



# Vacating Streets and Alleyways Checklist

Information needed to complete the online portal application for requesting the vacating of City streets and alleyways.

- Project title.
- Legal description of the public right-of-way requested for vacation. An accurate legal description prepared by a professional land surveyor or like qualified professional.
- Legal description preparers name.
- Legal description preparer's qualifications.
- Purpose of the request.
- Vacation statement of public benefit.
- A statement verifying the proposed vacation will not be materially detrimental to other properties in the vicinity, nor will it endanger public health, safety or welfare.
- The subject right-of-way is not needed for general access, emergency services, utility facilities or other similar public purposes, nor is it necessary as part of a long range circulation plan, pedestrian/bicycle pathway plan or street improvement plan.
- The subject vacation is consistent with the adopted Olympia Comprehensive Plan.
- The subject vacation will not directly or indirectly result in an adverse impact on historical or cultural resources.
- Provide a list of the abutting property owners for each parcel of the requested vacation
- Primary contact name, phone, address, and email address.
- A signed petition of all abutting property owners.
- Payment of fees, current fee is \$1943.00 to request the vacation.

## **Submittals Required**

- Plans - an accurate fully legible, scaled drawing of the affected rights-of-way and all properties within five hundred feet.
- Signed petition – A petition signed by all abutting property owners. Form is available on the City permit portal.
- Certified property owners within 500 feet of the proposed vacation.
- Easement Document – In the case of existing city and private utilities within the proposed vacation request, an easement will be required for access and repair to the utilities.

## **PROCESS FOR VACATING STREETS AND ALLEYWAYS**

1. The City ordinarily receives a petition from adjoining land owners. This typically initiates the right-of-way vacation process (RCW 35.79.010)
2. Such petitions shall be filed with the City Public Works Department. (OMC 12.16.020 or town clerk RCW 35.79.010)
3. The petition shall include the following: the appropriate fee, an accurate legal description prepared by a professional land surveyor or like qualified professional, an accurate, scaled

site plan of the affected rights-of-way and all properties within five hundred feet. (OMC 12.16.020)

The Public Works Director may require that this plan include existing buildings, utilities and other improvements proximate to the affected rights-of-way. (OMC 12.16.020)

4. If the petition is related to a specific development plan and/or permit application, the petition application shall also include a proposed site plan of the specific development. (OMC 12.16.020)
5. If necessary in order to verify the precise location and impact of the proposed vacation, the Public Works Director may require that a licensed professional surveyor survey and stake the boundaries of the affected rights-of-way. (OMC 12.16.020)
6. Upon receipt of a complete petition application package, the Public Works Director shall consider the proposed vacation with respect to criteria set forth in Section 12.16.100 and establish a recommendation to the City Council. (OMC 12.16.040)
7. List of owners with addresses of all abutting properties and within 300 feet.
8. If the petition is signed by the owners of more than 2/3 of the property abutting, then the Council shall by resolution set a date for a hearing on the vacation. (RCW 35.79.010)
9. The hearing shall be no less than 20 days nor greater than 60 days from the date of the resolution. (RCW 35.79.010)
10. Upon the passage of the resolution the City 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 and a like notice in a conspicuous place on the street or alley sought to be vacated. (RCW 35.79.020)
11. If the vacation was initiated by Council, then the City shall also mail notice to adjoining land owners. (RCW 35.79.020)
12. Concurrent with the notice requirement above (#9), notice of such hearing shall be given not less than twenty days in advance of the day of the hearing. (OMC 12.16.050)

Required notice shall include:

- a. The position of written notice in a prominent and conspicuous location at Olympia City Hall, Olympia Public Works Department and Olympia Planning Department;
- b. The posting of written notice in a prominent and conspicuous location on the subject street or alley; and
- c. The mailing of written notice to all property owners abutting and within three hundred feet of the boundaries of the rights-of-way to be vacated. (OMC 12.16.050)

13. The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution. (RCW 35.79.030)

The City's code provides that vacation shall specifically be held by the Council. (OMC 12.16.050)

14. The City Council (or a committee) shall hold the public hearing and may grant in whole or in part the vacation. (RCW 35.79.030)

15. The vacation shall be by ordinance. (RCW 35.79.030) The ordinance may contain a reservation of utility easements. (RCW 35.79.030)

16. No petition to vacate a street or alley shall be approved unless all of the following criteria can be met (OMC 12.16.100):

- a. The proposed vacation will not be materially detrimental to other properties in the vicinity, nor will it endanger public health, safety or welfare. Typical detriments or endangerments include, but are not limited to: depriving property of reasonable and convenient access; increasing traffic safety hazards; or decreasing transportation service levels.
- b. The subject rights-of-way is not needed for general access, emergency services, utility facilities or other similar public purposes, nor is it necessary as part of a long range circulation plan, pedestrian/bicycle pathway plan or street improvement plan. Providing easements, relocating facilities or implementing other similar alternatives equal or superior to the existing or planned facilities may cause the petition to comply with this criteria;
- c. The subject vacation is consistent with the adopted Olympia Comprehensive Plan and all other related land use and circulation regulations and policies, including but not limited to the Olympia Development Standards and Titles 17 (Subdivisions) and 18 (Zoning) of the Olympia Municipal Code;

- d. The subject vacation would not directly or indirectly result in an adverse impact on historical or cultural resources, the natural environment or otherwise negatively affect an environmentally sensitive area as defined by Chapter 18.76 of the Olympia Municipal Code.

- 17. Upon conducting and completing a public hearing, the City Council shall approve, approve in modified form, or deny the petition to vacate public rights-of-way. Said decision shall be based upon criteria set forth in Section 12.16.100. Any action by the City Council to approve a vacation petition shall be in the form of an ordinance. Such ordinance shall contain the following:
  - a. A legal description of the affected rights-of-way
  - b. The method of calculation for required compensation;
  - c. Any conditions deemed necessary by the City Council.



# Signed Petition to Vacate Public Right-of-Way

**HONORABLE MAYOR AND CITY COUNCIL:**

We, the undersigned, do hereby petition the Olympia City Council to vacate the following described public right-of-way:

LEGAL DESCRIPTION OF AFFECTED RIGHT-OF-WAY: (Can be an attached document)

PETITIONERS* - Requires at least 2/3 of the abutting property owners.		
Owner's signature	Owner's Names	Parcel Number
<i>*Attach additional sheets as necessary</i>		

I verify that each of the above signatures represents a legal and registered owner of the property abutting the above-described right-of-way.

\_\_\_\_\_ *Applicant's Signature*

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