

PROCEDURE FOR STREET VACATION RCW 35.79 & 58.17.212

Initiated by

Petition (property owners):

Submitted with signatures of 2/3rd of owners of property abutting street to be vacated

Includes accurate legal description (RCW 35A.01.040(1)(c))

Filed with City Clerk (can be done via city staff)

City to certify petition sufficient by 2/3rds of owners abutting area to be vacated

If petition is sufficient, a resolution is prepared (see Resolution section)

City: Refer to Resolution section

Resolution

City Council adopts resolution fixing time of hearing on petition (there does not seem to be a time limit for doing this after receipt of petition)

Hearing date to be set between 20-60 days from date of the passage of the resolution

Notice of Public Hearing

Petition vacation

20 days before hearing:

Post written notice in 3 most public places in town

Post site to be vacated

City initiated vacation

Fulfill requirements for petition vacation noticing above, plus

15 days before hearing (city initiated only)

Mailed notice to all abutting property owners

Note: If 50% of abutting property owners object in writing, City shall be prohibited from proceeding with resolution

Public Hearing

Must be held between 20-60 days after adopting resolution

To approve, City Council shall adopt ordinance to vacate, and may:

Require compensation (half or full appraised value) prior to ordinance becoming effective, and

Retain easements for public uses and utilities

Ordinance to be adopted by Council motion

Ordinance

To be certified by City Clerk

Certified ordinance to be recorded with Snohomish County Auditor

If applicable, city to be compensated prior to certification and recoding of ordinance

If the area has been part of a dedicated public right-of-way for 25 years or more, or was acquired in whole or part at public expense, city may require compensation of full appraised value. Revenue shall be dedicated to the acquisition, improvement, development and related maintenance of public open space or transportation capital projects with the City.