

**APPLICATION FOR A STREET OR ALLEY VACATION
(Pursuant to ZMC Chapter 17)
CITY OF ZILLAH, WASHINGTON**

FILE NUMBER: _____

1) FEES:

Date paid: _____

Street or Alley Vacation Fee: \$250 plus Staff, consultant & Professional Fee's if over the initial fee.

Staff, Consultant and Professional Fees. Application and processing fees for land use matters are subject to additional costs incurred by City in excess of filing fee related to staff, consultant and professional time and charges related to the review and processing of the land use or permit application. Such charges shall be calculated as follows:

(a) Staff Review and Charges. The fee schedule contemplates routine time requirements for staff review and processing of a land use or permit application. Some applications will require additional staff time and cost. If, in the opinion of the City Clerk, a particular application will require staff time in excess of what the fee anticipates, the City may require payment for staff time at the specified rate.

(b) Consultant and Professional Review. In the event that a project requires professional services beyond that which is included in the base fee, the applicant shall reimburse the City for the actual cost of said professional services. In addition to the application fee (including staff review charges), any applicant for land use or permit approval shall reimburse the City for costs, including but not limited to, professional engineers, mailing fees, advertisement fees and other consultants and/or professionals contracted or retained by the City to review, evaluate and/or inspect applicant's proposal when the City is unable to do so with existing staff resources. By way of illustration and not limitation, these professional services may include engineering and technical review, legal review, planning review, environmental review, critical areas review, financial and accounting review, soils review, and mechanical and structural engineering review.

(c) Deposit. City may require the applicant to deposit an amount determined by City as reasonable estimate for anticipated excess costs and charges related to review and processing of the application. Such estimate may be revised periodically based on the judgment of City staff. Such deposit shall be made as a condition to further processing of the land use or permit application.

2) OWNERS OF INTEREST INFORMATION:

Applicant(s) Name:		Mailing Address:	
Property Address, if any:		Phone # 1	Phone #2
Right-of-Way Location:			
Township	Range	Section	Quarter
Zoning:	Acres:	Total No. of surrounding lots:	
Assessor Parcel Number(s):			

3) PRE-APPLICATION MEETING: To help guide this Vacation of Right-of-Way, address requirements, and assure completeness of this application a pre-application conference may be scheduled and attended by the applicant(s) with the Planning staff before submitting the application. A petition from the applicant and abutting property owners must be submitted.

4) APPLICATION PROCEDURE: After the fees have been paid, a Resolution, which will initiate the process, will be drawn up. The Resolution will need to be approved by the City Council. A date will then be set for a Public Hearing with the City Council. If City Council approves the Vacation of Right-of-Way, an Ordinance approving the vacation and a Quit Claim deed for the property will be drawn up.

5) IMPORTANT – Please Read

The application and any attachments shall specify the issues which Planning Commission and City Council are being asked to consider. Issues unrelated to the application may not be considered by Planning Commission and City Council. All provisions of laws and ordinances governing the application will be complied with whether specified herein or not.

6) DECLARATION: *I/WE DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I/WE HAVE PROVIDED ON THIS STREET OR ALLEY VACATION APPLICATION IS TRUE, CORRECT, AND COMPLETE.*

Signature(s)

Date

Print Name(s)

Phone Number, if different then above

Signature(s)

Date

Print Name(s)

Phone Number, if different then above

Application Received by: _____	Date: _____
Application approved for completeness on: _____	
Public Hearing Held on: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Denied

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.

RCW 35.79.020**Notice of hearing – Objections to hearing.**

Upon the passage of the resolution the city or town clerk shall give twenty days notice of the tendency 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.

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.

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 water 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 public view sites to a body of water, or acquiring additional moorage or launching sites.

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.

RCW 35.79.050

Vested rights not affected.

No vested rights shall be affected by the provisions of this chapter.