

The street vacation process takes 6-9 months to complete. The application fee is \$833.50 for 1-300 lineal feet and a \$20.00 automation fee. Supplement plan review fee of \$85.50 for every 100 lineal feet thereafter.

The following items must be completed to process a street vacation:

- Application/Petition Submitted, Petition Sufficiency Checked
- Route Street Vacation Application (Utilities, Public Agencies & Staff) with attached application form & map on routing slip, highlight area & give brief explanation
- Staff Report (draft)
- Technical Review Committee
- Staff Report (final)
- Council Meeting for Resolution. Resolution for fixing date & time of Public Hearing (hearing cannot be more than 60 days Nor less than 20 days from passage of Resolution)
- Study Session or Committee Meeting
- Public Hearing Date
- Hearing Notices Posted (at least 20 days prior to Hearing)
 - 3 Public Places Newspaper On Street/Alley
- Notice Mailed to Property Owners Within 300' of Proposed Vacation Area (no later than 15 days before Hearing)
- Staff Report Available (no later than 10 days before Hearing)
- Vacation Approved or Denied
- Preparation of Ordinance
- Property Appraisal
- Payment made to City of Federal Way
- Easements Obtained
- Covenant Executed
- Council Meeting Date for Ordinance Granting Vacation
- Effective Date of Ordinance
- Ordinance and Any Other Applicable Documents Recorded with King County Records/Elections

Chapter 4.20
VACATION OF STREETS

Sections:

- 4.20.020 Right to petition.
- 4.20.030 Petition signatures – Number required.
- 4.20.040 Petition – Sufficiency of signatures.
- 4.20.050 Petition filing fee.
- 4.20.060 Withdrawal of petition.
- 4.20.070 Determination of date for hearing.
- 4.20.080 Notice of hearing – Petition method.
- 4.20.090 Notice of hearing – Resolution method – Additional notice.
- 4.20.100 Divestiture of jurisdiction to proceed.
- 4.20.110 Staff report – Recommendation.
- 4.20.120 Conduct of hearing – Basis for decision.
- 4.20.130 Action by council.

4.20.020 Right to petition.

The owners of an interest in any real estate abutting upon any street or alley may petition the city council to vacate the street or alley, or any portion thereof, or the city council may itself initiate such vacation procedures by resolution.

(Ord. No. 91-107, § 1(13.3), 9-3-91. Code 2001 § 13-92.)

4.20.030 Petition signatures – Number required.

The petition authorized by this chapter shall describe the street or alley, or portion thereof, desired to be vacated and shall be signed by owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated.

(Ord. No. 04-467, § 1, 10-19-04; Ord. No. 91-107, § 1(13.4), 9-3-91. Code 2001 § 13-93.)

4.20.040 Petition – Sufficiency of signatures.

For the purpose of determining the sufficiency of signatures of owners of private property on the petition or consent to vacate, the following rules shall govern:

- (1) In the case of mortgaged property, the signature of the mortgagor shall be sufficient.
- (2) In the case of property subject to a contract of purchase, the signatures of the contract vendor and vendee shall be required.
- (3) In the case of ownership by corporation, the signature of any officer authorized by the bylaws or resolution of the board of directors shall be sufficient when evidenced by a copy of the bylaws or the resolution, certified by the secretary of the corporation, granting such authority.
- (4) In the case of property owned by the estate of a decedent or incompetent, the signature of the duly qualified administrator or executor or guardian shall be equivalent to the signature of the owner of the property.

(Ord. No. 91-107, § 1(13.2), 9-3-91. Code 2001 § 13-94.)

4.20.050 Petition filing fee.

- (1) The petition properly signed shall be filed with the city clerk upon payment of a filing fee, which shall be paid into the general fund of the city to aid in defraying of expenses incurred by the city in checking the sufficiency of such petition and investigating or reporting the facts. The amount of the fee shall be determined as per fee resolution, on file with the city clerk.
- (2) If the filing and other applicable fees, computed on petitioner's estimate, proves to be insufficient, the balance of the fee shall be paid by the petitioner prior to the issuance of any required public notices.

(Ord. No. 91-107, § 1(13.5), 9-3-91. Code 2001 § 13-95.)

4.20.060 Withdrawal of petition.

If a petition under this chapter is withdrawn at any time, the fee shall be calculated upon the costs of the actual work done to date on the street vacation processing, as reflected on the street vacation filing fee chart on file with the city clerk.

(Ord. No. 91-107, § 1(13.7), 9-3-91. Code 2001 § 13-96.)

4.20.070 Determination of date for hearing.

- (1) Petition method. If signed by the owners of more than two-thirds of the property abutting the portion of the street or alley to be vacated, at a regular council meeting following the filing of such petition, the council, by resolution, shall fix a time when the petition will be heard and determined, which time shall not be more than 60 days nor less than 20 days after the date of passage of such resolution.
- (2) Resolution method. In cases where vacation is initiated by city council resolution, the resolution shall include the date for a hearing on the vacation.

(Ord. No. 91-107, § 1(13.6), 9-3-91. Code 2001 § 13-97.)

4.20.080 Notice of hearing – Petition method.

- (1) At least 20 days prior to the hearing on a petition for the vacation of a street under this chapter, the city clerk shall issue a written notice which shall be posted as follows:
 - (a) In three of the most public places in the city; and
 - (b) On a conspicuous place on a portion of the street or alley to be vacated.

The notice shall contain a statement that a petition requesting vacation has been filed or a resolution passed to vacate the portion described in the notice, along with a statement of the time and place set for the hearing on the matter.

- (2) Notice of the public hearing will also be mailed to all property owners within 300 feet of the area to be vacated. Ownership shall be determined as shown on the rolls of the county assessor and mailed to the address shown thereon.

(Ord. No. 91-107, § 1(13.8(A)), 9-3-91. Code 2001 § 13-98.)

4.20.090 Notice of hearing – Resolution method – Additional notice.

In all cases where a proceeding is initiated under this chapter by city council resolution, in addition to the required notice, a similar notice shall be sent by mail at least 15 days before the hearing to each owner of any property abutting upon any part of the portion of the street or alley sought to be vacated. Ownership

shall be determined as shown on the rolls of the county treasurer, and directed to the address shown thereon.

(Ord. No. 91-107, § 1(13.8(B)), 9-3-91. Code 2001 § 13-99.)

4.20.100 Divestiture of jurisdiction to proceed.

If 50 percent or more of the abutting property owners file written objections to the proposed vacation with the clerk, prior to the time of hearing, the city shall not proceed with the resolution.

(Ord. No. 91-107, § 1(13.8(C)), 9-3-91. Code 2001 § 13-100.)

4.20.110 Staff report – Recommendation.

Prior to the public hearing date, the city public works department shall prepare a staff report and recommendation on the petition to vacate the street. The staff report shall include comments from all affected city departments and other agencies including the fire department, water and sewer, police and utility agencies. The recommendation shall also include conditions or limitations the staff feels is necessary and proper to preserve any allowable use or benefit, to be imposed as a condition of granting the vacation application. The staff report shall be made available to all those persons entitled to notice pursuant to FWRC 4.20.080, at least 10 days prior to the hearing date.

(Ord. No. 91-107, § 1(13.9), 9-3-91. Code 2001 § 13-101.)

4.20.120 Conduct of hearing – Basis for decision.

A public hearing on a proposed street vacation shall be held before the city council. At the time of the hearing on the vacation, or at such time as the same may be continued by the city council, the matter shall be considered and those desiring to speak on the vacation shall be heard. Following the hearing, the council shall decide whether to grant or deny the petition for vacation. Such determination shall include, but not be limited to:

- (1) Compliance with the following criteria:
 - (a) The vacation provides a public benefit or is for a public benefit. The benefit may include economic or business support the community as a whole derives from the abutting property owner;
 - (b) The street, alley or portion thereof is no longer required for public use;
 - (c) The vacation does not abut a body of water, such as a river, lake, or salt water, except for a public purpose such as a park or port facility and which reverts to a public authority; and
- (2) Consideration of the following criteria:
 - (a) The vacation meets the intent of the city's comprehensive plan's general purposes and objectives;
 - (b) The vacation provides for an exchange of public property in the public interest;
 - (c) Whether conditions may so change in the future as to provide a greater use or need than presently exists;
 - (d) Whether objections to the proposed vacation are made by owners of private property, exclusive of petitioners, abutting the same;
 - (e) The vacation would not interfere with future development or access to other existing or future developments.

(Ord. No. 91-107, § 1(13.10), 9-3-91. Code 2001 § 13-102.)

4.20.130 Action by council.

If the city council shall determine to grant the street vacation or any part thereof, the council shall direct the city attorney to prepare an ordinance vacating the street or portion thereof, which such conditions or limitations as the council deems necessary and proper to preserve any desired public use or benefit, as follows:

- (1) Easements. If the city council deems that to grant the vacation shall be to the public's interest and advantage, the council may, by ordinance, vacate such street, alley or part thereof, reserving to the city or public utility, an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services and may impose such other conditions or limitations as it deems necessary and proper to preserve any desired public use or benefit.
- (2) Rededication. If the council finds that future development of undeveloped land abutting such street or alley may alter or increase need or public use in such strip, such vacation may be granted only upon execution of a covenant running with such abutting land to rededicate such a portion upon declaration of public use and necessity by the council.
- (3) Waterfront. The city shall not be authorized or have authority to vacate such street, or alley, or any parts thereof if any portion thereof abuts on any body of water unless such vacation is sought to enable the city to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational or educational purposes, or other public uses. This proviso shall not apply to industrial zoned property.
- (4) Compensation. Following council determination to grant the street vacation, any ordinance granting a street vacation or portion thereof shall not be presented to council for passage until the petitioners have paid to the city an amount that does not exceed one-half the appraisal value of the area vacated, except when:
 - (a) A property beneficial to the public, of equal or greater value is exchanged for the area to be vacated; or
 - (b) If the street or alley has been part of a dedicated public right-of-way for 25 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 street or alley to compensate the city in an amount that does not exceed the full appraised value of the area vacated.

Half of the revenue received by the city as compensation for the area vacated must be dedicated to the acquisition, improvement, development and related maintenance of public open space or transportation capital projects within the city.

- (5) Value determination. The value of the area to be vacated shall be determined by submittal of an appraisal of the subject property acceptable to the city. The city additionally reserves the right to obtain an independent appraisal or evaluation, which fees shall also be paid by the applicant.
 - (6) Recording. Upon its effective date, a certified copy of the ordinance granting vacation shall be recorded by the city clerk in the office of the county department of elections and records.
- (Ord. No. 04-467, § 1, 10-19-04; Ord. No. 91-107, § 1(13.11), 9-3-91. Code 2001 § 13-103.)

Applicant: _____

Address: _____

Phone: _____

STREET and/or ALLEY VACATION and PETITION

Dear Mayor and Federal Way City Council:

We, the undersigned abutting property owners, hereby respectfully request that certain _____
_____ hereby be vacated. (General Location)

Legal Description

Brief Statement Why Vacation is Being Sought

Required Attachments:

- Verification as to ownership:
Copy of deed/contract, supported by King County tax roll description,
-or-
Current title report
- Corporation/Partnership (if applicable)
Proof of individual's authority to sign on behalf of Corporation/Partnership shall be submitted.
- Attach a color-coded map of a scale not less than 1" = 200' of the area sought for vacation.
*Note: Map must correspond with legal description.
- Application fee

Abutting Property Owners' Signatures and Addresses	Tax Lot # Lot, Block & Plat/Sec. Twn. RG

Fee Paid _____
 Appraisal Fee Paid _____
 Land Value Paid _____
 Deed Accepted _____
 Trade Accepted _____

Treasurer's Receipt No. _____
 Treasurer's Receipt No. _____
 Treasurer's Receipt No. _____
 Date: _____
 Date: _____