

Street or Alley Vacations

The vacation of an unused or unnecessary public street or alley can create areas for commercial development or neighborhood improvements and place property back on the tax rolls. The decision to vacate the street or alley is made by the City Council, with a recommendation from the Hearing Examiner.

A set of procedures has been adopted by the City of Yakima for complying with the provisions of Washington State law (RCW 35.79). You may wish to pick up a copy of these application procedures from the Planning Division.

*** Submit a Petition**

To vacate a public street, alley or right-of-way you must submit a petition signed by at least two-thirds of the property owners abutting the vacation. It is recommended that 100% of the property owners who own adjoining property sign the petition. A format for the petition is included in the application package.

The petition must also include a legal description of the area to be vacated and a statement and calculation verifying that two-thirds of the abutting property owners have signed. An application fee must also be paid.

*** Talk to a Planner**

Before you prepare your application, you may wish to discuss your project with a City Planner. A preliminary conference will give you a better understanding of the process timeline and other details. Preliminary conferences are free and can provide you useful information.

***Prepare a Narrative**

A written description of your proposal must also be submitted which includes the following:

- Public benefits of the project.
- Reasons for the proposed vacation.
- Limits of the vacation.

Also, the narrative must answer the following questions.

- Does the vacation deny sole access to a public street for any property?
- Is the proposal consistent with existing plans of the City?
- Vacation appropriate with existing zoning and land use?
- Plan to address any existing utilities?

*** Additional Information**

To process your request some additional information may need to be submitted for review. Some of these items depend upon the complexity of the proposal. These items may include the following:

1. A title report describing the legal status and ownership of the right-of-way.
2. A survey of the area to be vacated along with engineering plans to indicate how such things as curbs, gutters and other physical features are to be altered. All costs associated with street vacations are the responsibility of the applicant.
3. A traffic analysis prepared by a certified traffic engineer which describes the proposed vacations impact upon the city's transportation network.
4. An appraisal indicating the fair market value of any proposed vacation expected to exceed \$4,000. Council Resolution D-5630 sets forth the city's policy regarding compensation for vacated rights-of-way.

***Compensation**

The City of Yakima will charge one-half of the fair market value of the area to be vacated of an improved street. If no public improvements exist on the street, no compensation will be requested. Payment is due if the Council approves the vacation request, but the calculated value of the compensation must be submitted during the review process.

***The Review Process**

Prior to the hearing a technical review meeting, referred to as the Development Services Team (DST) will take place with all affected city departments and franchised utilities in attendance. You should plan on attending this meeting.

Following the DST meeting a written report will be prepared by the staff planner assigned to the project. This report will cover all known aspects of the vacation request and conclude with a recommendation for approval or denial. You will be invited to review this staff report prior to the scheduling of the public hearing.

***Public Notice**

State law and local policy for street vacations include the posting of the property, legal notice in the newspaper and at three public places, as well as notice to all property owners within 300 feet of the proposed vacation. You are encouraged to discuss your proposal with your neighbors. While this is not a requirement, it is often helpful to both the neighborhood in answering questions and concerns.

***Attend the Public Hearing**

The Hearing Examiner will conduct a public hearing to review the staff recommendation and take public testimony from those both for and against the vacation. From this material a written recommendation will be prepared and forwarded to the City Council. You must attend this public hearing.

***City Council Action**

Approximately one month after the public hearing, the City Council considers the Hearing Examiner's recommendation at a public meeting. If the recommendation was for approval, and the Council agrees, the ordinance of vacation will be enacted. Any conditions of approval, including payment of compensation, must be completed before the vacation can be recorded with the County Auditor.



CITY OF YAKIMA

LAND USE APPLICATION

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

129 NORTH SECOND STREET, 2ND FLOOR

YAKIMA, WASHINGTON 98902

VOICE: (509) 575-6183 FAX: (509) 575-6105

INSTRUCTIONS – PLEASE READ FIRST Please type or print your answers clearly.

Answer all questions completely. If you have any questions about this form or the application process call, come in person or refer to the accompanying instructions.

This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV – CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable.

PART I – GENERAL INFORMATION

1. APPLICANT NAME

2. APPLICANT ADDRESS AND PHONE NUMBER STREET CITY

STATE ZIP PHONE () MESSAGE ()

3. APPLICANT'S INTEREST IN PROPERTY CHECK OWNER OWNER REPRESENTATIVE
ONE CONTRACT PURCHASER OTHER

4. PROPERTY OWNER (IF OTHER THAN APPLICANT) NAME

5. PROPERTY OWNER'S ADDRESS AND PHONE (IF OTHER THAN APPLICANT) STREET CITY

STATE ZIP PHONE () MESSAGE ()

6. ASSESSOR'S PARCEL NUMBER FOR SUBJECT PROPERTY:

7. EXISTING ZONING OF SUBJECT PROPERTY:

8. ADDRESS OF SUBJECT PROPERTY:

9. TYPE OF APPLICATION: (CHECK ALL THAT APPLY)

Class (2) Use Environmental Checklist (SEPA) Right-of-Way Vacation

Class (3) Use Modification to Approved Class (2) & (3) Uses Short Plat Exemption

Rezone Appeal Shoreline

Variance Non-Conforming Structure/Use Utility Easement Release

Home Occupation Preliminary Subdivision Interpretation by Hearing Examiner

Administrative Adjustment Short Plat Right-of-Way or Alley Vacation

PART II – SUPPLEMENTAL APPLICATION AND PART III – REQUIRED ATTACHMENTS

10. SEE ATTACHED SHEETS

PART IV – CERTIFICATION

11. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

PROPERTY OWNERS SIGNATURE

DATE

**CITY OF YAKIMA, WASHINGTON
DEPARTMENT OF COMMUNITY AND ECONOMIC
DEVELOPMENT
APPLICATION FOR VACATION OF PUBLIC STREETS OR
ALLEYS
CITY OF YAKIMA, 129 NORTH SECOND STREET, YAKIMA, WA 98901
(509) 575-6113**

INSTRUCTIONS

1. This application form must accompany a petition for the processing of right-of-way vacations.
2. Please print or type your answers.
3. This form is primarily for the purpose of establishing the principle applicant for any proposal to vacate a street or right-of-way. Often there may be many parties involved in a right-of-way vacation. It is important to establish which party is responsible for supplying the technical or detailed information required in this process.

FEE

A non-refundable fee is required for the processing of this application, payable to the “City of Yakima” at the time of filing of the application and petition.

APPLICANT INFORMATION

Name of applicant

Address of applicant

Applicant’s Telephone
Number

REQUIRED INFORMATION

Persons or parties wishing to vacate a public street, alley or right-of-way (for access) must first submit a petition, which provides a legal description of the area. The included petition must be signed by property owners of two-thirds of the abutting property surrounding the right-of-way to be vacated.

In addition, a narrative should be submitted which includes the following information:

1. A statement which includes the calculation of the requirement for obtaining two-thirds of the property owner’s signatures of abutting lands (which may include a parcel map).
2. The applicant must submit a written narrative declaring how the proposed right-of-way vacation meets the criteria for approving petitions for right-of-way vacations as summarized below.

- a. The petition to vacate the right-of-way must explain the public benefits of the project, the reasons for the proposed vacation and the limits of the vacation.
- b. The vacation of any right-of-way cannot deny sole access to any property.
- c. Petitions should be consistent with the Six-year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other official City Plans and policies.
- d. Vacation of Right-of-Ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and long-range plans.
- e. Existing Public and Franchised utilities located in the right-of-ways to be vacated should be relocated at the expense of the developer or an adequate easement provided. If it is determined that such existing utilities do not need to be relocated, this requirement may be waived.

ATTACHMENTS

The following items should be submitted to complete this application for the vacation of public streets or alleys. The Department of Community and Economic Development may waive some items if the applicant submits a request that shows just cause for such waiver.

1. A title search or report, is required to be submitted describing the legal status and ownership of the right-of-way (this requirement may be waived).
2. A survey of the area to be vacated (this requirement may be waived).
3. The petition must contain an accurate legal description of the area to be vacated and should be accompanied by a map which identifies the area. A survey plat may be substituted for another map.
4. A fair market appraisal if the adjoining assessed values indicate expected value greater than \$4,000. The complete policy of the Yakima City Council regarding required compensation from Right-of-Way Vacations is found in Resolution D-5630, adopted by the Yakima City Council on September 12, 1989.
5. Engineering plans as appropriate to indicate how the curb, gutter and other physical features will be treated after the vacation is enacted.
6. A traffic analysis prepared by a Certified Engineer is required by the City of Yakima Department of Public Works, which describes the impact to the City transportation network of the closure of the right-of-way. (This requirement may be waived.) The City Traffic Engineer will provide guidance in determining the scope of the review for each individual case.

PETITION NO. _____
CITY OF YAKIMA, WASHINGTON
PETITION TO VACATE STREET OR ALLEY

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

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79.

(provide legal description below, or attach to petition, if lengthy).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be had hereon for the vacation of said area in the manner prescribed by RCW Chapter 35.79.

Respectfully submitted,

Name	Address of Property	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**CITY OF YAKIMA DIVISION OF ENVIRONMENTAL PLANNING
PROCEDURAL GUIDELINES
FOR RIGHT-OF-WAY VACATION PETITIONS
AS ADOPTED BY THE YAKIMA CITY COUNCIL ON SEPTEMBER 12, 1989**

1. One a petition to vacate a right-of-way, application form and fee have been filed with the City of Yakima Department of Community and Economic Development, the petition and application will be review by the staff to determine the completeness. When determined to be sufficient, the City Clerk will be notified ad a petition number assigned to the petition.
2. The City Council must set the date of public hearing by Resolution during a regular meeting of the Yakima City council. The Planner must prepare the agenda statement, have a resolution prepared by the legal department, and attach the petition and a vicinity map. The Urban Area Hearing Examiner will conduct the public hearing. State statutes dictate that the public hearing be held no less than 20 and no more than60 days form the date of “set date” by City Council.
3. The Planner is responsible for posting of the right-of-way vacation proceedings in three public places and at the site of the vacation. A “sign” is used at the site, visible from all affected public right-of-ways, while a plain notice is used in the following three places:
 - Lobby of City Hall
 - County Courthouse
 - County Auditor’s Office

ALL POSTING MUST OCCUR AT LEAST 20 DAYS PRIOR TO THE PUBLIC HEARING

4. Prior to the Public Hearing the staff will conduct a technical review (DST) involving notification to all city department and public agencies which may have an interest in the right-of-way City staff will prepare a recommendation, based upon the comments received by the Planning Department from various agencies and departments. The recommendation will consider the need to retain an easement through the subject area.
5. All property owners within 500’ of the subject area will be notified by mail, using the records of the Yakima County Assessor, at least ten days prior to the public hearing.
6. The Hearing Examiner will issue a written recommendation to the Yakima City Council within ten working days after the Public Hearing. The City Council action is at a Public Meeting. The final action by the City Council requires a two-step process of set date for public meeting, and the actual public meeting to affirm or reject the recommendation of the Hearing Examiner. If the recommendation from the Hearing Examiner is for approval staff shall prepare an information packet for the City Council, and agenda sheet. The City Legal Department will prepare an Ordinance to enact the vacation which includes the terms and conditions of the vacation, including,
 - a. The compensation required, as specified in Resolution D-5630.
 - b. Whether an easement will be retained, for what purpose, its location and width.
 - c. The length of time the petitioners will be allotted to complete the required improvements and submit the compensation to the City of Yakima, after which time the Ordinance becomes null and void.
 - d. Other conditions specified in the Hearing Examiner’s written recommendation.

If the Hearing Examiner recommends denial of the petition to vacate a public right-of-way, staff shall forward to the City Council the recommendation of the Hearing Examiner and pertinent contents of the City right-of-way vacation file.

7. Planning staff shall notify the applicants of the final action of the City Council concerning a proposed right-of-way vacation.

D - 5630

RESOLUTION NO. _____

A RESOLUTION declaring and adopting the policy of the City of Yakima regarding the vacation of public streets or alleys; requiring an independent appraisal if right of way value exceeds Four Thousand Dollars (\$4,000); and repealing City of Yakima Resolutions D-4277 and D-5088.

WHEREAS, pursuant to Title 35 of the Revised Code of Washington, Chapter 35.79 the Yakima City Council desires to amend local policy for compensation to the City on the vacation of public streets or alleys, and

WHEREAS, after due consideration, the City Council determines it to be in the best interest of the City to revise its policy regarding required compensation paid to the City upon vacation of public streets, alleys, and right of ways as described hereinbelow, now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

Section 1. The City Council of the City of Yakima does hereby declare and adopt as its policy regarding compensation paid to the City on the vacation of right of ways used for the purpose of roads or alleys, as follows:

- A. Compensation in the amount of one-half of the appraised value will be required to be paid to the City on the vacation of any public street, alley, or any portion thereof, in the City of Yakima unless one of the exceptions noted in Subparagraph 1B, 1C or 1D below apply.
- B. No compensation shall be required to be paid to the City on the vacation of a right of way which the City has not purchased, maintained, nor made any improvements to and no planned or anticipated public purpose exists for maintaining the right of way.
- C. In the event a right of way is petitioned to be vacated which the City acquired at public expense, compensation shall be required in an amount equal to the full appraised value of the vacation.
- D. No Compensation will be required to be paid to the City for the portion of a vacated street, alley or right of way, the ownership of which will revert to the State of Washington, Yakima County or the School District, as owner of the property abutting the vacated portion of the alley, street or right of way.

Section 2: In the event compensation is due to be paid to the City and the value of the vacated right of way exceeds Four Thousand (\$4,000) Dollars, according to the records of the Yakima County Assessor and calculated by means currently used by the City, the Council requires that an independent qualified appraisal shall be obtained by the petitioner in order to determine the value of the subject right of way. The appraisal shall take into consideration the public improvements within the right of way to be vacated, according to their original or depreciated value as may be appropriate in the judgement of the appraiser.

Section 3: Every ordinance hereinafter enacted by the City Council to vacate any street or alley, or any portion thereof, shall provide that such ordinance shall not become effective until the owners of the property abutting upon the street or alley, or portion thereof, so vacated shall compensate the City in the amount specified in Section 1 above.

Section 4: Nothing herein is to be construed to diminish the right of the City to retain easements or the right to exercise and grant easements in respect to any vacated land for the construction, repair, and maintenance of public utilities and services.

Section 5: The City Manager or his designee shall adopt administrative procedures and fees that a petitioner must comply with to process a request to vacate a public street or alley, which are in compliance with this policy and existing law.

Section 6: City of Yakima Resolution Numbers D-4277, adopted June 24, 1980; and D- 5088, adopted February 19, 1985 are hereby repealed.

ADOPTED BY THE CITY COUNCIL this 12th day of Sept., 1989.

Pat Sundt
Mayor

ATTEST:

Karen S Roberts, cmc
City Clerk