

**Jefferson County
Department of Public Works
623 Sheridan Street
Port Townsend, WA 98368
(360) 385-9160**

VACATION OF COUNTY ROAD RIGHT OF WAY

A road vacation is the process whereby a landowner may petition the Board of County Commissioners (BOCC) to eliminate the public's interest in a public road or right of way. Private rights, interest or utility easements may still encumber the area proposed for vacation. The steps involved in petitioning for a standard road vacation are:

1. The applicant makes a request to Jefferson County by submitting the following items to the Department of Public Works (DPW): 1) an application to vacate a county right of way(attached); 2) a map showing the right of way they wish to vacate; and 3) \$1,189.00 application fee payable to JCDPW. These monies are used to cover the costs of advertising the vacation request in the newspaper, postage, staff time, copy fees, filing fees and Dept of Community Development fee.
2. The Jefferson County DPW prepares a petition and sends it to the applicant. This applicant now becomes the "primary petitioner" and must obtain the **signatures of the owners of the majority (51%) of the frontage on the road or portion thereof in the vacation request.** Property ownership is verified for individuals signing the petition through the Jefferson County Assessor's Office. The primary petitioner will be required to obtain an appraisal for the area requested to be vacated from a Washington State licensed appraiser. The petition and appraisal are submitted to DPW. If the petition is not returned to the DPW within one year of issuance, the procedure is terminated and the petition fee is forfeited.
3. DPW notifies all property owners within 300 feet of the perimeter of the requested area, utility companies, fire districts, county departments, and any other agencies that may be affected by or have comments on the proposed vacation.
4. The County Engineer examines the petition and creates a report recommending to the Hearing Examiner and BOCC whether it should be approved. The primary reasons vacations are normally denied is that the vacation would cut off or degrade access for someone else's parcel, the right of way leads to water, or others are generally opposed to the idea. It is a good idea to get neighborhood support before incurring the fees for this process.
5. The Jefferson County Hearing Examiner conducts a public hearing on the proposed vacation, considering all comments that have been received, and makes a recommendation to the BOCC for either approval or denial of the petition.
6. The BOCC will review the Engineer's Report and the Hearing Examiner's report and recommendation and choose to accept the recommendation or not. If approved, the BOCC will sign the vacation resolution and the principal petitioner will pay any outstanding costs not covered by the application fee and one-half the appraised value of the property before the resolution is recorded. The petitioner must meet all conditions and compensation requirements within one year of the approved vacation. If the request is denied, the petitioner is charged for outstanding costs only (i.e., postage, staff time, copy fees, filing fees and unpaid publication fees, if any).

Please take special note of the Review Criteria per JCC 12.10.110 (attached), which states the criteria that are considered in the review of a road vacation petition.

There is also an appeal process, which may take place between steps 5 and 6. Since the ordinance governing such appeals is quite strict in defining what information may be presented for an appeal, this information is provided after the Hearing Examiner review.

JCC 12.10.110 REVIEW CRITERIA

Road vacation petitions shall be reviewed according to the following criteria:

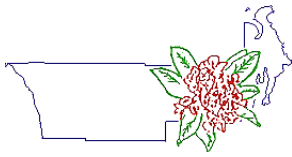
1. The proposed road vacation ***complies with the Jefferson County Comprehensive Plan*** and any other applicable plans, policies, or ordinances.
2. ***Roads should not be closed, vacated, or abandoned when land uses or development plans, or occurring patterns, indicate their usefulness for area circulation.*** Prior to a vacation decision, an examination should be made of its probable effect on overall area circulation in the neighborhood. Single or multiple vacations should be considered a positive tool toward improving neighborhood circulation and accesses.
3. The effectiveness of fire, medical, law enforcement, or other ***emergency services should not be impaired by the closure, vacation, or abandonment*** of county roads. Appropriate authorities should be consulted with respect to this policy.
4. ***Roads should not be closed, vacated, or abandoned when such routes can effectively be used for utility corridors.*** Suitable utility easements could be retained as a means of satisfying this policy. Public and private utility companies and their plans should be consulted with respect to this policy. (In accordance with R.C.W. 36.87.140, the Board of County Commissioners may retain an easement within the subject vacated area for the construction, repair, and maintenance of public utilities and services).
5. ***Roads should not be closed, vacated, or abandoned when such routes can effectively be used for trails or pathways.*** Suitable trail easements could be retained as a means of satisfying this policy. The Jefferson County Parks, Recreation, and Open Space Plan should be used as a guide to determine trail needs.
6. In compliance with R.C.W. 36.87.130, ***no county road or part thereof should be vacated that abuts on a body of salt or fresh water***, unless the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage, or launching sites or for park, viewpoint, recreational, education, or other public purposes, or unless the property is zoned for industrial purposes.
7. The proposed vacation will ***not land lock any parcel of property.***

The laws governing the road vacation process are:

RCW 36.87 – Revised Code of Washington, Title 36, Chapter 87, can be found online at,
<http://apps.leg.wa.gov/rcw/default.aspx?cite=36.87>

JCC 12.10 - Jefferson County Code, Title 12, Chapter 10, can be found online at,
<http://www.codepublishing.com/WA/JeffersonCounty/>

Please contact Jefferson County Department of Public Works at 360-385-9160 for more information.



JEFFERSON COUNTY APPLICATION
VACATION OF COUNTY RIGHT OF WAY

Jefferson County
Department of Public Works
623 Sheridan Street
Port Townsend, WA 98368
360-385-9160

Office use only

Receipt # _____
Check # _____
Date Paid _____
Fee \$1,189.00

Additional fees may apply.

Description of Request:

Purpose:

Legal Description:

Assessor Parcel Number (APN)

Road Name

Property Owner

Status, i.e., Platted/Unopened or Opened/Usage

Owner's Mailing Address

As property owner, I hereby designate _____
to act as my representative in matters related to the vacation petition.

City, State, Zip Code

Property Owner's Signature _____ Date _____

Property Owner's Phone and Email

Designated Representative's Phone and Email _____

Required Submittal Attachments

1. Map Indicating Area desired to be Vacated. [Use one or more of the following.]

- SURVEY,
- SUBDIVISION MAP,
- ASSESSORS/PARCEL MAP
- AERIAL MAP
- DETAILED DRAWN MAP

2. Application Fee of \$1,189.00 to Jefferson County Department of Public Works.

3. This form SIGNED by the property owner.

Optional Attachments

- Letters of Support from Adjoining Property Owners
- Property Title Report
- Historical Data or Maps of the Road to be Vacated
- Additional Legal Description Information
- Other _____
(Describe)

Any questions, please contact Jefferson County Department of Public Works at 360-385-9160.