation of such right-of-way or any part thereof. The City Council may by resolution also initiate such a vacation procedure.

**PETITIONS FOR VACATIONS** - A petition for vacation may be made on the attached Petition for Street Right-of-Way Vacation form. Before submitting your paper work, you will need to meet with the Public Works Director to discuss if a vacation is feasible. One you have met with the Public Works Director the following information will need to accompany your application:

Two 11 X 17 surveys of the proposed vacated area, and a legal description from a licensed surveyor. The petition must include a full and correct description of the property and shall be signed by the owners of more than two-thirds of the property abutting the part of such right-of-way sought to be vacated. No petition shall be processed until all items required are submitted to the City Clerk=s office and the filing fee paid.

**FEES** - A non-refundable filing fee of \$500.00 must accompany the petition. In addition, the petitioner shall reimburse the City for all actual costs incurred in processing the petition including but not limited to publication costs, copies, recording fees, appraisal fees and outside services necessary to process the application. However, the payment of the fees shall not be required when the vacation is initiated by the City. Upon approval of the vacation by the City Council, the petitioner shall compensate the City for granting the vacation in an amount equal to the full appraised value of the area vacated.

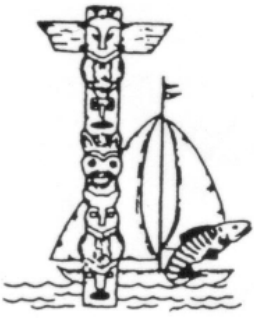
**VACATION CRITERIA** - No vacation shall be granted unless all the following criteria are met:

1. The vacation will not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
2. The Public will not be adversely affected.
3. The right-of-way is not contemplated for future public use.
4. No abutting property owner will become landlocked or have his access substantially impaired. (i.e., there must be an alternative mode of ingress and egress, even if less convenient.)

5. The vacation shall not be in violation of RCW Chapter 35.79.

**PROCESS** - Upon receipt of the completed Petition for Vacation, it will be processed in the following manner:

1. The petition will be sent to the City Council, who will by resolution set the date and time for a public hearing on the petition before the Hearing Examiner. The public hearing will be at such time not less than twenty (20) days but not more than sixty (60) days after the date of the resolution.
2. The Planning Commission Secretary shall publish notice of the hearing, post the site and send notices to all abutting and adjoining property owners at least twenty (20) days prior to the hearing date. The petition will be forwarded to all City departments and public utility companies for review.
3. The Hearing Examiner shall hold the public hearing. Upon completion of the public hearing, the Hearing Examiner shall forward its findings and recommendations to the City Council for final determination. Such determination shall be made at the next regular City Council meeting.
4. The City Council will take final action to approve or deny the vacation petition. If approved, the City Council shall authorize the vacation by Ordinance, provided the Ordinance states that the vacation is conditioned upon the payment of the fees and the appraised value of the area to be vacated within sixty (60) days of the notification by the City Clerk's office of the amount to be paid. The ordinance may further provide for the retention by the City of easements for the construction, repair, and maintenance of public utilities and services.
5. Upon complete payment of all fees and assessments, a certified copy of the ordinance shall be recorded at the office of the Cowlitz County Auditor. No vacation is considered final until the ordinance has been recorded. Copies of the recorded ordinance will be sent to the petitioners.



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## PETITION FOR STREET RIGHT-OF-WAY VACATION

Please complete all questions. Please be as detailed as possible. If not applicable please mark as NA. Multiple petitioners please indicate one contact person as the petitioner below and enter a complete list of petitioners on page 2 along with other adjoining property owners. Notification will be made to all petitioners. A survey of the area to be vacated prepared by a registered surveyor, an appraisal and title report must be submitted with the petition. The non-refundable **filing fee of \$500.00** must be paid when petition is submitted to the City.

Petitioner(s) \_\_\_\_\_

Street Address \_\_\_\_\_ Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ (Daytime) \_\_\_\_\_

(Other) \_\_\_\_\_

Street/Alley/Property is adjacent to the following:

Short Plat/DLC/Subdivision \_\_\_\_\_ Block No. \_\_\_\_\_ Lots \_\_\_\_\_

Legal Description of area sought to be vacated

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Current Use of all abutting property (example: single family homes, residential, commercial, etc):

North \_\_\_\_\_ South \_\_\_\_\_

East \_\_\_\_\_ West \_\_\_\_\_

NE \_\_\_\_\_ NW \_\_\_\_\_

SE \_\_\_\_\_ SW \_\_\_\_\_

A. How will the vacation affect the current or future street pattern or circulation of the immediate area or the community as a whole?

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B. Explain how and why the right-of-way has no future public use or will not adversely effect current or future public need.

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C. Describe how the vacation of the property will not land lock or substantially impair access to abutting property owners:

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D. Please provide Names and Addresses of all property owners, including petitioners whose property abuts, adjoins or accesses from the street/alley or property sought to be vacated.

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**Petition must be 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. All petitioners are responsible for their share of the cost of the street vacation including the full assessed value of the right-of-way abutting the property they own. Upon approval of**

**the vacation, all petitioners must provide payment to the City within 60 days (or the specified period set by ordinance of the City Council) or the vacation becomes null and void for all petitioners. Upon nullification, any payments made by other petitioners will be refunded.**

Signatures of Petitioners

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**Adjoining property owners not abutting the proposed area to be vacated have indicated that they have no objections to the requested vacation by signing below. All adjoining and abutting property owners will be notified of the application and public hearing date.**

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