



City of Cle Elum

**Petition to Vacate a
City Right-of-Way**

Application Packet

**City of Cle Elum, Planning Division
119 West First Street, Cle Elum, WA 98922
Phone#: (509) 674-2262 Email: planning@cleelum.gov**

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. Procedures for processing Right-of-Way Vacations are outlined in CEMC 14.30.200, which are in compliance with the provisions of Washington State law (RCW 35.79).

Petition: Persons or parties wishing to vacate a public street, alley or right-of-way (for access) must first submit a petition on a form prescribed by the Administrative Official and shall be signed by the owners of more than two-thirds of linear frontage of the property abutting the portion of the public right-of-way sought to be vacated. Every petition shall be accompanied by the following: A) a title report for all properties adjacent to the proposed vacated right-of-way; B) a vicinity map showing the general area of the proposed vacation; C) a legal description of the property to be vacated; D) a copy of the record of survey, if available, for the subject right-of-way proposed for vacation, and abutting properties, streets and alleys within 100 feet on all sides of the proposed vacation; E) written evidence of any and all utility easements, or reservations, whether public or private, pertaining to the public right-of-way proposed for vacation, and, if the subject right-of-way encompasses any private utilities, a letter from all utility companies within the right-of-way consenting to the vacation shall be required and submitted to the City of Cle Elum; and F) a written narrative describing the reasons for the proposed vacation, the physical limits of the proposed vacation and the public benefit of the proposed vacation. Every petition for the vacation of any public right-of-way or any part thereof shall be accompanied by an application fee.

Talk to the City Planner: Before preparing your application, you may wish to have the City Planner review your proposal. The City offers “Pre-Application” meetings in which you can gain a better understanding of the review process and potential requirements for your project from various City departments before you formally submit your land use application and pay the application fee. More information and instructions for applying for a Pre-Application meeting can be found online: <https://cityofcleelum.com/wp-content/uploads/2023/03/PREAP-Final-2022.pdf>

Submit Your Application: Once you have submitted an application with the items listed above, a Planner will assist you in the review. To expedite the process, be sure that all parts of the application package are completed.

Compensation: The Applicant shall compensate the City in an amount which does not exceed one-half the appraised value of the area so vacated. If a public right-of-way has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the City may require the owners of the property abutting the public right-of-way to compensate the City in an amount that does not exceed the full appraised value of the area vacated. The value of the vacated property shall be determined by an independent appraisal of the vacated property, paid for by the Applicant. All appraisals 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.

Public Notice: Public notice requirements for right-of-way 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 notice to all property owners within 300 feet of the proposed right-of-way vacation by postcard or paper notice. 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 City Council 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 the Planner.



LAND USE APPLICATION
CITY OF CLE ELUM, PLANNING DEVELOPMENT

119 WEST FIRST STREET, CLE ELUM, WA 98922
 PHONE: (509) 674-2262 EMAIL: planning@cleelum.gov

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. *Consulting fees may apply.*
 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

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 _____	
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:						
8. Type Of Application: (Check All That Apply)						
<input type="checkbox"/> Right-of-Way Vacation <input type="checkbox"/> Other _____						

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

SEE ATTACHED SHEETS

PART V – CERTIFICATION

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:



Supplemental Application For:
RIGHT-OF-WAY VACATION

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

1. 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 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

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

2. TITLE REPORT FOR ALL ADJACENT PROPERTIES

3. SURVEY OF THE AREA TO BE VACATED

4. APPRAISAL OF THE PROPERTY (an appraisal is required)

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

6. 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)

PETITION NO.

**CITY OF CLE ELUM,
WASHINGTON
PETITION TO VACATE STREET OR ALLEY**

To the City Council of the City of Cle Elum, 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 Cle Elum, 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 CLE ELUM PLANNING DIVISION
PROCEDURAL GUIDELINES FOR RIGHT-OF-WAY VACATION PETITIONS**

Once a petition to vacate a right-of-way, application form and fee have been filed with the City of Cle Elum, the petition and application will be reviewed by the staff and determined to be complete or incomplete. 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 Cle Elum City Council. The City Council 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 applicant is responsible for posting the site of the proposed vacation with a land use action sign provided to them by the City while the Planner is responsible for posting written notice of the pendency of the petition in three public places including: the City Hall Lobby, the Kittitas County Courthouse, and the Kittitas County Auditor’s Office. The land use action sign should be visible from all affected public rights-of-way.

ALL POSTING MUST OCCUR 20 DAYS PRIOR TO THE PUBLIC HEARING. POSTING OF THE LAND USE ACTION SIGN MUST OCCUR PRIOR TO THE CITY SENDING THE NOTICE OF APPLICATION AND PUBLIC HEARING.

Prior to the public hearing the staff will conduct a technical review involving notification to all city departments 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 feet of the subject area will be notified by mail, using the records of the Kittitas County Assessor.

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 staff. If the recommendation from staff is for approval staff shall prepare an information packet for the City Council, and agenda sheet. City Legal and Planning Staff will prepare an Ordinance to enact the vacation which includes the terms and conditions of the vacation, including,

- The compensation required, as specified;
- 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 Cle Elum, after which time the Ordinance becomes null and void; and
- Other conditions specified in the staff’s written recommendation.

If the Staff recommends denial of the petition to vacate a public right-of-way, staff shall forward to the City Council the recommendation 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.