



## PROCEDURE FOR VACATION OF PUBLIC RIGHT OF WAY

1. A vacation request in compliance with Kennewick Administrative Code 12-44-010 (attached) in the form of a letter, a location map, the tax parcel ID number and legal description, signatures of approval from public utility companies (also attached), and the names and addresses of abutting property owners shall be submitted to the Public Works Department. It will be the applicant's responsibility to obtain the signatures of approval from public utility companies and for providing the other documents outlined above.. The approval form can be found on the City's website at: <http://www.go2kennewick.com> – Choose Documents & Forms/ Engineering/ Forms/ Right-of-Way Vacation (forms appear on the bottom of the screen).
2. Upon verification by the Public Works Department that all the vacation request documentation is complete, copies of the vacation request will be routed to the Community and Economic Development, Fire, Police, Parks & Recreation Departments and any other affected parties for review and comments. Ten (10) working days are allowed for this process. Incomplete documents shall be sent back to the applicant for correction prior to processing the request.
3. Payment of \$123.00, which includes a \$50.00 processing fee and a \$73.00 recording fee, is required at the time of submitting the vacation request. The processing fee is nonrefundable. The recording fee is only refundable if the right-of-way vacation is not approved.
4. After comments (if any) have been returned and assuming that no objections to vacation of the right of way are received, the vacation request will be placed on the next available City Council agenda for a Resolution to Set a Public Hearing for the right-of-way vacation. (City Council normally meets the first and third Tuesday evenings of each month). The Public Hearing date will take place not more than sixty (60) days or less than twenty (20) days after the passage of such resolution. The City Clerk will notify all abutting property owners and publish a Notice of Public Hearing in the Tri-City Herald twenty (20) days prior to the Public Hearing. A copy of the City Council agenda items will be sent to the parties requesting the right-of-way vacation.
5. The City Attorney's office will prepare an Ordinance for adoption at the Public Hearing. The entire vacation process takes approximately eight to ten weeks.
6. The Public Works Department will mail the petitioners requesting the public right of way vacation a copy of the signed Ordinance and request for payment per item 7. Following receipt of payment, the City Clerk will record the Ordinance with the Benton County Auditor. When copies of the recorded document have been received, the Public Works Dept. shall place the information on city maps.
7. By RCW 35.79.030, "If the legislative authority determines to grant the petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated."

**\*The City selling price established for the Right of Way Vacation you are proposing is \$ \_\_\_\_\_ (50% of \$ \_\_\_\_\_).**

#### **12-44-010: Procedure for Street Vacation by Petition:**

(1) The petition in the form of a signed letter of request shall be submitted to the Administrative Office Manager, along with signature approval from the public utility companies, a completed environmental assessment work sheet, a \$50.00 filing fee, and the Benton County recording fee. Environmental assessment work sheet and utility approval forms are available from the Public Works Administrative Office.

(2) The Engineering Division shall examine the petition and verify ownership by petitioners.

(3) The original petition and a map shall be submitted to the City Clerk by the Administrative Office Manager. Duplicates shall be submitted to the Public Works, Planning, Fire, Police, Parks and Recreation and the City Attorney Departments, and other affected agencies for comments.

(4) If the owners of more than two-thirds of the abutting properties have signed the petition, the Administrative Office Manager shall request that the City Council set a date for a public hearing. The City Attorney shall prepare and attach a resolution setting a public hearing date not more than sixty (60) days nor less than twenty (20) days after the date of passage of such resolution.

(5) If the owners of less than two-thirds of the abutting properties have signed the petition, the Administrative Office Manager Engineering Division shall recommend to the City Council that either the City Council set or not set a public hearing, depending upon the circumstances.

(6) The completed environmental assessment work sheet shall be submitted by the Administrative Office Manager to the Planning Department for processing.

(7) The Administrative Office Manager shall prepare a list of abutting property owners and a legal description, and submit the same to the City Clerk.

(8) If fifty percent (50%) of the abutting property owners file written objection to the vacation with the City Clerk prior to the public hearing, the City shall be prohibited from proceeding with the resolution by RCW 35.79.020.

(9) At least twenty (20) days prior to the public hearing, the City Clerk will cause a Notice of Public Hearing to be posted in three (3) of the most public places of the City, and at a conspicuous place on the street or alley to be vacated. If the petition is signed by less than two-thirds of the abutting owners, notice must also be mailed to all abutting owners at least fifteen days prior to the hearing. The notice must include a statement that a petition has been received or resolution posted concerning the vacation and the time and place for hearing thereon.

(10) The City Attorney shall prepare an ordinance for the public hearing.

(11) At the time of the public hearing, the comments by the public will be heard and Council shall determine whether or not the ordinance shall be adopted. The ordinance shall provide for retaining an easement or the right to exercise and grant for construction, repair and maintenance of any public utilities and services.

(12) The property owners may be assessed up to one-half of the appraised valuation of the property. Notification of the assessment will be given by the City Clerk and payment made to the Finance Department.

(13) After the payment of assessments, and fees that may be required by the City Council, the City Clerk will record the City ordinance with the County Auditor.

(14) The Engineering Division shall place information on City maps upon receipt of duplicate copy of the recorded ordinance from the City Clerk's office.

**PUBLIC WORKS DEPARTMENT**

City of Kennewick  
PO Box 6108  
Kennewick, WA 99336

FAX: 585-4451

Date: \_\_\_\_\_

**Petition for Public Utility Company Approval for Vacation of Public Right of Way**

Type of Vacation      Street \_\_\_\_\_      Pedestrian Walkway \_\_\_\_\_      Alley \_\_\_\_\_

Tax parcel identification number \_\_\_\_\_

Legal description (May attach a separate sheet) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Physical Address (if applicable) \_\_\_\_\_

Abutting property owners to the easement (if applicable): \_\_\_\_\_  
\_\_\_\_\_

The owner, \_\_\_\_\_, has made arrangements with us for any necessary relocation work and granting of any new easement we may need. Please sign approval on the designated line below. **Signatures are to be obtained by petitioner.**

\_\_\_\_\_  
**Benton County P.U.D. No. 1** East of SR395 – Rick Sunford Fax: (509) 586-6876 Ph: (509) 582-1271 [Sunfordr@bentonpud.org](mailto:Sunfordr@bentonpud.org)  
West of SR395 – Dave Smith Fax: (509) 586-6876 Ph: (509) 582-1231 [smithd@bentonpud.org](mailto:smithd@bentonpud.org)  
Center of SR39 to Limits – Ken Klander Fax: (509) 586-6876 Ph: (509) 582-1241 [klanderk@bentonpud.org](mailto:klanderk@bentonpud.org)

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**Frontier Communications Company** Greg Goodwin Fax: (509) 736-6689 Phone: 736-3720 [gregory.l.goodwin@ftr.com](mailto:gregory.l.goodwin@ftr.com)  
Alternate - Gary Taylor Fax: (509) 736-6689 Phone: (509) 736-3722 [gary.k.taylor@ftr.com](mailto:gary.k.taylor@ftr.com)

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**Charter Communications** Dean Kelley Fax: (509) 735-3795 Ph: (509) 222-2665 Cell: 727-6006 [dean.kelley@charter.com](mailto:dean.kelley@charter.com)

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**Cascade Natural Gas Company** Glenn Helton Fax: (509) 735-9141 Phone: (509) 460-6687 [glenn.helton@cngc.com](mailto:glenn.helton@cngc.com)  
Arnie Garza Fax: (509) 735-9141 Phone: (509) 736-5563 [arnie.garza@cngc.com](mailto:arnie.garza@cngc.com)

**(Obtain only the signature from the irrigation company that serves the property)**

\_\_\_\_\_  
**Irrigation District** CID: Joel Teeley Fax (509) 586-0485 Phone: (509) 586-6118 [jteeley@columbiairrigation.com](mailto:jteeley@columbiairrigation.com)

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**Irrigation District** KID: Jason McShane Fax (509) 586-7763 Phone: (509) 586-9111 [jmcshane@kid.org](mailto:jmcshane@kid.org)  
Ben Woodard Fax (509) 586-7763 Phone: (509) 586-9111 [bwoodard@kid.org](mailto:bwoodard@kid.org)

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**City of Kennewick Utility Coordinator**, Public Works Dept, 1010 Chemical Drive Fernando Garcia  
FAX: (509) 585-4451 Phone: (509) 585-4481 **(Return to Sherry Hummel– she will obtain this signature)**

\_\_\_\_\_  
Owner's Applicant's Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

**Hearing — ordinance of vacation.**

The hearing on such petition may be held before the legislative authority, before a committee thereof, or before a hearing examiner, upon the date fixed by resolution or at the time the hearing may be adjourned to. If the hearing is before a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If the hearing is held before a committee it shall not be necessary to hold a hearing on the petition before the legislative authority. If the hearing is before a hearing examiner, the hearing examiner shall, following the hearing, report its recommendation on the petition to the legislative authority, which may adopt or reject the recommendation: PROVIDED, That the hearing examiner must include in its report to the legislative authority an explanation of the facts and reasoning underlying a recommendation to deny a petition. If a hearing is held before a hearing examiner, it shall not be necessary to hold a hearing on the petition before the legislative authority. If the legislative authority determines to grant the petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated. The ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located. One-half of the revenue received by the city or town as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city or town.