



CITY OF UNIVERSITY PLACE

## PETITION TO THE CITY COUNCIL FOR STREET RIGHT-OF-WAY VACATION

3715 Bridgeport Way West ♦ University Place, WA 98466  
Phone (253) 566-5656 ♦ FAX (253) 460-2541

### **SECTION I INSTRUCTIONS:**

To complete this Petition, please carefully read all sections; complete the information requested in Section III; append attachments required in Section V; read, sign and date the Certification in Section VII. Please type or print legibly with black or blue ink pen. The City Clerk can assist in determining the appropriate fee to submit with the Petition. This Petition form must be completed with information for all property owners seeking the street right-of-way vacation from the City.

Then, file the completed Petition, together with the requisite fee and all required attachments with the City of University Place City Clerk.

*Disclosure Requirements:* This application will be made available for public inspection in accordance with RCW 42.17, unless information given herein falls within an exception therein enumerated.

### **SECTION II - PURPOSE, DEFINITIONS, GENERAL INFORMATION AND PROCEDURES:**

Purpose: The purpose of this Petition is to request vacation of the City of University Place's interest in publicly-owned property within the City limits and to implement the procedures, notice requirements and fees to do so, established by UPMC Chapter 13.15. Authority for UPMC Chapter 13.15 is granted by RCW Chapter 35.79 and RCW 35A.47.020.

Definitions: A street or alley "vacation" means that the public is letting go of, or "vacating" the public interest in a property. After a street or an alley is vacated, the public no longer has a right to use the property for access.

Who may Petition for Vacation: The owners of an interest in any real property abutting upon any street or alley of the City who desire to vacate the street or alley, or any part thereof, may petition the City Council.

Procedure:

1. Submit Petition, together with required attachments and appropriate fee.
2. *Eligible Petition.* Upon receipt of the Petition, the City Clerk will make a determination as to whether the Petition has been signed by the owners of more than two-thirds of the property owners abutting the part of the street or alley to be vacated. The City Clerk will then forward the Petition and required documents to the Director for further review and action. If the Petition has been signed by two-thirds of such owners, the Petition will then be forwarded to the City Council which will, by Resolution, fix a time when the Petition will be heard and determined by the City Council (or committees of the City Council). The hearing will be not more than 60 days nor less than 20 days after the date of adoption of the Resolution.
3. *Department Report.* The Director will prepare a report concerning the proposed vacation of road, which report will address criteria listed in UPMC 13.15.080 to be considered by the City Council in determining whether to vacate the street or alley, and such other information deemed appropriate by the department. In preparation of the report, the Director will solicit comments from police, fire and other City departments and other governmental agencies which may be affected by the right-of-way vacation, as well as from utilities operating within the City. The report will be submitted to the City Council (or the City Council committee hearing the matter), as well as to the Petitioner(s) not less than five days before the hearing.
4. *Notice.* Upon passage of the Resolution fixing the time for hearing the Petition or proposal for vacation, the City Clerk will give notice to the time, place and purpose of the hearing, as set forth in RCW 35.79.020. Pursuant to UPMC 13.15.090, the City Clerk will further: (A) Publish written notice once in the City's official newspaper; (B) Post a placard in a conspicuous place at each end of the street or alley sought to be vacated; and (C) Mail written notice to all Petitioner(s) at the address(es) on the Petition and all owners of property abutting the street or alley proposed to be vacated, as shown on the records of the Pierce County Assessor. In addition, notice will be given to the owners of property which lie within 300 feet beyond the street or alley to be vacated, measuring in both directions from the area to be vacated. The Director will send the same written notice to the Petitioner(s) at the address(es) on the Petition.
5. *Protest.* If 50 percent or more of the owners of the abutting property file written objections with the City Clerk to a City Council Resolution setting a hearing to vacate a street or alley prior to the time of the hearing, the City shall not proceed with the Resolution.
6. *Compensation for Vacated Public Property pursuant to UPMC 13.15.110.*
  - A. When a vacation of public property has been initiated by Petition, the owners of the property abutting the area to be vacated will pay the City, prior to the effective date of the Ordinance vacating the area, a sum equal to one-half of the appraised value of the area vacated, plus the full cost of physical closure and road repairs as set by the City Council in the vacation Resolution, as requested by the Director. However, if the area vacated was acquired at public expense, the owners of property abutting the area vacated will pay the City a sum equal to the full appraised value of the area to be vacated.

B. A conveyance of other property which is acceptable to the City may be made in lieu of the required payment. When the conveyance is made in fee for purposes other than street purposes, the full appraised value of the land conveyed will be credited to the required payment. If the value of the in-lieu parcel is less than the required payment, the Petitioner(s) will pay the difference to the City. When the value of the in-lieu parcel exceeds the required payment, the City will pay the difference to the Petitioner(s).

7. *Appraisals.* The Director may determine the appraised value of the area to be vacated based upon an appraisal from a state-certified real estate appraiser who has an MAT or SRA designation from the Appraisal Institute. To obtain such appraisal, the Director will present to the Petitioner(s) or their representative a list of three such certified and designated appraisers from which the Petitioner(s) or their representative will select one appraiser. The Petitioner(s) will pay for the appraisal. If the Director is not satisfied with the appraisal, he or she may order a second appraisal from a state-certified real estate appraiser who has an MAT or SRA designation from the Appraisal Institute. In that event, the City will pay for the second appraisal. The Director will use the appraisal having the highest value for the area to be vacated. The Director will use the same procedure to determine the fair market value or full appraisal value of any real property proposed to be granted or dedicated to the City in lieu of cash payment under UPMC 13.15.110.

8. *Payment of Compensation of Conveyance.* After determining the appraised value of the street or alley to be vacated, pursuant to UPMC 13.5.130, the Director will notify the Petitioner(s) or their representative of the compensation amount. The Petitioner(s) will deliver payment to the Director who will transmit it to the City's Finance Department for deposit in the street fund and will make a written report of the payment to the City Council. If the Petitioner(s) have been authorized to deliver an instrument granting or dedicating a parcel or parcels of land to the City in lieu of cash payment, pursuant to UPMC 13.15.110, the Director, at the Petitioners' expense, may obtain either a policy of title insurance insuring title of the property in the City or a certificate of title as to the title thereof and deliver such policy or certificate to the City Council.

9. *Hearing.* The City Council (or City Council committee) will consider the Petition for Vacation at a public hearing and will make a determination as to the City's vacation of the street or alley.

**SECTION III – PETITIONER INFORMATION:**

**A. Name, Address and Telephone Number of Each Petitioner:**

NAME: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

**B. Designated Petitioner to be the City's Contact Person:**

\_\_\_\_\_

**SECTION IV - PUBLIC PROERTY TO BE VACATED:**

Please see Section V below pertaining to required Petition Attachments. Receipt of the true legal description of the property to be vacated within the City of University Place, County of Pierce, State of Washington, including all affected parcel numbers, is a condition of the Petition process.

**SECTION V - REQUIRED ATTACHMENTS TO PETITION:**

Please submit the following with this Petition for Street Right-of-Way Vacation:

A. A survey containing an exact legal description of the portion of road to be vacated, prepared and sealed by a professional land surveyor, registered in the State of Washington. The survey shall indicate the date and method the right-of-way was originally acquired;

B. A vicinity map showing the general area of the proposed vacation;

C. A plat map prepared and sealed by a professional land surveyor, registered in the State of Washington, indicating the specific parcels abutting the proposed street or alley to be vacated; and

D. An exact legal description of the portion of road to be vacated prepared and sealed by a professional land surveyor, registered in the State of Washington;

E. Materials requested under A, B, C and D of this section pertaining to any other property proposed as a conveyance in lieu of cash payment for the vacated public property;

F. The name and address of all property owners for properties which lie within three hundred feet of the street or alley to be vacated.

G. Appropriate fee (see Section VI, below).

**SECTION VI - REQUIRED FEES:**

Pursuant to UPMC 13.15.050, every Petition for the vacation of any street or alley, or any part thereof, shall be accompanied by a fee in an amount established by Resolution of the City to defray the administrative costs incurred in processing the Petition and publishing, posting and mailing notices, plus any consulting costs incurred by the City during the review process. Please contact the City Clerk to ascertain the current fee to accompany a Petition to City Council for Street Right-of-Way Vacation.

**SECTION VII – CERTIFICATION:**

I hereby certify that:

1. I have read all sections of this Petition; have read and completed all of Section III; and have appended all Attachments to this Petition as required by Section V.

2. The above information is true and correct and was given candidly without misrepresentation.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at University Place, Washington.

\_\_\_\_\_  
Signature of Petitioner  
Printed Name of Petitioner: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner  
Printed Name of Petitioner: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner  
Printed Name of Petitioner: \_\_\_\_\_  
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