



# INSTRUCTIONS FOR A STREET VACATION

## This packet may be submitted for the following:

- When applying for a street vacation pursuant to RCW Chapter 35.79 and MMC 12.44

## General Information

- A. A complete application is required at the time of submittal.
- B. The City's petition form must be used, however, the legal description and answers to the vacation criteria may be submitted on a separate sheet of paper.
- C. A Street Vacation petition requires a hearing in front of the Medina City Council.

## Requirements

### I. PETITION

- A. Please submit the items listed below and any other information which may be required by the City at the time the application is filed. A complete application will include:
  1. A vacation petition with supporting affidavits on forms provided by the city
  2. A diagram of the location and a survey of the subject property and immediate area of the proposed vacation including the abutting and/or underlying properties, prepared by a licensed surveyor registered in the state of Washington.
  3. A legal description of the subject property prepared by a licensed surveyor registered in the state of Washington.
  4. For each abutting and underlying property and petitioner, a title report indicating the extent and type of ownership and providing a legal description of the petitioner's property.
  5. The vacation application fee and the appraisal fee deposit.
  6. Any additional information or material the city determines is reasonably necessary for the city council to understand, consider and evaluate the requested vacation.
- B. The petition shall be filed with the city clerk and shall be signed by owners of more than two-thirds of the property abutting the subject property (based on front footage) or underlying the subject property (based on square footage).
- C. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet. See mailing labels information bulletin for further information.
  1. Vicinity map showing the property with the 300' minimum buffer of property owners who will be notified of the application.

**II. STREET VACATION PROCESS**

- A. The city clerk shall determine the petition’s compliance with RCW Chapter 35.79 and MMC 12.44. For the purpose of determining sufficiency of signatures of owners of private property on a petition or a consent to vacate determined by the city council, the following rules shall govern as applicable:
  - 1. The signature of an owner of property shall be set forth in in the King County assessor records and confirmed by a title report.
  - 2. In the case of a property subject to a contract of purchase, the signature of the contract grantor and grantee shall be required.
  - 3. In the case of property ownership by a corporation or similar entity, the signature of the officer authorized by the bylaws and resolution of the board of directors evidenced by an excerpt of the bylaws and copy of the resolution, each duly certified by the secretary of the corporation, and granting such authority.
  - 4. In the case of property owned or controlled by an estate, guardian or conservator of a decedent or incompetent, the signature of the duly qualified administrator, executor or guardian accompanied by a duly certified copy of his/her judicial appointment or designation.
- B. RESOLUTION BY THE COUNCIL: Upon determining the petition for vacation is complete, or upon passage of a resolution by the city council seeking vacation, the council shall, by resolution, fix a time when the city will hold a public hearing on the proposed vacation. The hearing will be not more than sixty days nor less than twenty days after the date of passage of the resolution scheduling the public hearing.
- C. Upon the passage of the council resolution fixing the date and time for a public hearing, the city clerk shall notice the hearing. The notice of public hearing shall be posted, mailed, and published according to the general notice requirements in MMC 12.44.100 at least twenty (20) days before the hearing date.
- D. STAFF REPORT AND MEETING AGENDA: A staff report and meeting agenda will be emailed to the city council, each petitioner, and anyone who has submitted comments regarding the petition no less than five days prior to the hearing for review.
- E. PROTEST: If fifty percent of the abutting property owners file written objection to a city council-initiated vacation with the city clerk prior to the time of the hearing, the city council shall be prohibited from proceeding with the vacation.

**III. PUBLIC HEARING**

- A. The city council will base their decision on the information provided in the petition and testimony given at the public hearing. Information provided to the petitioner(s) by city staff or consultants regarding previous actions shall in no way be construed to indicate what the city council’s decision will be on a given petition.
- B. At the day and time appointed for the hearing of the petition or city council resolution, or at such other day and time as the same may be continued or adjourned to by the city council, the matter

shall be considered and persons desiring to speak for or against the vacation shall be heard in accordance with the council's usual rules.

- C. The city council may deliberate on the merits of the petition in accordance with its usual rules, may adjourn from time to time and may recess to executive session as needed, may require additional information and evaluation from any petitioner or city staff, and may continue and resume the hearing as appropriate. At the conclusion of the city council's deliberations, the city council shall decide the petition in accordance with MMC 12.44.170.

#### **IV. RIGHT TO CONDITION A VACATION AND RESERVE PUBLIC USES OR EASEMENTS**

- A. Ordinances vacating all or any portion of the subject property may contain and require:
  - 1. Conditions on the allowed use(s) that the city council determines to be in the public interest.
  - 2. Provisions reserving, retaining, or requiring conveyance of easements for any public use or purpose, including without limitation construction, repair and maintenance of existing and future public utilities and services.

#### **V. DECISION**

The city council may grant or deny the petition in whole or in part and with or without conditions, reservations or requirements as the city council determines appropriate. Following the public hearing and conclusion of its deliberations, the city council shall either:

- A. Adopt an ordinance granting the vacation; or
- B. Adopt an ordinance denying the vacation; or
- C. Adopt a resolution of intent to vacate stating that the city council will, by ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.

#### **VI. COMPENSATION FOR VACATION**

- A. Ordinances vacating any public ROW shall not be adopted by the city council until the owners of the property abutting the subject property compensate the city as described below.
- B. Monetary compensation to be paid to the city in an amount of up to one-half of the appraised value for the subject property; provided, that compensation may be required in an amount of up to the full appraised value of the subject property if any of the following applies to the street, alley, or public easement:
  - 1. The subject property has been part of a dedicated public right-of-way for twenty-five years or more; or
  - 2. The subject property or portions thereof were acquired at public expense; or
  - 3. The subject property abuts a body of water as outlined in MMC 12.44.160.
- C. In lieu of payment for monetary compensation, the petitioners may grant or dedicate to the city for street or other purposes, real property useful for that purpose where the property to be acquired

by such exchange has a fair market value of at least equal to the amount of cash compensation that would otherwise be required.

1. The city manager shall not be obligated to accept such an exchange and the decision of the city manager on the acceptability of the alternative property offered shall be final.
- D. Where a vacation was initiated by city council resolution, abutting property owners may not be required to make payment to the city for such vacation where:
1. The street, alley or public easement was not acquired at city expense;
  2. The city determines the street, alley or public easement is not needed for public travel either now or in the foreseeable future;
  3. The city's maintenance or upkeep of the subject property is unrelated to any use of the street, alley, or public easement for public travel.
- E. Where a vacation is applied for on behalf of another governmental agency or jurisdiction, the city council may waive any compensation required by this code and may also waive filing fees, if the council deems such a waiver to be in the public's interest and advantage.
1. A vacation of property in which compensation has been waived on behalf of a governmental agency or jurisdiction shall be accompanied by a covenant providing the city shall be compensated by the fair market value of the interest conveyed or vacated at the time of any future sale or lease of the subject property by said other governmental agency.

## **VII. TITLE TO VACATED PUBLIC ROW**

Title to any vacated portion of the subject property shall pass in accordance with Washington State statutory and common law governing title to vacated rights-of-way.



DEVELOPMENT SERVICES

501 EVERGREEN POINT ROAD MEDINA, WA 98039  
PHONE: 425-233-6414/6400

# STREET VACATION PETITION CHECKLIST

This checklist contains the minimum submission requirements for a street vacation petition that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

## STREET VACATION PETITION REQUIREMENTS

<input type="checkbox"/>	Street Vacation Petition
<input type="checkbox"/>	A diagram of the location and a survey of the subject property and immediate area of the proposed vacation including the abutting and/or underlying properties, all prepared by a licensed surveyor registered in the state of Washington.
<input type="checkbox"/>	A legal description of the subject property prepared by a licensed surveyor registered in the state of Washington.
<input type="checkbox"/>	For each abutting and underlying property and petitioner, a title report indicating the extent and type of ownership and providing a legal description of the petitioner's property.
<input type="checkbox"/>	Payment for appraisal form signed
	Mailing labels – Word doc formatted to Avery address labels <input type="checkbox"/> Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet. <input type="checkbox"/> Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the petition.



Complete this form for the following:

- When applying for a street vacation pursuant to RCW Chapter 35.79 and MMC 12.44

General Information

Applicant Name: Email:

Contact Phone: Alternative Phone:

Mailing Address: City: State: Zip:

Applicant's Interest in Property:
Owner Agent Purchaser Other:

Property Owner's Name (If other than Applicant): Email:

Contact Phone: Alternative Phone:

Mailing Address: City: State: Zip:

Subject Property Address:

Legal Description:

Tax Parcel Number: Size of subject property to be vacated (in square feet):

Zoning District:
R-16 R-20 R-30 SR-30 Public NA (Neighborhood Auto)

Does the subject property abut any body of water?
YES NO

If yes, please describe:

Certification

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Property Owner's Signature Date

Applicant's Signature Date

## Vacation Criteria

The following is a list of criteria that council shall consider when determining whether to vacate the subject property. Please respond to each item by providing as much detailed information as possible to support your request. Attach more pages if necessary.

1. Whether a change in use or vacation of the subject property will provide a benefit to the city as determined by the council, including but not limited to any of the following examples: reduction of unnecessary ROW; preservation of streetscape character; expanding the city's property tax roll; addressing neighborhood requests related to traffic impacts; better accommodation of pedestrians, bicyclists, motorists and/or emergency responders; reservation of an easement will accommodate the city's current or projected need.
2. Whether the subject property is no longer required for public use or public access.
3. Whether the substitution of a new and different public way would be more or less useful to the city and/or the public.
4. Whether conditions may or could change in the future, creating or providing a greater or different public use or need than presently exists.
5. Whether existing property access will be restricted or denied as a result of the vacation.
6. Whether objections to the petition or proposed vacation are made by (i) owners of private property (exclusive of petitioners) abutting or in proximity to the subject property, (ii) governmental agencies, (iii) private users of the subject property, and/or (iv) members of the general public.

**PETITION NO. \_\_\_\_\_**  
**CITY OF MEDINA, WASHINGTON**  
**PETITION TO VACATE STREET OR ALLEY**

To the City Council of the City of Medina, Washington.

We, the owners of two-thirds of the real property abutting the public street, alley, sidewalk, trail and any other public grant, dedication and easement related to street, pedestrian, or travel purposes within the city, legally described on Page 1 of this Street Vacation Petition, petition the City Council of the City of Media to vacate this public street, alley, sidewalk, trail and any other public grant, dedication and easement related to street, pedestrian, or travel purposes within the city, pursuant to RCW Chapter 35.79 and MMC 12.44.

**Property  
Owner #1**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**Legal Description** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Property  
Owner #2**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**Legal Description** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Property  
Owner #3**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**Legal Description** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Property  
Owner #4**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**Legal Description** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_



**PAYMENT FOR APPRAISAL AGREEMENT**

City of Medina  
City Clerk  
501 Evergreen Point Road  
Medina, WA 98039

To Whom It May Concern:

I/we, the undersigned applicant(s), hereby agree to pay the full cost of an appraisal as provided for in MMC 12.44.080. MMC 12.44.070 provides that the city manager or designee is authorized to obtain an appraisal from a qualified, independent appraiser as part of preparing the staff report of the vacation.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

DATED at Medina, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPLICANT

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