

**KITSAP COUNTY
DEPARTMENT OF PUBLIC WORKS**

**PROCESSING A PETITION FOR VACATION OF A COUNTY ROAD
PROCEDURE**

Procedure Number: **PW 4.19.03 PRO**
Effective Date: 7/18/2016
Procedure Sponsor: Senior Program Manager-Engineering

Approved: **ABN**
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NSRD: 7/18/2019

PW 4.19.03 PRO - This procedure applies to the processing of petitions for vacating County roads through the Department of Public Works

1.0 Definitions

1.1 “Vacation of a County Road” is defined as an order executed by the Kitsap County Board of County Commissioners whereby the public interest in a road (right of way) is removed. RCW 36.87 governs the vacation of rights of way in State of Washington Counties.

1.2 “County road” is defined as a County easement for public right of way.

1.3 “Appropriate staff and other jurisdictions” refer to staff from the following Kitsap County departments and other agencies or jurisdictions that may have an interest in the right of way.

1.3.1 Department of Public Works

1.3.1.1 Right of Way Division

1.3.1.2 Road Division

1.3.1.3 Stormwater Division

1.3.1.4 Sewer Utility Division

1.3.1.5 Survey Division

1.3.1.6 Transportation Division

1.3.2 Department of Community Development

1.3.3 Franchised utility companies operating within the requested area

2.0 Petitioner (Applicant)

2.1 The petitioner shall submit a completed application to the Department of Public Works. The submission will include the following:

2.1.1 A Kitsap County approved application form including the petitioner’s name, mailing address, telephone number, other contact information, an accurate legal description of the right of way requested to be vacated, signatures and contact information for the abutting property owners, and the County Road Name or Number, if applicable.

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- 2.1.2** An Assessor's map showing the location of the right of way (highlighted) and all adjacent properties.
- 2.1.3** Payment of fees as established by Kitsap County Ordinance current at time of submittal.
- 2.1.4** Notification of the petition to all abutting property owners by certified mail of the proposed request with return receipts being submitted to the Department Public Works. This notification letter will include the address for contacting the Department of Public Works to submit any comments or recommendations concerning the application.

3.0 Department of Public Works

- 3.1** The Department of Public Works' Real Estate Services staff will process the application by completing all of the following steps:
 - 3.1.1** Verify the right of way as governed by Kitsap County.
 - 3.1.2** Distribute a complete packet including the petition, legal description of the right of way desired, an Assessor's map indicating the location of the right of way, a vicinity map, a plat map if applicable, and documents showing Kitsap County's rights to the appropriate staff and other jurisdictions. Recipients review the packets and provide comments to the Department of Public Works.
 - 3.1.3** Confirm all adjacent property owners have been notified of the submitted petition via certified mail. Originals or copies of the returned certified cards will remain in the file.
 - 3.1.4** Notify the Commissioner in whose district the right of way is located of the specifics of the application.
 - 3.1.5** Include a provision in the Final Order of Vacation stating that an easement is retained in respect to the vacated land for the construction, repair, and maintenance of public utilities and services, which at the time the Final Order of Vacation is adopted are authorized or are physically located on a portion of the land being vacated. The term "public utility" as used in this section shall include utilities owned, operated, or maintained by every gas company, electrical company, telephone company, telegraph company, and water company whether or not such company is privately owned or owned by a governmental entity (RCW 36.87.140).

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- 3.1.6** Coordinate with the Clerk of the Board the public hearing dates when Department of Public Works will present the petition to the Board for consideration.
- 3.1.7** Post a notice at the County right of way to be vacated at least 20 days before the public hearing on the petition. The notice must indicate that the County has received a petition to vacate the property. This posting must include the information provided in the petition, the date, time and location of the public hearing during which the Board of County Commissioners will consider the petition, and the contact information of the Real Estate Services staff person facilitating the request to submit comments or inquiries of the petition. The notice must also be published at least once a week for two consecutive weeks preceding the date fixed for the hearing (RCW 36.87.050).
- 3.1.8** Take into consideration the comments submitted and prepare an agenda submittal packet for the Board's consideration. The agenda submittal will include all remarks received and provide a clear recommendation and justification for the Board to either:

 - 3.1.8.1** Deny the petition for specified reasons; or
 - 3.1.8.2** Approve the petition and provide the recommended compensation for the County road using procedures specified in 3.1.9 below.
- 3.1.9** If the Board of County Commissioners requires compensation and/or if the Department of Public Works recommends compensation for the right of way, the following process will be used to determine the value of the requested right of way.

 - 3.1.9.1** Determination of road designation per Kitsap County Code 11.42.
 - 3.1.9.2** The amount of the compensation shall be determined by utilizing present Kitsap County's Assessor comparable values. The minimum compensation suggested for a road vacation will be 50% of assessed value. Any road that was previously maintained by the County will require compensation at 75% of assessed value. Any right of way that was purchased by the County will remand compensation at 100% of assessed value (see Appendix A for examples). The only acknowledged exceptions are cases where the

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requesting petitioner is the same person who donated the county the right of way or the vacation is processed for a government agency.

3.1.9.3 Compensation payment must be made within fifteen (15) working days after the Final Order of Road Vacation is approved by the County Commissioners. If payment is not made within the fifteen (15) day time period, the Final Order of Road Vacation will be rescinded.

3.2 Owners of property abutting the right of way approved for vacation are responsible for deciding how the administrative costs of the vacation will be divided. 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.

3.3 All checks are to be made payable to Kitsap County Department of Public Works. Administrative fees are subject to change at any time by Ordinances adopted by the Board of County Commissioners.

4.0 Board of County Commissioners

4.1 The Board of County Commissioners shall hold a public hearing to consider the petition and recommendations provided by staff and other jurisdictions. The Clerk of the Board shall publish an appropriate public notice of the hearing in accordance with Washington State statutes. The Board will consider the recommendations and comments from appropriate staff and other jurisdictions, and various other departments.

4.2 If the Board approves the Petition for Vacation of a County Road, the Final Order of Vacation will be retained until the petitioner(s) have paid the set compensation (if applicable) in full to the Department of Public Works within fifteen (15) working days from the date of the approved Final Order of Vacation. After compensation is received, the Final Order of Vacation will be recorded, and copies will be mailed to all petitioners.

4.3 If the Board denies the petition, the Department of Public Works will notify the petitioner(s) in writing and state the reasons for the denial.

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Appendix A

The following are general examples, or scenarios, in which compensation would be determined at less than full value.

50% of full value: “where an undeveloped right of way is encumbered by several utilities”
“an undeveloped right of way, which has deterring topographical features such as a ravine or swamp area”

75% of full value: “where a county road is realigned, and the old portion is vacated”
“opened right of way that is no longer used by the public”

Change Record: 10/14/2005 original adoption
6/10/2010 3-year review, changed procedure number from 2470 to 4.19.03
7/18/2013 NSRD, no changes
7/18/2016 NSRD, no changes