



**CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.kirklandwa.gov**

STREET VACATION APPLICATION

This application packet is designed to obtain all the information necessary to allow the City to make a well-informed decision on your application. Please refer to the attached application checklist to determine the materials which must be submitted to complete your application. All application materials are public information. Your application will be evaluated on the basis of the information you provide, the criteria listed in the pertinent section of the Municipal Code, the Kirkland Comprehensive Plan, other City regulatory ordinances, inspection of the property, as well as testimony and evidence presented through public comments.

YOU ARE ENCOURAGED TO MEET WITH A PLANNER FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WELL IN ADVANCE OF SUBMITTING YOUR APPLICATION TO DISCUSS YOUR PROPOSAL AND OBTAIN GUIDANCE ON THE APPLICATION MATERIALS YOU MUST SUBMIT.

Copies of City ordinances such as the Municipal Code, Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Shoreline Master Program are available at the Department of Community Development in City Hall, 123 Fifth Avenue, and the Kirkland Public Library, 308 Kirkland Avenue. To purchase the Comprehensive Plan or Zoning Ordinance, call Code Publishing Company at (206) 527 6851. The City ordinances can also be found on-line at www.kirklandwa.gov.

NOTES:

1. The information provided by the Department of Planning and Community Development is a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, the role and the authority of the City staff is advisory only. A final decision on a street vacation can only be made, after public comment and hearing, by the City Council.
2. The person filing the petition for street vacation is responsible to agree upon and coordinate with any other property owner who signed the petition in meeting the requirements imposed by the City Council, such as monetary compensation.

PETITION TO VACATE A STREET, ALLEY OR PUBLIC EASEMENT

Name of Person Filing Petition (Agent): _____

Address: _____

Email Address: _____

Phone: _____

AN ELECTRONIC COPY OF OR A WEB LINK TO THE STAFF REPORT, MEETING AGENDAS AND THE NOTICE OF FINAL DECISION WILL BE EMAILED TO THE APPLICANT AT THE ABOVE LISTED EMAIL ADDRESS. IF YOU PREFER TO RECEIVE A PAPER COPY, THEY ARE AVAILABLE UPON REQUEST. PLEASE INDICATE IF YOU WOULD ALSO LIKE A COPY OF THESE MATERIALS TO BE SENT TO THE PROPERTY OWNER'S EMAIL ADDRESS: YES _____ NO _____

Name of additional recipient of staff report, meeting agendas and final decision: _____

Address: _____

Email Address: _____

Daytime Phone: _____

Legal Description of Street, Alley, or Public Easement to be vacated: _____

Tax parcel number: _____

Does the Street, Alley, Public Easement or Part Thereof abut any body of water? ___If so, please describe: _____

Will the vacation result in any parcel of land being denied direct access? _____

How is the vacation in the public interest? _____

Size of Street, Alley, Public Easement, or Part Thereof to be vacated (in square feet): _____

PETITION TO VACATE A STREET, ALLEY OR PUBLIC EASEMENT

We, the owners of two-thirds of the real property abutting the street, alley, or part thereof, or underlying the public easement, or part thereof, legally described on page 1 of this Petition, petition the City Council of the City of Kirkland to vacate this street, alley, public easement, or part thereof:

| <u>NAME</u> | <u>ADDRESS</u> | <u>LEGAL DESCRIPTION</u> |
|-------------|----------------|--------------------------|
|-------------|----------------|--------------------------|

(Attach additional sheets if necessary)

NOTE: If any petitioner is purchasing the property under a real estate contract, the signature of the contract seller is also required.



**APPLICATION CHECKLIST:
STREET VACATION**

The following is a list of materials which must be submitted with your application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Department of Planning and Community Development if you have questions. Please do not turn in your application until all materials which apply to your proposal have been checked off. A hearing date will not be assigned until your application materials are complete.

RETURN THIS CHECKLIST WITH APPLICATION

Applicant
to check if
submitted

Pre-Submittal Meeting

A meeting with a planner is recommended prior to submittal.

Application

A petition form signed by the owners of more than two-thirds of the lineal frontage of the property abutting the portion of the street or alley to be vacated, or in the case of an easement, more than two-thirds of the property underlying the portion of the easement to be vacated. If any petitioner is purchasing abutting or underlying property under a real estate contract, the seller of that property must also sign the vacation petition.

A statement of why the proposed vacation is in the public interest.

A statement explaining how no property will be denied direct access as a result of the vacation.

A legal description of the street, alley or easement to be vacated; together with a statement certifying the validity of the legal description, signed by a licensed surveyor or registered engineer. The requirement for certifying the legal description may be waived by the Director of the Public Works Department if he/she or his/her designee certifies to the validity of the legal description.

The legal description should be for a **full** street, alley, or easement vacation. Only in rare and unusual circumstances does the City approve a partial vacation.

For each petitioner, a title report indicating ownership and providing a legal description of the property owned by the petitioner.

A signed agreement to pay the cost of an appraisal. The Planning Department will obtain an appraisal from a qualified, independent appraiser as part of preparing a staff report on the vacation.

Fees

A check to the City of Kirkland for the filing fee (fee schedule is attached).

Plans

Five (5) copies of dimensioned plans, drawn at 1" = 100' and folded to 8-1/2" x 11" size, showing the street, alley, easement, or part thereof to be vacated, and showing all properties with subdivision, blocks, lots, and specifying open and unopen rights-of-way for a radius of 400 feet from any boundary of the street, alley, easement, or part thereof to be vacated. The map must designate alternate access ways if the vacation will have the effect of eliminating access to or from any property. The map must also identify each petitioner's property.

One (1) copy of all plans reduced onto 8 1/2 x 11" sheets.

The following materials must be submitted on CD to the Planning Department for presentation at public meetings and/or permanent storage:

- Acceptable native electronic formats are: Adobe PDF, Word, Excel, PowerPoint, JPEG or GIF.
- All memos and reports including SEPA checklists, wetland reports, geotech. Reports, site plans, traffic reports, etc. should be submitted in their native electronic format or converted from their native format to Adobe PDF rather than being scanned.
- Any memo/report that is created from multiple formats must be combined and submitted as one PDF document.
- All plans, drawings, renderings, photographs or other graphics must be submitted in its native electronic format. CAD format is unacceptable; you must convert to Adobe PDF before submitting.

- All documents must be either 8 ½ x 11 or 11 x 17 inch size. Legal sized documents will not be accepted.
- Models and/or material/color boards, if prepared, must be photographed for permanent storage and submitted to the Planning Department on CD.
- Converting a document from its native format to an Adobe PDF document is preferred as opposed to scanning the document.

Public Notice

You are responsible for obtaining and erecting public notice sign(s) on the subject property. You will need to provide for and erect public notice sign(s) at least twenty-two (22) calendar days before the public hearing. In order to ensure that the signs are installed in a timely manner, you should contact a Sign Company and arrange for the appropriate number of signs to be made. See attached instruction sheet about Public Notice Signs. Any delay in installing the board will result in procedural deficiencies and/or delays.



Please provide the name of the Sign Company that you have contacted to make the public notice signs:

LIMITATION ON AUTHORITY:

The City may not vacate any street, alley, easement, or part thereof that abuts any body of water unless--

- (1) The vacated area will thereby become available for the City or other public entity to acquire and to use for a public purpose; or
- (2) The vacated area is zoned for industrial use.

REQUEST FOR PUBLIC UTILITY REVIEW (see attached form):

In vacating a street, alley, easement, or part thereof, the City will, usually, reserve an easement for public utilities and services, or the right to exercise and grant an easement, in the location of the vacation. If the petitioner requests that an easement not be reserved or that the easement be moved or reduced in area, the petitioner must:

- (1) Submit written approvals from all public utilities holding a City franchise within the area proposed to be vacated (see Request for Public Utility Review form attached).



- (2) When mailing out the request form, include a vicinity map, explanation of the vacation request, and the address and legal description of the area to be vacated. Also, you will need to obtain from the Planning Department the name and phone number of the assigned planner and the assigned file number. This information must be included on the form before the form is mailed out.

- (3) The written approvals from all public utilities must be submitted before the vacation can be scheduled for public hearing. It is the applicant's responsibility to see that the public utilities submit the written approvals.

NOTES:

1. If any time prior to the public hearing, 50 percent or more of all the owners of property abutting the street, alley or part thereof, or underlying the easement or part thereof, to be vacated file a written objection to the vacation with the Department of Community Development, the City may not hold a public hearing or grant the vacation.

2. If City Council grants the Vacation, it may require monetary compensation, land dedication, or an easement in accordance with Section 18.1.a of Ordinance 2488. This monetary compensation, dedication, or easement requirement must be fulfilled by the person filing the petition before the Ordinance granting the Vacation will be signed by the Director of Administration and Finance.

The City Council does not make the decision on allocation of the vacated land. The person filing the petition and any other petitioner may want to contact King County Department of Assessments, Abstract Section, at 296-5141 to determine which property owners will receive the land to be vacated. Vacated streets are not always distributed equally to the abutting properties, but rather are returned to the property from which the land was originally dedicated.

**REQUEST FOR PUBLIC UTILITY REVIEW
CITY OF KIRKLAND
STREET OR ALLEY VACATION PROPOSAL**

City of Kirkland Public Works Department

Puget Sound Energy
PO Box 90868/ EST-06W
Right-of-way Department
Bellevue, WA 98009-0868

Seattle City Light
Attn: Steve Hagen, Manager
Real Estate Services, SMT 3012
700 5th Ave, Suite 3300
P.O. Box 34023
Seattle, WA 98124-4023

Verizon
Attn: Debbie Condron- WA010405
PO Box 1003
Everett, WA 98206-1003

Northshore Utility District
Attn: Steph Dennehy
PO Box 82489
Kenmore, WA 98028

METRO
Attn: Bill Wilbert
King County Wastewater Treatment Division
201 South Jackson Street, MS KSC-NR-0505
Seattle, WA 98104-3855

Comcast
Attn: Jill Look
1525 75th Street SW #200
Everett, WA 98203

A petition for _____ vacation has been submitted
(street or alley)

by _____ to the City of Kirkland. We request a
(name of applicant)

statement within fourteen (14) days of receipt of this notice furnishing the following pertinent information in order to complete the City's review of the requested vacation:

1. There is an existing utility route within the area described.
2. There is not an existing utility route within the area described.
3. We have no interest in a potential utility route being retained in the vacated right-of-way or alley.
4. We do have an interest in a potential utility route being retained in the vacated right-of-way or alley.
If so, please describe.
5. Call 425-587--_____ (City Project Planner phone number) if additional information is needed. (City File No. VC-_____).

Please address reply to:

Planner _____
City of Kirkland
Department of Planning and Community Development
123 Fifth Avenue
Kirkland, WA 98033

Attachments: Address and Legal Description of Proposed Street Vacation Request
Vicinity Map

PAYMENT FOR APPRAISAL AGREEMENT

City of Kirkland
Planning and Community Development
123 Fifth Avenue
Kirkland, WA 98033-6189

To Whom It May Concern:

I/we, the undersigned applicant(s), hereby agree to pay the full cost of an appraisal as provided for in KMC 19.16.170. KMC 19.16.170 provides that the Planning Director is authorized to obtain an appraisal from a qualified, independent appraiser as part of preparing the staff report of the vacation.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

DATED at Kirkland, Washington, this _____ day of _____, 20____.

APPLICANT

