

Street Vacation Application

Submittal Items

Please include the following:

- Complete Application
- A signed petition form
- For each petitioner, a title report indicating ownership and providing a legal description of the property owned by the petitioner.
- A signed payment for appraisal agreement.
- Request for public utility review
- Three (3) copies of dimensioned plans as dictated on the cover sheet.
- One (1) copy of all plans reduced onto 8 ½ x 11" sheets or provided as a .pdf.
- Intake: \$250
- Deposit: \$1000

The applicant shall be responsible for the actual cost incurred by the City in processing the application. The total fee shall be reduced by the amount of the deposit. The applicant shall remit to the City the amount exceeded by the deposit.



THE CITY OF FIRCREST

Planning and Building
115 Ramsdell St Fircrest WA 98466
253-564-8901
www.cityoffircrest.net

| | |
|---|--------|
| Name of Person Filing Petition (Agent): | |
| Address: | |
| Phone: | Email: |
| Property Owners (if different): | |
| Phone: | Email: |

| |
|---|
| Legal description of street, alley, or public easement to be vacated: |
| Parcel Number(s): |
| Will the vacation result in any parcel of land being denied access: Yes No |
| How is this vacation in the public interest? |
| Size of street, alley, public easement, or part thereof to be vacated (in square feet): |

| | |
|---|-------------|
| I certify that all of the information submitted in this application including any supplemental information is true and complete to the best of my knowledge and I acknowledge that willful misrepresentation of information will result in the cancellation of this permit application. I have read this application in its entirety and understand that my submittal will be reviewed for completeness and, if found to be complete, will be processed in accordance with FMC 22.05. | |
| Signature: _____ | Date: _____ |
| Signature: _____ | Date: _____ |

STREET VACATION APPLICATION INSTRUCTIONS

This application packet is designed to obtain all the information necessary to allow the City to make a well-informed decision on your application. All application materials are public information. Your application will be evaluated on the basis of the information you provide, other City codes, inspection of the property, as well as testimony and evidence presented through public comments.

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

NOTES:

1. The information provided by the Planning and Building Department is a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. 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.
3. A petition form must be 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.
4. The legal description should be for a full street, alley, or easement vacation. The description should include 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.
5. The cost of an appraisal must be paid by the applicant. The Planning/Building Department will obtain an appraisal from a qualified, independent appraiser as part of preparing a staff report.
6. Plans must be drawn at 1" = 100' 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.
7. 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 Planning/Building Department, the City may not hold a public hearing or grant the vacation.
8. If City Council grants the Vacation, it may require monetary compensation, land dedication, or an easement. 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.
9. 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 Pierce County Assessor Treasurer's Office 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.

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 Fircrest to vacate this street, alley, public easement, or part thereof:

NAME

ADDRESS

LEGAL DESCRIPTION

(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.

INSTRUCTIONS FOR REQUEST FOR PUBLIC UTILITY REVIEW

(see attachment)

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.

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

Fircrest Public Works
120 Ramsdell Street
Fircrest WA 98466

Tacoma Public Utilities
3628 S. 35th Street
Tacoma WA 98409

Puget Sound Energy
5807 Milwaukee Ave E
Puyallup WA 98372

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

by _____ to the City of Fircrest.
(name of applicant)

We request a 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:

- There is an existing utility route within the area described.
- There is not an existing utility route within the area described.
- We have no interest in a potential utility route being retained in the vacated right-of-way or alley.
- We do have an interest in a potential utility route being retained in the vacated right-of-way or alley.

If so, please describe:

Please address reply to: Principal Planner Jeff Boers
 City of Fircrest
 Planning/Building Department
 115 Ramsdell Street
 Fircrest WA 98466

Call Fircrest Planning/Building, 253-564-8901, if additional information is needed.

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

PAYMENT FOR APPRAISAL AGREEMENT

City of Fircrest
115 Ramsdell Street
Fircrest WA 98466

To Whom It May Concern:

I/we, the undersigned applicant(s), hereby agree to pay the full cost of an appraisal. The Principal Planner 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 Fircrest, Washington, this _____ day of _____, 20 ____.

APPLICANT

APPLICANT

State of Washington

County of Pierce

On this day personally appeared before me _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this _____ day of _____, 20____.

Signature

Printed Name: _____

Notary Public residing at _____

My Commission Expires: _____