



City of Yakima

Right of Way

Vacation

Application Packet

It is important to your land use review that all parts of this application packet be completed. All narratives, when requested, must be completed with each question being answered separately. All items requested on the site plan checklist must be shown on the site plan and the completed checklist submitted with your application. Any item not applicable should be so noted.

Don't forget to sign your application and site plan.

If you have any questions about your application, please ask to speak with a Planner.

City of Yakima, Planning Division
129 North 2nd Street, 2nd Floor, Yakima, WA 98901
Phone#: (509) 575-6183 Fax#: (509) 575-6105

STREET OR ALLEY VACATIONS

Vacating an unused or unnecessary public street or alley can create areas for commercial development or neighborhood improvements and place property back on the tax rolls. The decision to vacate the street or alley is made by the City Council, with a recommendation from the Hearing Examiner. A set of procedures has been adopted by the City of Yakima for complying with the provisions of Washington State law (RCW 35.79). Those procedures are attached.

Petition: Persons or parties wishing to vacate a public street, alley or right-of-way (for access) must first submit a petition, which provides a legal description of the area. The included petition must be signed by property owners of two-thirds of the abutting property surrounding the right-of-way to be vacated.

Talk to a City Planner: Before preparing your application, you may wish to have a City Planner review your proposal. Predevelopment conferences are free and may give you a better understanding of the review process.

Submit Your Application: A completed application on forms provided by the Planning Department is required along with an application fee, a written narrative, and a general site plan. Once you have submitted an application, a Planner will be assigned as your contact person and will assist you in the review. To expedite the process, be sure that all parts of the application package are completed. All narratives, when requested, must be completed with each question being answered separately. All items requested on the site plan checklist, must be shown on the site plan and the completed checklist submitted with your application. Any items that are not applicable should be so noted. And, please don't forget to sign your application and site plan. If you have any questions about your application or the process please ask to speak with a Planner.

Compensation: The City of Yakima will charge one-half of the fair market value of the area to be vacated of an improved street. If no public improvements exist on the street, no compensation will be requested. Payment is due if City Council approves the vacation request; however, the calculated value of the compensation must be submitted during the review process.

Development Service Team (DST): Representatives from City departments, State agencies, and private utility companies will review your proposal. Should significant concerns arise during the DST meeting, a conference may be scheduled between you and the appropriate agency in order to discuss possible application modifications. After the DST meeting, you may have an opportunity to change aspects of your proposal to address any concerns raised. To do this, submit your modifications to your Planner; a staff report will be prepared based upon the information provided. A staff report will be prepared for the Hearing Examiner who will make a recommendation to approve, approve with conditions, or deny the request.

Public Notice: State law and local policy for street vacations include: posting the property, publishing a legal notice in a newspaper of general circulation, and posting a notice in three public places, as well as written notice to all property owners within 300 feet of the proposed right-of-way vacation. You are encouraged to discuss your proposal with your neighbors. While this is not a requirement, it is often helpful to both the neighborhood in answering questions and concerns.

Public Hearing: The Hearing Examiner will conduct a public hearing to review the staff recommendation and take public testimony from those both for and against the vacation. You must attend this public hearing.

Appeal the Decision?: For right-of-way vacation decisions, City Council's Decision is final unless appealed to Superior Court. If you are not satisfied with the decision, discuss your concerns with a Planner.



LAND USE APPLICATION
CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT
129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901
VOICE: (509) 575-6183 FAX: (509) 575-6105

INSTRUCTIONS – PLEASE READ FIRST Please type or print your answers clearly.

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable.
 This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV – CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:						
	Mailing Address:						
	City:		St:		Zip:		Phone: ()
	E-Mail:						

2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Agent	<input type="checkbox"/>	Purchaser	<input type="checkbox"/>	Other _____
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3. Property Owner's Information (If other than Applicant):	Name:						
	Mailing Address:						
	City:		St:		Zip:		Phone: ()
	E-Mail:						

4. Subject Property's Assessor's Parcel Number(s):

5. Legal Description of Property. (if lengthy, please attach it on a separate document)

6. Property Address:

7. Property's Existing Zoning:
 SR R-1 R-2 R-3 B-1 B-2 HB SCC LCC CBD GC AS RD M-1 M-2

8. Type Of Application: (Check All That Apply)

<input type="checkbox"/> Administrative Adjustment	<input type="checkbox"/> Environmental Checklist (SEPA Review)	<input type="checkbox"/> Easement Release
<input type="checkbox"/> Type (1) Review	<input type="checkbox"/> Right-of-Way Vacation	<input type="checkbox"/> Rezone
<input type="checkbox"/> Type (2) Review	<input type="checkbox"/> Transportation Concurrency	<input type="checkbox"/> Shoreline
<input type="checkbox"/> Type (3) Review	<input type="checkbox"/> Non-Conforming Use/Structure	<input type="checkbox"/> Critical Areas Review
<input type="checkbox"/> Preliminary Short Plat	<input type="checkbox"/> Appeal to HE / City Council	<input type="checkbox"/> Variance
<input type="checkbox"/> Final Short Plat	<input type="checkbox"/> Interpretation by Hearing Examiner	<input type="checkbox"/> Temporary Use Permit
<input type="checkbox"/> Short Plat Amendment	<input type="checkbox"/> Modification	<input type="checkbox"/> Overlay District
<input type="checkbox"/> Preliminary Long Plat	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Binding Site Plan
<input type="checkbox"/> Final Long Plat	<input type="checkbox"/> Comprehensive Plan Text or Map Amendment	<input type="checkbox"/> Planned Development
<input type="checkbox"/> Plat Alteration –Long Plat	<input type="checkbox"/> Short Plat Exemption: _____	<input type="checkbox"/> Other: _____

PART II – SUPPLEMENTAL APPLICATION, PART III – REQUIRED ATTACHMENTS, & PART IV – NARRATIVE

9. SEE ATTACHED SHEETS

PART V – CERTIFICATION

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

 Property Owner's Signature

 Date

 Applicant's Signature

 Date

FILE/APPLICATION(S)#

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:
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Supplemental Application For:
RIGHT-OF-WAY VACATION

Fee: \$420.00 (RCW 35.79) (+50% appraised value)

PART II - LOCATION

1. VICINITY - LOCATION OF RIGHT-OF-WAY TO BE VACATED:

2. LEGAL DESCRIPTION OF THE RIGHT-OF-WAY TO BE VACATED: (Attach if lengthy)

PART III - APPLICATION INFORMATION

3. A WRITTEN NARRATIVE: (Please submit a written response to the following questions)

A. What is the public benefit, reason for, and limitations of the proposed right-of-way vacation?

B. Does the vacation deny sole access to a public street for any property?

C. Is the proposal consistent with existing plans of the City? (Petitions should be consistent with the Six-year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other official City Plans and policies)

D. Is the vacation appropriate with existing zoning and land use? (Vacation of Right-of-Ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and long-range plans)

E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?

PART IV - REQUIRED ATTACHMENTS

4. SITE PLAN REQUIRED: (Please use the City of Yakima Site Plan Checklist, attached)

5. PETITION TO VACATE STREET OR ALLEY REQUIRED (attached)

6. TITLE REPORT (may be waived)

7. SURVEY OF THE AREA TO BE VACATED (may be waived)

8. APPRAISAL OF THE PROPERTY (If the assessed value of the portion of right-of-way to be vacated exceeds \$20,000)

9. ENGINEERING PLAN (may be required to indicate how the curb, gutter and other physical features will be treated after the vacation is enacted.)

10. TRAFFIC ANALYSIS (A traffic analysis prepared by a Certified Engineer, which describes the impact to the City transportation network of the closure of the right-of-way, may be required depending on the right-of-way being vacated. As a result of that analysis, a Traffic Study may also be required)

Note: if you have any questions about this process, please contact us City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 509-575-6183

SITE PLAN CHECKLIST & INSTRUCTIONS

In Order For Application To Be Determined Complete, A Site Plan Must Be Completed And Returned.

A Detailed Site Plan Is Required: On August 8, 1996, the City Council passed a resolution (No. R-96-91) adopting a requirement that all site plans submitted in conjunction with my building permit application, land use application, and environmental application shall contain certain information and be approved by the appropriate Division Manager. All information that is applicable to your proposal shall be checked off and clearly displayed on the site plan. It is in the applicant's best interest to provide a carefully drawn and scaled site plan with all required information. The decision on whether or not to grant approval of your development proposal is largely based on the information you provide. An application cannot be processed until an adequate site plan is submitted.

Please complete this checklist and include it with your site plan. The site plan must contain all pertinent information. Items not applicable to the proposed project shall be noted.

- 1) **Use Ink:** Use blue or black permanent ink. It may be helpful to draft the site plan in pencil then trace over in ink. Ink is necessary for adequate duplication.
- 2) **Use A Straight Edge:** All lines must be straight and done with the aid of a ruler or other straight edge. Use a compass when delineating circular drawings such as cul-de-sacs. Computer drafted site plans are acceptable.
- 3) **Draw To Scale:** Site plans shall be drawn to scale. The site plan template has a suggested map scale of one inch equaling twenty feet (1"=20'). Distances on the map must be as representative of reality as possible. For example, if the distance from a structure to a property line is 20 feet, the distance on the site plan will be 1 inch.
- 4) **Use Site Plan Checklist:** Use the site plan checklist and provide all applicable information on the site plan.
- 5) **Fill In Information On The Site Plan Template Available At The City Of Yakima Or Attach The Information Below To Your Site Plan:** Complete all information requested on the bottom of the site plan template. If you use a different medium, provide the requested information on the alternative paper.

Note: You may benefit from the aid of a professional in the preparation of a site plan. Check all boxes as: Included or - Not Applicable

<input type="checkbox"/>	The site plan shall be legibly drawn in ink on paper of sufficient size to contain the required information, but not less than 8.5" X 11" for Class (1) projects and 11" X 17" for Class (2) and Class (3) projects.
<input type="checkbox"/>	All site plans shall be drawn to a standard engineering scale and indicated on the site plan. The scale selected shall best fit the paper. Planning staff recommends 1"=20'.
<input type="checkbox"/>	Site address, parcel number(s) and zoning designation of subject property.
<input type="checkbox"/>	Property boundaries and dimensions.
<input type="checkbox"/>	Names and dimensions of all existing streets bounding the site.
<input type="checkbox"/>	Dimensions, location, & use of proposed & existing structures (include loading docks) with structure setbacks.
<input type="checkbox"/>	Structure setbacks
<input type="checkbox"/>	Lot coverage with calculations.
<input type="checkbox"/>	Location and size of any easements.
<input type="checkbox"/>	Location and type of existing and proposed landscaping including landscaping within the public right-of-way.
<input type="checkbox"/>	Location and size of existing and proposed side sewer and water service lines.
<input type="checkbox"/>	Adjacent land uses and zoning designations.
<input type="checkbox"/>	Location and size of all parking spaces.
<input type="checkbox"/>	Location and dimensions of proposed or existing driveway approaches.
<input type="checkbox"/>	Vision clearance triangles at street intersections and where driveways and curb cuts intersect with streets. SEE 15.05.040 – Vision Clearance attached with Sample Site Plan
<input type="checkbox"/>	Location and size of proposed or existing signs.
<input type="checkbox"/>	Location and size of required site drainage facilities including on-site retention.
<input type="checkbox"/>	Location, type, and description of required sitescreening.
<input type="checkbox"/>	Location and size of existing or proposed public sidewalks that are within 200-feet of the subject property.
<input type="checkbox"/>	Proposed improvements located within the public right-of-way.
<input type="checkbox"/>	Name, address, phone number, and signature of the owner or person responsible for the property.

Note: Planning Division or reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the YMC and other laws and regulations.

PETITION NO. _____
CITY OF YAKIMA, WASHINGTON
PETITION TO VACATE STREET OR ALLEY

To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 (*provide legal description below, or attach to petition if lengthy*).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

_____ Owner	_____ Address	
_____ Signature	_____ Date	_____ Ownership %
_____ Owner	_____ Address	
_____ Signature	_____ Date	_____ Ownership %
_____ Owner	_____ Address	
_____ Signature	_____ Date	_____ Ownership %

(if there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

**CITY OF YAKIMA DIVISION OF ENVIRONMENTAL PLANNING
PROCEDURAL GUIDELINES FOR RIGHT-OF-WAY VACATION PETITIONS
AS ADOPTED BY THE YAKIMA CITY COUNCIL**

Once a petition to vacate a right-of-way, application form and fee have been filed with the City of Yakima Department of Community and Economic Development, the petition and application will be reviewed by the staff to determine the completeness. When determined to be sufficient, the City Clerk will be notified and a petition number assigned to the petition.

The City Council must set the date of public hearing by Resolution during a regular meeting of the Yakima City Council. The Planner must prepare the agenda statement, have a resolution prepared by the legal department, and attach the petition and a vicinity map. The Urban Area Hearing Examiner will conduct the public hearing. State statutes dictate that the public hearing be held no less than 20 and no more than 60 days from the date of “set date” by City Council.

The Planner is responsible for posting of the right-of-way vacation proceedings in three public places and at the site of the vacation. A “sign” is used at the site, visible from all affected public right-of-ways, while a plain notice is used in the following three places: the City Hall Lobby, the Yakima County Courthouse, and the Yakima County Auditor’s Office

ALL POSTING MUST OCCUR AT LEAST 20 DAYS PRIOR TO THE PUBLIC HEARING

Prior to the Public Hearing the staff will conduct a technical review (DST) involving notification to all city department and public agencies which may have an interest in the right-of-way City staff will prepare a recommendation, based upon the comments received by the Planning Department from various agencies and departments. The recommendation will consider the need to retain an easement through the subject area.

All property owners within 300’ of the subject area will be notified by mail, using the records of the Yakima County Assessor, at least ten days prior to the public hearing.

The Hearing Examiner will issue a written recommendation to the Yakima City Council within ten working days after the Public Hearing. The City Council action is at a Public Meeting. The final action by the City Council requires a two-step process of set date for public meeting, and the actual public meeting to affirm or reject the recommendation of the Hearing Examiner. If the recommendation from the Hearing Examiner is for approval staff shall prepare an information packet for the City Council, and agenda sheet. The City Legal Department will prepare an Ordinance to enact the vacation which includes the terms and conditions of the vacation, including,

- The compensation required, as specified in Resolution R-2013-089.
- Whether an easement will be retained, for what purpose, its location and width.
- The length of time the petitioners will be allotted to complete the required improvements and submit the compensation to the City of Yakima, after which time the Ordinance becomes null and void.
- Other conditions specified in the Hearing Examiner’s written recommendation.

If the Hearing Examiner recommends denial of the petition to vacate a public right-of-way, staff shall forward to the City Council the recommendation of the Hearing Examiner and pertinent contents of the City right-of-way vacation file.

Planning staff shall notify the applicants of the City Council’s final decision for the right-of-way vacation.

RESOLUTION NO. R-2013-089

A RESOLUTION amending the previously adopted policy of the City of Yakima regarding the vacation of public streets or alleys; requiring an independent appraisal if right of way value exceeds Twenty Thousand Dollars (\$20,000); authorizing valuation of vacated property by assessed valuation if one hundred ten percent (110%) of assessed value is less than Twenty Thousand Dollars (\$20,000); requiring full value recovery for certain property vacations; and repealing City of Yakima Resolution R-2007-126.

WHEREAS, pursuant to Title 35 of the Revised Code of Washington, Chapter 35.79, the Yakima City Council desires to amend local policy for compensation to the City on the vacation of public streets or alleys; and

WHEREAS, after due consideration, the City Council determines it to be in the best interest of the City to revise its policy regarding required compensation paid to the City upon vacation of public streets, alleys, and right of ways as described herein, now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

Section 1 The City Council of the City of Yakima does hereby declare and adopt as its policy regarding compensation paid to the City on the vacation of right of ways used for the purpose of roads or alleys, as follows:

- A. Compensation to the City prior to effective vacation of any public street, alley, or any portion thereof within the City of Yakima in the full amount permitted by RCW 35.79.030, up to a maximum amount of one hundred percent (100%) of the independently appraised property value, unless one of the exceptions noted in Subparagraph 18, 1C or 1D apply.
- 8 For any public street, alley or any portion thereof within the City of Yakima valued at Twenty Thousand Dollars (\$20,000) or less, as determined by considering one hundred ten percent (110%) of the Yakima County Assessor's valuation of said public street, alley or any portion thereof within the City of Yakima that the party seeking vacation chooses not to provide an independent appraisal for, compensation to the City prior to effective vacation of any public street, alley, or any portion thereof within the City of Yakima in the full amount permitted by RCW 35.79.030 of the property value, determined by applying one hundred ten percent (110%) of the Yakima County Assessor's valuation of the public street, alley or any portion thereof within the City of Yakima, unless the exception noted in Subparagraph 1C applies
- C. No compensation will be required to be paid to the City for the portion of a vacated street, alley or right of way, the ownership of which will revert to the State of Washington, Yakima County or the School District, as owner of the property abutting the vacated portion of the alley, street or right of way.

Section 2 In the event compensation is due to be paid to the City and the value of the vacated right of way exceeds Twenty Thousand Dollars (\$20,000), according to the records of the Yakima County Assessor and calculated by means currently used by the City, the Council

requires that an independent qualified appraisal shall be obtained by the petitioner in order to determine the value of the subject right of way. The appraisal shall take into consideration the public improvements within the right of way to be vacated, according to their original or depreciated value as may be appropriate in the judgment of the appraiser.

Section 3. Every ordinance hereinafter enacted by the City Council to vacate any street or alley, or any portion thereof, shall provide that such ordinance shall not become effective until the owners of the property abutting upon the street or alley, or portion thereof, so vacated shall compensate the City in the amount specified in Section 1 above.

Section 4. Nothing herein is to be construed to diminish the right of the City to retain easements or the right to exercise and grant easements in respect to any vacated land for the construction, repair, and maintenance of public utilities and services.

Section 5. The City Manager or his designee shall adopt administrative procedures and fees that a petitioner must comply with to process a request to vacate a public street or alley in compliance with this policy and existing law.

Section 6. City of Yakima Resolution Number R-2007-126, adopted September 4, 2007 is hereby repealed.

ADOPTED BY THE CITY COUNCIL this 2nd day of July, 2013.



Micah Cawley, Mayor

ATTEST



City Clerk

