



Permit Center

210 Lottie Street, Bellingham, WA 98225
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Email: permits@cob.org Web: www.cob.org/permits

**STREET AND/OR ALLEY VACATION PETITION
STREET VACATION PROCEDURES / PROCESS: BMC 13.50**

The undersigned, owners of property abutting on the hereinafter described streets and/or alleys sought to be vacated, hereby petition to vacate: (legal description required)

and to make such orders and to take such action as may be necessary to accomplish said vacation. Proof of ownership is attached.

Abutting Property Owner #1

Address and Legal Description of Signatory's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

Abutting Property Owner #2

Address and Legal Description of Signatory's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

Abutting Property Owner #3

Address and Legal Description of Signatory's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

(Additional copies may be necessary if there are more than 3 property owners required to assemble the required 66% of the abutting frontage of right-of-way sought for vacation)

Check the boxes that apply:

This property is also subject to

- building permit (address _____)
- short plat or lot adjustment
- site plan review
- change in land use designation
- other (specify)

The City staff person most familiar with this application is _____

STREET / ALLEY VACATION PROCEDURES & POLICIES: BMC 13.50

STREET VACATION PETITION: BMC 13.50.030-040

1. A street vacation is initiated by property owners or by a resolution of the City Council. If a street vacation petition is initiated by a property owner(s) it must be signed by the owners of more than two-thirds of the property abutting the street or alley to be vacated. (Abutting is defined in BMC 13.50.030 A.)
2. A street vacation petition shall include the following items as specified in BMC 16.50.040 B 1-5 (and 6 if applicable) and as provided here:
 - A signed vacation petition by the property owners that comprise more than two-thirds of the overall frontage on the subject right-of-way based on fronting footage;
 - For each property owner, a title report and/or Whatcom County tax statement that demonstrates ownership and providing a legal description of the property owned by the property owner;
 - A vicinity map showing the proposed vacation area and all abutting properties;
 - The vacation application fee as established by resolution; (A TRC fee of \$638.00 and a street vacation petition fee of \$4,131.00)
 - A brief narrative describing the purpose of the proposed vacation and future use of proposed vacation area; and
 - Any additional information or material that the city determines to be necessary to review the street vacation petition.

REVIEW PROCEDURES: BMC 13.50.060-150

1. Upon receipt of a completed street vacation petition, the Technical Review Committee fee of \$638.00, the PCDD schedules a Technical Review Committee meeting as specified in BMC 13.50.060.
2. The Technical Review Committee reviews the street vacation petition for compliance with the street vacation policies in BMC 13.50.110 and .120.
3. A City staff representative provides the Technical Review Committee recommendation on the street vacation petition to the petitioner as specified in BMC 13.50.060 B 3.
4. The petitioner determines how to proceed with the Technical Review Committee recommendation as specified in BMC 13.50.060 C.
5. The petitioner is responsible for paying the street vacation petition fee of \$4,131.00 prior to scheduling the public hearing before the Hearing Examiner. The timelines for scheduling a public hearing are specified in BMC 13.50.070.
6. Once all fees are paid, the PCDD initiates two separate actions:
 - Notifies private utility providers of the street vacation petition so that they can confirm whether or not they have facilities in the subject right-of-way; and
 - Set up an appraisal with a local certified MIA appraiser as specified below.
7. Prior to scheduling the public hearing, the petitioner pays for the appraisal itself and the fair market value of the subject right-of-way as specified below.
8. Notice of the public hearing; specifics on content, distribution and posting are provided

as specified in BMC 13.50.080.

9. The PCDD prepares a staff report for the public hearing pursuant to BMC 13.50.090.
10. The public hearing before the Hearing Examiner is held pursuant to BMC 13.50.100.
11. In a closed record hearing the City Council issues a final decision on the street vacation petition. This decision is made by approval of a street vacation ordinance according to BMC 13.50.150.

RIGHT-OF-WAY APPRAISAL: BMC 13.50.160

1. Appraisal of Subject Right-of-Way. As a condition precedent to the City Council's consideration of a resolution setting a date for a public hearing on the question of whether the subject right-of-way should be vacated, the petitioner shall pay for the cost of preparation of an appraisal of the area proposed to be vacated, and the city shall select an appraiser and order such appraisal. An appraisal and payment may not be required when, in the judgment of the planning department director, it is not needed to determine the fair market value of the area to be vacated.
2. Payment for Vacation. In no event shall a vacation request come before the hearing examiner for the public hearing until the appraised value of the subject right-of-way has been computed, incorporated into the ordinance, and deposited with the finance director. The amount deposited with the finance director may be adjusted by the planning department director if the petitioner and city staff have tentatively agreed to a lesser deposit amount or no deposit at all based on the value of the public amenity provided by the petitioner as part of the proposed vacation.
3. Return of Deposit. In the event city council does not approve the vacation, the deposited amount (exclusive of the application, public hearing, and appraisal fees) shall be refunded to the petitioner.

HEARING EXAMINER

1. After appraisal is completed and payment for the vacation is deposited with the City Finance Director, the petition and all pertinent materials including a staff report are forwarded to the Hearing Examiner for consideration.
2. Public hearing procedures apply. In addition to mailing notices to all petitioners and all owners of land (as per the Assessor's records) abutting the portion of the street or alley sought to be vacation at least 10 days prior to the hearing, Planning posts, within 20 days of the hearing date, a notice in three of the most public places in the City and on the street or alley to be vacated.
3. If the vacation was initiated by the City Council by resolution rather than by petition, owners of all land abutting the portion of the street or alley to be vacated are given notice by mail at least fifteen (15) days before the date fixed for the hearing. If fifty (50) percent of the abutting property owners file written objection to the proposed vacation with the City Clerk prior to the time of the hearing, the City is prohibited from proceeding.
4. The Hearing Examiner provides a recommendation to the City Council. This recommendation includes findings and conclusions.

CITY COUNCIL

1. The City Council schedules a daytime meeting of one of the Council's committees to

review the Hearing Examiner's report. The committee recommends approval, denial, or a formal hearing to the full Council.

2. If the proposal is recommended for approval, it will most commonly go on the Consent Agenda that evening and be voted on with other issues in a block. No hearing will be held.
3. If the proposal is recommended for denial or a formal hearing, it will most commonly be scheduled for a Closed Record Public hearing, that evening or some other night. The Council may not accept new information at this Closed Record Public Hearing.

The City Council may, by vote and upon approval of the Mayor, approve a vacation ordinance. If the vacation is not approved, the deposited amount (exclusive of the application fees) is refunded to the petitioner.