



CITY OF COVINGTON

16720 SE 271st Street, Suite 100
Covington, WA 98042
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FOR STAFF USE ONLY

Permit Number: _____

Application Date: _____

PETITION FOR VACATION OF A CITY STREET

IN THE MATTER OF THE PETITION OF

_____ (name) _____ (Mailing address) _____ (Day phone)
and others for the Vacation of

_____ (Street Name or Number)

TO THE CITY COUNCIL OF COVINGTON CITY, WASHINGTON

We, the undersigned property owners within the City of Covington, State of Washington do petition that the following described City street be vacated:

(FILL IN EXACT LEGAL DESCRIPTIONS OF PORTION OF STREET TO BE VACATED)

_____, for a total of _____ feet.

Your petitioners respectfully represent and allege that the street is useless as a part of the general street system and the public will be benefited by its vacation, and that all of your petitioners are property owners abutting said street; therefore your petitioners request the vacation of said street, as provided by law. RCW 35.79 CMC 12.55

Street vacations in the City of Covington

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What is a street vacation?

A street vacation is an ordinance action taken by the City Covington Council whereby the public interest in a street right-of-way is removed. The City holds an easement on right of way for public travel on most streets and alleys. This interest may be terminated by the City ordinance if the easement is considered useless to the City and utility company/district needs and deemed beneficial by the return of the unused area to the public tax tolls. RCW 35.79 and Covington municipal Code 12.55 govern the vacation of rights-of-way in the City.

Rights-of-way dedicated in plats filed prior to March 13, 1904 do not meet City criteria for road vacation. These particular rights-of-way are governed by the laws of 1889-1890. You are encouraged to contact an attorney regarding the filing of a Quiet Title action to obtain such rights-of-way.

Generally, vacation of right-of-way abutting bodies of water is prohibited by RCW 35.79.035.

How to initiate a street vacation

The owner(s) of property abutting a street or alley may initiate a vacation by filing a petition with the City of Covington. The petition must provide all specified data, a stated reason(s) for the request, and furnish a scaled drawing and/or map of the proposed vacation.

The process

The length of time to process a street or alley vacation depends largely on the number of issues needing to be resolved and current workload/resource levels. Adequate time is needed for the City to review the public's interest as well as the utility companies/districts interest in the property before it is vacated to private parties.

After the petition and associated materials are filed with the City, it is referred to the City's Engineer. At the same time notice is given to the appropriate utilities in the vicinity of the proposed vacation. When deemed necessary, the City may require the property owner to provide an easement for the protection of existing or future utilities within the right of way as a condition of granting the vacation. Additional organizations having specific interest in public rights-of-way may be asked to comment on the proposed vacation. The City requires the applicant to submit three sets of mailing labels for property owners within a five hundred (500) foot radius as well.

The City Council generally assigns the responsibility for holding the public hearing for the proposed vacation to the City's Hearing Examiner. The Examiner reviews the petition, the City's Engineer's recommendation, and takes testimony during the hearing. Petitioners and interested parties should attend this meeting. The Examiner provides a recommendation to the City Council after the hearing. The City Council takes action based on the recommendations of the Examiner.

In the event that the City Engineer concludes the public would not benefit by the approval of the petition, the petition will be denied. A "Notice of Denial" will be sent to the primary petitioner with the explanation for the denial.

At the conclusion of the investigation, the City Road Engineer will make a recommendation to a Hearing Examiner, a public hearing will be held per established Hearing Examiner's rule. A set of facts, finding per a recommendation will be forwarded to the City Council on the proposed road vacation.

The petitioner has the right to file a written appeal with the City Clerk of the City Council on this decision. The appeal must state the specific reasons outlining why the vacation should be granted.

A street or alley vacation converts the public's right-of-way to the private use and ownership of abutting land owners (one on each side of the street, for example). Each Property owner usually receives 1/2 of the vacated property. This occurs automatically, no matter who petitions for a vacation or who pays the vacation costs. A vacation simply terminates the City's authority over a parcel, it does not distribute property. Vacated property always returns to its historical origin. Some minor exceptions to property award will be discussed with you, if applicable.

Costs

A non-refundable deposit as set forth in the current Covington Fee Resolution is required to defray a portion of the administrative and investigation cost. This deposit is payable at the time of the filing of the petition for vacation with the City. When deemed necessary by the City Manager, an additional deposit adequate to cover appraisal costs will be required. Payment shall be made to the City of Covington and shall be credited to the city street fund. The amount of compensation shall be recommended by the Hearing Examiner and shall be determined by the Council as mentioned in CMC 12.55.050.

The amount of the compensation will be determined by the Planning and Public Works Department. In some cases, the City will allow an exchange of equal property in lieu of appraised value. Instead of monetary payment, the property owner may be asked to substitute other street areas or fulfill other conditions.

Compensation payment must be made prior to vacation by the City Council.

Owners of property abutting the street or alley approved for vacation are responsible for deciding how the administrative costs of the vacation will be apportioned. If you have neighbors with whom you want to share the costs, this should be negotiated and agreed to prior to the filing of the petition.

All checks are to be made payable to the City of Covington. The above deposit may be subject to change at any time by Resolution adopted by the City Council.

Public hearing and notice

This a type 4 Land Use process subject to the following notice requirements:

- (1) A notice of the public hearing on the vacation will be transmitted to all parties of record.
- (2) The City Clerk publishes the hearing notice in the City's designated newspaper and requires the notice to be posted at or near the area to be vacated at a minimum of 20 days in advance of the hearing.
- (3) A posted public notice board at the project is required along with an Affidavit of Posting provided to the City per CMC 14.30.060

Where to file

To file the petition and commence the action, please return the completed petition and related materials to:

City of Covington
Permit Services Section
16720 SE 271st St., Suite 100
Covington, WA 98042

Illegible or incomplete petitions will be returned to the petitioners without processing.

The petition

The petition must be accompanied with the following:

- A letter addressed to the City of Covington Council stating the reason for the request;
- A map showing the proposed vacation area; and
- A check with amount made payable to City of Covington.
- Three sets of mailing labels with property owners within 500' of the requested vacation
- Affidavit of sign posting form