



City of Pacific
 100 3rd Avenue SE
 Pacific, WA 98047
 Telephone: (253)929-1110
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PETITION FOR THE VACATION OF A PUBLIC RIGHT-OF-WAY

TO: Community Development Department, City of Pacific,
 100 - 3rd Avenue SE, Pacific, WA 98047

We, the undersigned, being the owners according to the records of the _____
 County Auditor of the property described in Exhibit A (legal description and map), attached hereto and by
 this reference incorporated herein, petition the City Council of the City of Pacific, Washington to vacate
 the portion of the public right-of-way known as _____
 described in Exhibit B, attached hereto and by this reference incorporated herein, in accordance with
 Chapter 13.16 Pacific Municipal Code, which we have read.

This petition is accompanied by:

- (1) \$500 application fee, \$1,500 deposit to be applied to engineering fee and any additional costs incurred;
- (2) A survey;
- (3) An explanation of why the public right-of-way sought to be vacated is no longer of public benefit;
- (4) A legal description of the public right-of-way proposed to be vacated;
- (5) A vicinity map showing the general area of the public right-of-way proposed to be vacated; and
- (6) A map prepared by a professional land surveyor, registered in the State of Washington, indicating the specific parcels abutting the public right-of-way proposed to be vacated.
- (7) Fee Obligation Form signed by owner/applicant.

An appraisal of the subject property by a licensed appraiser will be obtained by the City and is also required to be paid by the applicant(s). In accordance with city regulations and State Statutes the property owner is required to pay the full appraised value of the land prior to street vacation. The payment of the assessed valuation shall be accomplished prior to formal Council Ordinance adoption.

This petition may consist of more than one page. Each person signing this petition consents to the filing of other pages to be considered as part of a single petition. Each signature shall be executed in ink.

PETITIONERS' SIGNATURES

Petitioners' Representative: _____

Address / Phone Number: _____

No.	Date	Printed/Typed Name	Signature	Address or Legal Description	Parcel No.
1					
2					
3					
4					

Each person who signs this petition with any other than his true name, or knowingly signs more than one of these petition, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. RCW 35A.01.040.

PROCEDURES

1. Petition/Application

- a. Petition/Application forms are provided by the City of Pacific _____ office.
- b. A vacation may be initiated by a Petition signed by the owners of more than two-thirds of the lineal frontage of the property abutting the street or alley to be vacated, or in the case of an easement, more than two-thirds of the property underlying the portion of the easement to be vacated. If any Petitioner is purchasing abutting or underlying property under a real estate contract, the seller of that property must also sign the vacation Petition.
- c. The Petition must contain a statement of why the proposed vacation is in the public interest or for a public purpose.
- d. The Petition must contain a statement explaining how no property will be denied direct access as a result of the vacation.
- e. The Petition must contain a legal description of the street, alley, or easement to be vacated; together with a statement certifying the validity of the legal description, signed by a licensed surveyor or registered engineer. In the event that the Pacific City _____ Department determines that they can adequately consider the Petition without a full legal description, they may defer this requirement until after the Council has rendered its decision on the Petition; however, in no event shall a vacation be final until the requirements of this subsection have been met.
- f. Each Petitioner must provide proof of ownership. An affidavit, title report, copy of a deed of conveyance, or tax statement must be submitted for each signature as evidence of ownership. Any proof of ownership must contain a legal description of the property owned by the Petitioner.

2. Valuation:

Unless an abutting property owner objects, compensation as required under RCW 35.79.030 shall be established based on the Pierce County Assessor's assessed value of all abutting property. This compensation shall be determined as follows:

- a. The Pierce/King County Assessor's assessed value for each lot adjacent to the proposed vacation shall be divided by the number of square feet in that lot in order to obtain a "value per square foot" for each adjacent lot;
- b. The "value per square foot" for each adjacent lot shall be added together and divided by the total number of adjacent lots in order to obtain an average price per square foot for all adjacent property; and

- c. The compensation required of each abutting property owner shall consist of the average price per square foot obtained under subsection 2, above, multiplied by the number of square feet each abutting property owner will be receiving through the property vacation.

The valuation required under this section shall be prepared under the direction of the City _____. Any costs of the valuation, including time spent by the City staff in preparing or assisting with preparing the valuation, shall be borne by the Petitioner(s). The valuation shall be documented, complete, and added to the Petition before a vacation will be considered final. In the event a Petitioner or abutting property owner objects to the calculation of compensation under this section, the compensation required under RCW 35.79.030 shall be established as required under section 3, below.

3. Appraisals:

Determination of appraised value shall be made by appraisal of the portion of the street, alley, or easement to be vacated with value determination based on highest and best use. The appraisal shall be prepared at the discretion of the City _____. Any easement or other public rights retained by the City or dedicated to the City shall be considered in the appraisal. The appraisal cost shall be borne by the applicant. The appraisal must be complete and added to the Petition before a vacation will be considered final.

4. Fees:

All fees and costs required by Pacific Municipal Code _____, resolution of the Pacific City Council, or these written procedures must be paid before the Pacific City Council will set a date to hear the Petition.

5. Maps:

Each Petition must be accompanied by a scale map showing the street, alley, easement, or part thereof, to be vacated, and showing all properties with subdivisions, blocks, lots, and specifying open and unopened rights-of-way in the vicinity of the proposed vacation.

Chapter 13.16 STREET AND ALLEY VACATIONS

Sections:

- [13.16.010](#) Street and alley vacations – Fee.
- [13.16.015](#) Consultant fee and deposit.
- [13.16.020](#) Utility easement.

13.16.010 Street and alley vacations – Fee.

There shall be a **non-refundable permit** fee as established by city resolution for any city street or alley vacation. In addition thereto, said person shall pay the sewer assessment area charge which would have been assessed to said street or alley had it not been city property. (Ord. 1375 § 20, 1998; Ord. 1173 § 3, 1992; Ord. 658 § 1, 1977).

13.16.015 Consultant fee and deposit.

In addition to the fee required under PMC 13.16.010, the applicant shall reimburse the city for the costs of any professional consultants hired by the city to process, review or inspect any applications for a street or alley vacation. These professional services may include, but shall not be limited to, engineering, legal, financial and accounting services. The applicant shall submit along with the application a ~~non-refundable~~ base deposit as established by city resolution to cover anticipated costs of retaining professional consultants. Additional amounts shall be deposited at the request of the city. (Ord. 1375 § 21, 1998; Ord. 1173 § 4, 1992).

13.16.020 Utility easement.

The city shall reserve from each and every street and/or alley vacation an easement for public utilities. (Ord. 658 § 2, 1977).