



Attachment D

Permit Center

210 Lottie Street, Bellingham, WA 98225
Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382
Email: permits@cob.org Web: www.cob.org/permits

STREET AND/OR ALLEY VACATION PETITION (PLEASE TYPE OR PRINT CLEARLY IN BLUE OR BLACK INK)

The undersigned, owners of property abutting on the hereinafter described streets and/or alleys sought to be vacated, hereby petition to vacate: (legal description required)

and to make such orders and to take such action as may be necessary to accomplish said vacation. Proof of ownership is attached.

Abutting Property Owner #1

Address and Legal Description of Signator's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

Abutting Property Owner #2

Address and Legal Description of Signator's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

Abutting Property Owner #3

Address and Legal Description of Signator's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

(Additional copies may be necessary if there are more than 3 property owners)

Check the boxes that 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 _____



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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 is initiated by property owners or by a resolution of the City Council. The vacation petition must be signed by the owners of more than two-thirds of the property abutting the street or alley to be vacated. One hundred percent participation is strongly recommended.
3. The petition/application must contain:
 - a. Signature and proof of ownership for all petitioners. Supply 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.
 - b. A vicinity map showing the proposed vacation.
 - c. An application fee 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, 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 Planning. If the TRC recommends against the street or alley vacation, the applicant may wish to reconsider going forward.

REVIEW PROCEDURE

After TRC review, and upon receipt of the application fee by the Planning Division, notice of the vacation and a request for comments is sent to all utilities.

PROPERTY APPRAISAL

1. 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 Hearing Examiner, Planning will order an appraisal from a local certified MIA appraiser. The applicant pays for the appraisal before the appraiser initiates the work. The appraisal process usually takes a minimum of six weeks.

An appraisal may not be required in cases where 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.

HEARING EXAMINER

1. 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 Hearing Examiner for consideration.
2. 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, Planning 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.
3. 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 are given notice 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.
4. The Hearing Examiner provides a recommendation to the City Council. This recommendation includes findings and conclusions.

CITY COUNCIL

1. The City Council schedules a daytime meeting of one of the Council's committees to review the Hearing Examiner's report. The committee recommends approval, denial, or a formal hearing to the full Council.
2. If the proposal is recommended for approval, it will most commonly go on the Consent Agenda that evening, and be voted on with other issues in a block. No hearing will be held.
3. If the proposal is recommended for denial or a formal hearing, it will most commonly be scheduled for a Closed Record Public hearing, that evening or some other night. The Council may not accept new information at this Closed Record Public Hearing.
4. The City Council may, by vote and upon approval of the Mayor, approve a vacation ordinance. If the vacation is not approved, the deposited amount (exclusive of the application fee) is refunded to the petitioner.

CITY COUNCIL ADOPTED STREET VACATION POLICIES

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.