



# Administrative Policy and Procedure City of Medina, Washington

Subject: Street or Utility Vacation Procedure		
Policy No. XXXX		Pages: 6
Effective Date: August 1, 2024		
Developed by: Jennifer Robertson, City Attorney	Department Head Approval:	City Manager Approval:

- 1. Purposes.** The purpose of this policy is to detail the procedure for a privately initiated street or utility vacation requests, to ensure that the city council is provided a full opportunity to consider any such petition, and to ensure that broad public notice is provided so that residents of Medina may participate in the city council consideration of any petition for vacation. While utility easement vacations are not listed in Chapter 12.44 MMC, the same procedures will be used if a property owner seeks to vacate a utility easement.
- 2. Organizations affected.** Community Development Department, Public Works Department, Clerk's Department, Legal Department, and City Council.
- 3. References.**
  - Chapter 35.79 RCW
  - Chapter 12.44 MMC
- 4. Definitions.** None.
- 5. Responsibilities.** It is the responsibility of the Public Works staff to administer this policy and coordinate the various aspects of the street vacation process. Responsibilities for the street vacation process are spread among various members of the Executive, Clerk's Office, Public works, Community Development/Planning, Fire, and Legal Departments, and outlined in the statement of policy and procedure.
- 6. Statements of Policy and Procedures.**

## 6.1 Application / Review

- 6.1.1 **Petitioner:** Submits application packet including petition and legal description of property to be vacated to City Clerk.
- 6.1.2 **Clerk's Office:** Clerk routes to Public Works, Community Development and Legal
- 6.1.3 **Public Works:** evaluates application and schedules meeting with Community Development and Legal. If the application is determined to be complete, Public Works notifies the Clerk's Office to implement the notice requirements in MMC 12.44.100.
- 6.1.4 **Public Works:** Routes copies of street vacation petition to Planning Manager and Fire for review. Sets date for initial City Council study session and projected date for public hearing.
- 6.1.5 **Community Development and Fire:** Reviews Street Vacation request and provides written comments to Public Works within 2 weeks.
- 6.1.6 **Public Works:** Reviews request and comments from Community Development and Fire. Drafts staff report for study session based on criteria set forth in MMC 12.44.015 and 12.44.140. Routes to Planning and Fire for review.
- 6.1.7 **Community Development and Fire:** Provide comments on staff report within one week.
- 6.1.8 **Public Works:** Routes staff report, Agenda Bill and Resolution to the City Attorney's Office and City Manager for review.
- 6.1.9 **Legal / City Manager:** The City Attorney's Office and City Manager reviews and approves the staff report and supporting material, including the draft legislation. The Agenda Packet is then compiled and transmitted to the City Clerk by noon on the Thursday prior to a regular City Council meeting. The City Council will hold a study session on the application. The matter will then be scheduled for another Council meeting to set a date for a public hearing.

## 6.2 Public Hearing

- 6.2.1 **City Council:** First there is a study session meeting, then the resolution is brought to council on a subsequent date to set the public hearing. The City Council votes on Resolution to set date for Public Hearing. The date of Public Hearing must be no more than 60 and no less than 20 days after passage of resolution.
- 6.2.2 **Public Works:** Informs Clerk's Office and Community Development of date for Public Hearing.
- 6.2.3 **Community Development:** Drafts the Notice of Public Hearing and routes to City Clerk's Office to implement the public hearing notice requirements set forth in MMC 12.44.100.
- 6.2.4 **Legal:** Drafts Vacation Ordinance and routes to Public Works to ensure legal description, etc. is correct.
- 6.2.5 **Public Works:** Drafts Agenda Bill and revised Vacation Ordinance for Public Hearing and submits to City Manager for review. It is then transmitted to the City Clerk by noon on Thursday prior to Public Hearing date.

- 6.2.6 **City Council:** Conducts Public Hearing. Votes on Ordinance. Council may defer action on the Ordinance if desired, in which case, the matter will be brought back for additional review.

### 6.3 Appraisal / Compensation

- 6.3.1 **Public Works:** If Ordinance passes, orders an appraisal of property to be vacated. Informs Petitioner of compensation amount. Route to Clerk's office for inclusion of any unpaid fees.
- 6.3.2 **Clerk's Office:** Calculates fees and costs and adds these to the appraisal amount and informs Petitioner of compensation amount plus fees and costs, including estimate for recording.
- 6.3.3 **Petitioner:** Pays compensation amount to Clerk's Office.
- 6.3.4 **Clerk's Office:** Takes in compensation amount along with reimbursement of all fees and costs and informs Public Works when payment is complete.

### 6.4 Recording

- 6.4.1 **Public Works:** Informs City Clerk of completion of street vacation process.
- 6.4.2 **City Clerk:** Records Street Vacation ordinance with King County Auditor. When evidence of recording is received, City Clerk informs Public Works, Community Development and City Manager's office.
- 6.4.3 **Public Works:** Informs petitioner of recording of Street Vacation ordinance.

## 7. Attachments. Street or Utility Vacation Application.

PETITION FOR STREET OR UTILITY EASEMENT VACATION  
(Chapter 35.79 RCW Street Vacation and RCW 35.94.040 for Utility Property)

The undersigned hereby petition to the City of Medina to vacate the following street(s) or utility property or the following portions thereof:

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EACH PERSON SIGNING THIS PETITION REPRESENTS:

- A. That he or she owns an interest in real estate abutting one or more of the street(s) or utility property proposed for vacation;
- B. That he or she believes the street(s) or utility property proposed to be vacated are not and are not to be expected to be needed or useful as part of the public street or utility system of the City of Medina, and that the public will benefit by the vacation;
- C. That he or she acknowledges the filing fee paid to process this petition is non-refundable and agrees to pay any additional costs in excess of the filing fee for processing this petition, regardless of outcome.

SIGNATURES OF ALL OWNERS OF PROPERTY ABUTTING AND RECEIVING  
PROPERTY RESULTING FROM THE PROPOSED VACATION

NOTE: Any entity owner requires proof of the person with signing authority and support for signing this petition by the entity.

_____ OWNERS SIGNATURE	_____ PARCEL NUMBER
_____ OWNERS PRINTED NAME	_____ DATE
_____ PARCEL ADDRESS	
_____ OWNERS SIGNATURE	_____ PARCEL NUMBER
_____ OWNERS PRINTED NAME	_____ DATE
_____ PARCEL ADDRESS	
_____ OWNERS SIGNATURE	_____ PARCEL NUMBER
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OWNERS SIGNATURE \_\_\_\_\_

PARCEL NUMBER \_\_\_\_\_

OWNERS PRINTED NAME \_\_\_\_\_

DATE \_\_\_\_\_

PARCEL ADDRESS \_\_\_\_\_

OWNERS SIGNATURE \_\_\_\_\_

PARCEL NUMBER \_\_\_\_\_

OWNERS PRINTED NAME \_\_\_\_\_

DATE \_\_\_\_\_

PARCEL ADDRESS \_\_\_\_\_

**For Official Use Only:**

Date Received \_\_\_\_\_

By \_\_\_\_\_

Fee Paid: (Yes/

Receipt No. \_\_\_\_\_