

RIGHT-OF-WAY VACATION APPLICATION

Form #FE095
Updated
January 2021

Physical Address: Auburn City Hall Annex, 2 nd Floor 1 East Main Street	Mailing Address: 25 West Main Street Auburn, WA 98001-4998	Webpage & Email: www.auburnwa.gov aolds@auburnwa.gov	Phone & Fax: Phone: 253-931-3010 Fax: 253-931-3053
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APPLICATION FEES – All fees are non-refundable.	FOR OFFICE USE ONLY
<p>\$1,750.00 application fee due with complete application submittal per ACC 12.48.015 and ACC 12.48.040. The City will notify you when to pay the fee after initial review of your application.</p> <p>Applications expire 180 days from inactivity as determined by the City. If the application expires, Applicant must apply for a new ROW Vacation. Any new application will require a new application fee per ACC 12.48.040.</p> <p>Land value compensation may be required by the City Council. If land value is determined to be more than \$2,000.00 by the City Engineer, then the applicant will be required to submit an appraisal per ACC 12.48.085.</p>	Vacation #
	Date Application Received
	Total Fees \$
	Receipt #

APPLICANT INFORMATION (All information related to this application will be sent to this contact)		
Owner Name		
Contact Person		
Address		
City, State, Zip		
Phone Number		
E-Mail Address		
<p>I hereby certify and declare under penalty of perjury under Washington law that the statements furnished by me on this application are true and complete to the best of my knowledge and that I will comply with the provisions of the Auburn City Code in doing business in Auburn.</p>		
Date	Signature	Title

LOCATION/DESCRIPTION OF RIGHT-OF-WAY	
Location/Description of Right-of-Way	
Your Parcel Number	
Other Parcel Numbers Adjacent to the Right-of-Way	
Why are you requesting this Right-of-Way Vacation? Attach additional sheets if necessary.	
Is this proposed Vacation related to a development, building or other commercial project or permit? Please provide project or permit name, description and applicable permit or development numbers. Attach additional sheets if necessary.	

REQUIRED DOCUMENTS DUE WITH INITIAL APPLICATION
<p><input type="checkbox"/> Detailed map showing the location of Right-of-Way requested for vacation including adjacent parcels and parcel numbers.</p> <p>The City may require information and documentation at the applicants expense in addition to those items listed above in order to perform a complete review of your application. If required, the applicant will be informed and information is due as soon as possible so that City Staff can continue to review your application.</p>

REQUIRED DOCUMENTS DUE AFTER INITIAL APPLICATION REVIEW – City staff will notify the applicant to submit the below requirements after the initial review of the application.

- Application fee in the amount of \$1,750.00. All fees are non-refundable.
- Complete survey of the subject right-of-way and any and all adjacent roadways, and parcels that includes; curve data, boundary line bearings and boundary line distances that is signed and stamped by a licensed land surveyor in the State of Washington. Document must be in 8.5" x 11" or 8.5" x 14" format with 1" margins and minimum 8-point font (this is 8-point font).
- Complete legal description of the subject right-of-way that is signed and stamped by a licensed land surveyor in the State of Washington. This may be included on the face of the survey required above. Document must be in 8.5" x 11" or 8.5" x 14" format with 1" margins and minimum 8-point font (this is 8-point font).
- Completed petition in favor of the proposed vacation signed by owners of more than two-thirds of the private property abutting the right-of-way sought to be vacated per RCW 35.79.010. – Form #FE005
- Title Reports, Deeds, Easements or other land records as required by the City.
- Appraisal of the subject right-of-way as required by the City. An appraisal will be required if the City determines the value of the subject right-of-way to be more than \$2,000.00.
- Revisions to previously submitted documentation as redlined and requested by the City.
- Any other documentation or information the City deems necessary to perform an accurate evaluation of the subject right-of-way.

The City may require information and documentation at the applicants expense in addition to those items listed above in order to perform a complete review of your application. If required, the applicant will be informed and information is due as soon as possible so that City Staff can continue to review your application.

RIGHT-OF-WAY VACATION PROCESS

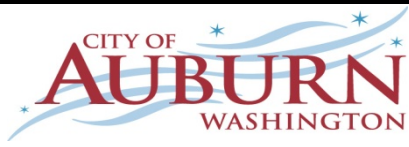
- **PLEASE NOTE: The decision of whether or not to vacate the subject right-of-way that you have made application for is at the sole discretion of the Auburn City Council. City staff cannot approve or deny your requests. City Staff can only provide a recommendation and information for review by the City Council.**
- **PLEASE NOTE: The right-of-way vacation process takes approximately four to six months to reach a decision from the time a fully complete application is received by the City.**
- **City staff will be happy to meet with you in person, speak with you over the phone or communicate through e-mail if you have questions as to the process, requirements, review, or status of your particular request at any stage of your application. Please contact Amber Olds, ROW Specialist, at 253.804.3120 or aolds@auburnwa.gov.**

1. The first step is to submit a preliminary right-of-way vacation application to :
Jacob Sweeting, City Engineer
C/O Amber Olds, ROW Specialist
Public Works
City of Auburn
25 West Main
Auburn WA 98001

The preliminary application shall include the completed application form with a description of the location of the subject right-of-way and a vicinity map that clearly shows and defines the right-of-way being requested for vacation and all adjacent parcel numbers. The application shall also include a description of why the subject right-of-way is being requested for vacation.

- a. Once the City receives your preliminary right-of-way vacation application, Engineering staff will perform a cursory review of your application to see if there are elements of the proposal, from the staff's perspective, that would make the vacation unlikely to be approved by the Auburn City Council
- b. Identify any supplemental information needed from you to clearly define the vacation proposal should you choose to move forward with your application.

- c. During the cursory review staff **will not** review any utilities, easements, zoning, land use or any other aspect that would require a full application be made prior to review by additional City staff from other departments and utility purveyors. Staff **will not** determine whether or not the subject right-of-way should or will be vacated as this is only decided by City Council at their discretion.
2. Once the cursory review of the preliminary application is completed, staff will notify you of the outcome of the review and provide information and notification of additional documentation and information that is needed to make a full application for right-of-way vacation if you wish to move forward with the process. Information necessary to make a full application is listed in the application above and at the applicants expense.
3. Once the full application is made and determined complete, Public Works staff will forward the application to additional City staff in other departments, other jurisdictions such as King or Pierce County, and private utility purveyors such as PSE, CenturyLink, and Comcast for additional review and comment. These departments, jurisdictions and purveyors may request additional information and documentation from the applicant at the applicants expense in order to complete their review. You will be notified of these additional requests as they come in from the reviewing parties. This additional information and documentation could generally additional surveys, legal descriptions, title reports, appraisals, easements, revisions to previously submitted documentation, and any other documentation or information the reviewing party deems necessary to perform an accurate evaluation of the subject right-of-way, all at the applicants cost:
4. Once all the additional information is received and reviewed, City staff will develop a staff report. The staff report will contain general information for the proposed right-of-way vacation, including location, size, proposed use, history, value, comments of reviewing parties and a recommendation from staff as to whether or not staff supports the vacation of the subject right-of-way and any applicable conditions, such as requiring easements and compensation for the right-of-way. The staff report **will not** contain a determination as to whether or not the subject right-of-way will be vacated as this is only decided by City Council at their discretion after a public hearing and review.
5. After the staff report is completed the application will be scheduled for review by the City Council and to set a date for a public hearing; the hearing will be held not more than 60 days and not less than 20 days from the date of the City Council's decision. A notice of public hearing will be advertised in the newspaper, posted in three locations in the City, and sent to the applicant and owners of property adjacent to the right-of-way proposed to be vacated.
6. At the public hearing, your application materials and the staff report will be reviewed by City Council and the public will be invited to comment on the proposed right-of-way vacation. After the public hearing City Council may decide to make a decision on the proposed vacation the same night. Sometimes the City Council will require further information or review prior to making a decision as to whether or not to vacate the subject right-of-way. If this is the case, you will be notified of any additional information that you need to provide and the next steps in the process for your application. Sometimes, a vacation request is approved contingent upon the applicant meeting certain conditions. These conditions will be set forth in the ordinance approving the vacation and may include easements for utilities, compensation for the subject right-of-way or other conditions as necessary. The ordinance will not be recorded with the County and take effect until all conditions have been met.
7. At any time throughout the process you may decide to abandon your application. Please note that the application fee is non-refundable no matter if or when you abandon your application. Additionally you will not be compensated or refunded for any cost associated with making the application or providing any information or documentation for review or processing of the application no matter if or when you abandon your application. If City Council decides to deny your request to vacate right-of-way you will not be refunded or compensated for any of the above associated costs and fees. Incomplete right-of-way applications, not completed by the applicant within six months of a request by the City, shall be null and void. Any subsequent application shall require a new non-refundable fee.
8. For additional information and applicable code language for the right-of-way vacation process please see Auburn City Code Chapter 12.48 Right-of-Way Vacations <http://www.codepublishing.com/WA/Auburn/Auburn12/Auburn1248.html> or the Revised Code of Washington Chapter 35.79 Streets –Vacation [Chapter 35.79 RCW: Streets — vacation](#).



RIGHT-OF-WAY VACATION ABUTTING PROPERTY PETITION

Form #FE005
Updated
January 2021

Physical Address:

Auburn City Hall Annex, 2nd Floor
1 East Main Street

Mailing Address:

25 West Main Street
Auburn, WA 98001-4998

Webpage & Email:

www.auburnwa.gov
aolds@auburnwa.gov

Phone & Fax:

Phone: 253-931-3010
Fax: 253-931-3053

FOR OFFICE USE ONLY

Vacation #

Date Application Received

APPLICANT INFORMATION (All information related to this application will be sent to this contact)

Owner Name	
Contact Person	
Address	
City, State, Zip	
Phone Number	
E-Mail Address	

I hereby certify and declare under penalty of perjury under Washington law that the statements furnished by me on this application are true and complete to the best of my knowledge and that I will comply with the provisions of the Auburn City Code in doing business in Auburn.

Date	Signature	Title

LOCATION/DESCRIPTION OF RIGHT-OF-WAY PROPOSED FOR VACATION

Location/Description of Right-of-Way proposed for vacation and explanation of why vacation is being sought:

A detailed map showing the location of the Right-of-Way requested for vacation including adjacent parcels shall be attached to this petition and shall be provided to those owners who are asked to sign this petition.

Applicant is required to secure the signature of the owners of more than two-thirds of the private property abutting the right-of-way desired to be vacated. For the purpose of determining sufficiency of signatures of private property owners on this petition or consent to vacate, the following rules shall govern:

1. Husband & wife, the signature of either spouse, without the other, will be sufficient.
2. Mortgaged property, the signature of the mortgagor shall be sufficient.
3. Property subject to contract purchase, the vendor and vendee shall be required.
4. Corporation, the signature of any officer authorized by the bylaws or resolution of the board of directors, granting such authority, and proof granting such authority.
5. Estate of a decedent or incompetent, the signature of the duly qualified administrator, executor, or guardian shall be equivalent to the signature of the property owner, and proof granting such authority.

Contact information obtained for the purposes of this petition shall only be used by the City to verify and confirm petition in favor of the vacation. If the applicant or any of the petitioners have questions regarding this petition, the application or the process for approval, please contact Amber Olds, ROW Specialist at 253-804-3120 or aolds@auburnwa.gov.

FOR OFFICE USE ONLY

Vacation #

Date Application Received by City:

We, the undersigned, being owners of more than two-thirds of the real property abutting that portion of land designated as public right-of-way, described above and shown on the attached map, do hereby petition the City of Auburn to vacated said portion of right-of-way.

Name (please print)	Signature	Address	Phone Number	E-Mail	Date