

# **RIGHT-OF-WAY VACATION REQUESTS**

## **INFORMATIONAL PACKET**





## 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 can not 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 full 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 Price, Engineering Aide, at 253.804.3120 or [aprice@auburnwa.gov](mailto:aprice@auburnwa.gov).**
1. The first step is to submit a preliminary right-of-way vacation application to:  
Ingrid Gaub, Asst. Dir. Engineering/City Engineer  
C/O Amber Price, Engineering Aide  
Community Development and 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, Public Works 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 more forward with your application.

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 generally includes the following at the applicants cost:
  - a. Non-refundable application fee of \$1,500.00 per Auburn City Code 12.48.040.
  - b. Completed 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. The format needs to be in 8.5 x 14 or 8.5 x 11 with a minimum font size of 8-point (This is 8-point type) and a minimum 1 inch margin around the entire document. Hard copies or electronic formats are acceptable. This document will eventually be recorded with the county if the vacation passes.
  - c. 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 for item b.
  - d. Signed and completed petition in favor of the proposed vacation of more than two-thirds of the property owners abutting the subject right-of-way per RCW 35.79.010.
  - e. Any other documentation or information the City deems necessary to perform an accurate evaluation of the subject right-or way.
3. Once the full application is made 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 cost 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 include the following, all at the applicants cost:
  - a. Additional surveys and legal descriptions.
  - b. Title reports.
  - c. Appraisals.
  - d. Easements.
  - e. Revisions to previously submitted documentation as redlined and requested.
  - f. Any other documentation or information the reviewing party deems necessary to perform an accurate evaluation of the subject right-of-way.
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 you 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 on 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 of \$1,500.00 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](#).