



STREET VACATION APPLICATION

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FOR STAFF USE ONLY

Application # _____ Fee \$ _____ Receipt # _____

PROCESSED BY: _____ (Initials) DATE: ____/____/____

Vacation of a Street/Public Right of Way, Alley or Easement

A Street Vacation is a procedure in which the City may relinquish its interests in a street, alley or easement. Upon receipt of an application, the City Council will determine whether the right-of-way is no longer necessary for public use. The City Council may vacate all or some of the requested vacation area, or deny the application. The City may also retain certain rights to the vacated area.

Standard for vacation

The City Council may approve a vacation request only if it finds that:

- The vacation is in the public interest; and
- No property will be denied direct access because of the vacation.

Application

Well in advance of submitting, applicants are encouraged to meet with a planner from the Community and Economic Development Department to discuss the proposal and obtain guidance on the application materials that must be submitted.

The application packet is intended to obtain the necessary information allowing the City to make a well-informed decision on a vacation application. Refer to the submittal requirements for the materials that must be included with the application.

In order to meet any requirements imposed by the City Council, such as monetary compensation, the applicant is responsible to agree upon and coordinate with any other property owner who signed the petition.

Applications will be evaluated on the basis of the information provided, applicable criteria in the RCW's, and in municipal code (such as Title 17 Subdivisions), the Mountlake Terrace Comprehensive Plan, other City regulatory ordinances, inspection of the property and testimony and evidence presented through public comments.

All application materials are public information.

Pertinent City Codes and Regulations

Chapter 35.79 RCW*

MTMC 17.08.030 Procedure*

MTMC 17.08.040 Requirements for a Complete Application

***When the vacation application is specifically for a City street, the procedures for street vacations in Chapter 35.79 RCW shall be utilized for the street vacation.** When the application is for the vacation of the plat or binding site plan together with the roads/streets, the procedure for vacation in this chapter shall be used, but vacations of streets subject to RCW 35.79.035 may not be made under this procedure. (Excerpt from MTMC 17.08.010 Purpose.)

STREET VACATION SUBMITTAL REQUIREMENTS

The application fee must be submitted with the application form and submittal requirements. All materials shall be submitted in electronic form, as prescribed by the City.

Two copies of the following, collated into packets (one original and one copy):

1. Permit Contact Information form, completed and signed. This is to include a signed and notarized authorization from the property owner(s) of each lot (separately signed for each lot) if applicant is not the owner of all abutting parcels of the area being vacated.
2. Petition to vacate form (attached), completed and signed (one original, one copy). The vacation petition application shall contain the signatures of the petitioning property owners who own more than two-thirds of the property abutting the portion of the street, alley or easement to be vacated.
3. Title report(s) documenting ownership of the abutting property. Must be current within 90 days of application. Copies of all Schedule B documents must be attached.
4. Site plan map of area to be vacated.
5. A metes and bounds legal description of the street, alley, easement or part thereof to be vacated, prepared by a State of Washington licensed surveyor.
6. Vicinity map showing the area to be vacated. The map shall show all properties with subdivision, block, lots, and open and unopened rights-of-way for a radius of 400 feet from the site of the proposed vacation. Vicinity map must be to scale and at a reproducible size (8½" x 11" preferred, 11" x 17" max).
7. Appraisal, current within 90-days of application, prepared by a qualified land appraiser with an M.A.I. designation, establishing the fair market value of the proposed vacation. An appraisal is not required if a utility easement, only, is proposed to be vacated.
8. If one, and only one, of the abutting properties, was originally dedicated from the public right-of-way provide documentation.

Other submittal requirements:

1. Electronic copy of all submittal material, above
2. Application fee
3. Address labels containing the names and addresses of owners of all property within 300 feet of any boundary of the street, alley, easement, or part thereof to be vacated, and the notarized affidavit. Include name and address of applicant and contacts on the labels. (This submittal is a deferred submittal until closer to the time of the hearing.)
4. Any additional information or material that the City determines is reasonably necessary for the City Council to consider the requested vacation.



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PETITION TO VACATE A STREET, ALLEY OR PUBLIC EASEMENT

Name of Person(s) Filing Petition: _____

Mailing Address: _____

Phone: _____ Email: _____

Legal description of street, alley, or public easement to be vacated (metes and bounds) _____

Square feet of area: _____

Tax parcel number(s) of all abutting properties: _____

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?

