



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
City Hall, 210 Lottie Street, Bellingham Washington 98225
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STREET AND/OR ALLEY VACATION PROCEDURES

PETITION

1. Petition/application forms are attached at the end of these procedures.
2. A vacation may be initiated by property owners or by passage of a resolution by the City Council. The vacation petition must be signed by the owners of more than two-thirds of the property abutting on the street or alley to be vacated, although 100% participation is recommended.
3. The petition/application must contain:
 - a. Signature and proof of ownership for all petitioners. An affidavit, title report or copy of a deed of conveyance, and the most current tax statement or reassessment must be submitted for each signature as evidence of ownership.
 - b. A vicinity map showing the location of the proposed vacation.
 - c. An application fee shall be submitted in the amount set by the City Council (see separate Fee Schedule handout) after initial review of the petition by the Technical Review Committee (TRC)* - representatives from Planning and Community Development, Public Works, Fire and Parks and Recreation.

* The application will be reviewed by the Technical Review Committee for compliance with the Street Vacation Policies on page 4 of this application. The applicant will be notified of the TRC recommendation by the Planning Division. If the TRC recommends against the street or alley vacation, the applicant may wish to reconsider taking the petition forward to the City Council.

REVIEW PROCEDURE

After TRC review and upon receipt of the application fee by the Planning Division:

1. Notice of the vacation and a request for comments is sent to all utilities that may have installations in the right-of-way.
2. Notice of street vacation requests will be sent to the Planning Commission. The

Commission may choose to schedule review of street vacations that have significant issues related to land use and the implementation of the Comprehensive Plan. If the Commission decides to review a vacation, the applicant will receive written notice. The Commission will hold a public meeting and make a recommendation to the City Council on these vacations.

PROPERTY APPRAISAL

3. Appraisal/Fair Market Value - The payment for a street vacation, unless otherwise provided by the City Council, is one-half (1/2) of the appraised value of the area proposed for vacation.

Before scheduling the vacation at the City Council, the Planning Division will order an appraisal from a local certified MIA appraiser. The applicant will be required to pay for the appraisal prior to the appraiser initiating work. the appraisal process usually takes a minimum of six weeks. An appraisal may not be required in cases where the Director of Planning and Community Development (based on the recommendation of the TRC) determines that it is not necessary to determine fair market value. In these cases, payment usually will be based on one-half (1/2) of the current assessed value of the abutting properties.

CITY COUNCIL

4. After appraisal is completed and payment for the vacation is deposited with the City Finance Director, the petition and all pertinent materials including a staff report are forwarded to the City Council for consideration.
5. The street and/or alley vacation is introduced as a resolution by the City Council setting the date for a public hearing. The public hearing may be held not more than sixty days nor less than twenty days after passage of the resolution. The City Council public hearing procedures apply. In addition to mailing notices to all petitioners and all owners of land (as per the Assessor's records) abutting the portion of the street or alley sought to be vacation at least 10 days prior to the hearing, the City Clerk posts, within 20 days of the hearing date, a notice in three of the most public places in the City and on the street or alley to be vacated.
6. If the vacation was initiated by the City Council by resolution rather than by petition, owners of all land abutting the portion of the street or alley to be vacated shall be given by mail at least fifteen (15) days before the date fixed for the hearing. If fifty (50) percent of the abutting property owners file written objection to the proposed vacation with the City Clerk prior to the time of the hearing, the City is prohibited from proceeding.

7. The City Council may, by vote and upon approval of the Mayor, approve a vacation ordinance. In the event that final passage of the ordinance is not granted, the deposited amount (exclusive of the application fee), shall be refunded to the petitioner.

STREET AND/OR ALLEY VACATION POLICY

It is the policy of the City of Bellingham to grant vacation of a street right of way when it is determined both that such right of way is not needed presently or in the future for public access (including vehicular, pedestrian, and visual access) and that such vacation advances the public good. All of the following policies should be met prior to the vacation of a right of way.

1. The proposed vacation should be determined to be necessary to the public good either in terms of needed development or when such vacation will result in a better or more desirable situation. In some instances a more desirable situation may be a better road pattern in terms of safety, or when an exorbitant amount of land is devoted to unneeded right of way.
2. The right of way must be determined to be of no value to the circulation plan of the City either now or in the foreseeable future. The circulation plan is assumed to include vehicular, pedestrian, or other modes of transportation.
3. No vacation will be allowed if such action locks any existing parcel, lot of record, or tract. Access to a right of way of less than 30 feet in width does not constitute adequate access. One ownership of all the lots on a right of way does not circumvent this policy and in this it will be necessary to vacate lots prior or together with vacation action.
4. State law (R.C.W. 35.79.035) "(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 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 to which the street or alleys sought to be vacated abut, had the properties included in the plan not been vacated. ..."

5. Right of way adjacent or leading to any park, open space, view, natural area, or any other natural or man-made attraction should not be vacated.
6. Notification of street vacation requests will be sent to the Planning Commission. The Commission may choose to schedule review of street vacations that have significant issues related to land use and the implementation of the Comprehensive Plan. The Commission will hold a public meeting and make a recommendation to the City Council on these vacations.
7. The petition should contain the approval of all the abutting property owners and proof of ownership must accompany the petition.
8. Vacation is not mandatory even though 100% of the abutting owners request the vacation.
9. Proposed or possible use of the vacated right of way is not relevant to City action (court opinion).
10. Easements for utilities will be retained as a matter of procedure unless vacation of such easement is specifically requested by the petitioners and approved by the City Engineer.
11. The following may be accepted by the City Council as appropriate trade for a Street Vacation: Payment, land, or major improvements to public facilities. In all cases, fair market value of the right of way and of the item to be traded shall be established. Proposed public improvements shall be reviewed and recommended by the affected City Department(s), and shall exceed the established value of the right of way proposed for vacation. Provision of such compensation or departmental approval of proposed improvements does not mandate street vacation approval by the City Council or Mayor.

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature City State Zip

Legal Description of Signator's Property

Proof of ownership and tax statement attached

Check the boxes which apply.

This property is also subject to

____ building permit (address _____)

____ short plat or lot adjustment

____ site plan review

____ change in land use designation

____ other (specify) _____

The City staff person most familiar with this application is _____

DO NOT WRITE BELOW THIS LINE/FINANCE DEPARTMENT ONLY

This is to certify that a filing fee in accordance with the current Fee Schedule required for a Street or Alley Vacation Application has been paid on _____.

Finance Department

CR# _____

Date _____