



CITY OF SNOHOMISH

116 UNION AVENUE · SNOHOMISH, WASHINGTON 98290 · (360) 568-3115 · WWW.SNOHOMISHWA.GOV

STREET VACATION

For additional information, refer to Snohomish Municipal Code (SMC) 12.48 and RCW 35.79

WHAT IS A STREET VACATION?

A street vacation is a process whereby the City agrees to relinquish its ownership of a street right-of-way to a land owner. This includes all circulators, for both pedestrians and vehicles.

WHO MAY REQUEST A STREET VACATION?

Any owner of interest in any real estate abutting any street or alley may request a street vacation.

WHAT IS THE PROCEDURE?

All requests for street vacations are to be submitted to the **City Clerk**. After application submittal, the following process will take place:

- After complete petition receipt: The City Clerk will place the request on the City Council Agenda.
- The Public Works Director will review the legal description of all properties involved and field check the survey information. An appraisal will be performed prior to the City Council meeting on the petition.
- The Public Works department will review the petition and report their findings to the City Council.
- The City Council will adopt a resolution setting a time for the hearing, which will be between **20-60 days** from the date of the resolution.
- **20 days** prior to the hearing: Public notice of the hearing will be posted.
- City Council will make its decision. Authorizations will be made by ordinance.

NOTE: City Council may require compensation that does not exceed the appraised value of the property as stated in RCW 35.79.030. It may also determine that the City will retain an easement or right to exercise and grant easements on the vacated land for construction, repair, and maintenance of public utilities and services.

WHAT ARE THE CRITERIA FOR GRANTING A STREET VACATION?

Approval of a street vacation may only be granted if the City Council finds that the following criteria have been satisfied:

- The vacation will provide a public benefit, and/or will be for a public purpose.
- The right-of-way vacation will not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
- The public need will not be adversely affected.
- The right-of-way is not contemplated or needed for future public use.
- No abutting owner will become landlocked or his access will not be substantially impaired. There must be an alternate mode of ingress and egress.

HOW DO I BEGIN?

Before submitting a petition for the vacation of any street or alley, an abutting property owner is encouraged to submit a written request to the City Clerk for a pre-application meeting with the City Council to discuss the proposal. Requests should include a description of the right-of-way for which vacation is proposed, a statement of the applicant's reasons for requesting vacation, and a statement as to how the requested vacation meets the above criteria for granting street vacations.

The meeting is free, and is an opportunity for the City Council to hear from the applicant, other interested parties, and City staff concerning the proposal before formal submittal. At the meeting, the Council may make a preliminary determination as to whether the proposal complies with the criteria, or what changes, if any, should be made prior to submittal. This preliminary determination shall not be final or binding in any respect.



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WHAT ARE THE DEPOSITS AND FEES FOR?

One half of all revenue received by the City as proceeds of street vacation will be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the City (Ord. 1996, 2001; Ord. 2123, 2007).

The deposit due at the time of application is to cover the cost of processing your application. If the cost exceeds the deposit, the petitioners are responsible for paying the additional amount. If the cost is less than the deposit, the balance will be refunded to the petitioners, or, upon their decision, may be applied to the compensation amount.

Until all application fees have been paid in full, no action will be taken on the petition.

HOW IS THE AMOUNT OF COMPENSATION DETERMINED?

The City Council requires compensation by the petitioners to the City of Snohomish in accordance with the following criteria:

- If the street or alley has been part of a dedicated public right-of-way for 25 years or more, or if the street (or portions thereof) was acquired at public expense, an amount that does not exceed the full appraised value of the area will be due.
- If the street or alley has been part of a dedicated public right-of-way for less than 25 years, or if the street (or portions thereof) was not acquired at public expense, an amount that does not exceed one half of the appraised value of the area will be due.

Compensation may be waived or reduced if the vacation is initiated by the City, or when the City Council deems it to be in the best interest of the City, in accordance with the following:

- When the abutting property is owned by a governmental entity or by a non-profit organization whose purpose is for the necessary support of the poor or infirm.
- When the street was vacated by the provisions of Section 32, Chapter 19, Laws of 1889-90, the "nonuser" statute (fully described in SMC 12.48.050).

WHAT DOES THE CITY NEED TO REVIEW MY APPLICATION?

In addition to the necessary forms and deposits, the City requires a letter addressed to the City Council, answering the following questions:

- Will the vacation provide a public benefit, and/or be for a public purpose?
- Will the right-of-way vacation adversely affect the street pattern or circulation of the immediate area or the community as a whole?
- Will the public need be adversely affected?
- Is the right-of-way contemplated or needed for future public use?
- Will any abutting property owner become landlocked, or will his access be substantially impaired?

A vicinity map, showing the location of the proposed street vacation and adjacent properties is also required, as is a survey and legal description produced by a professional land surveyor.

NOTE: This information should not be used as a substitute for City codes and regulations. You should review all the details of your project with the Engineering Department at 116 Union Avenue (360) 568-3115.