



## RIGHT-OF-WAY VACATIONS

Applications are available at:

Department of Public Works and Utilities  
Engineering Division

Norm Dicks Government Center

345 6<sup>TH</sup> Street

6<sup>th</sup> floor

Correspondence to:

345 6<sup>th</sup> Street

Ste 100

Attn: Engineering

Bremerton, WA 98337

Telephone (360) 473-5270

Permits@ci.bremerton.wa.us

FAX (360) 473-5398

Office Hours 8:00 AM – 5:00 PM

## GENERAL

City right-of-way is established to provide public access to private property and provide a corridor for utilities. When a portion of right-of-way is undeveloped or otherwise surplus to the City's needs, adjacent property owners may petition the City to vacate the right-of-way. Bremerton Municipal Code Chapter 11.20 governs right-of-way vacations and requires a public process that includes:

- **An application.**
- **A petition.**
- **A review by City staff.**
- **A public hearing.**
- **Approval by the City Council.**
- **Recording an Ordinance at the County Courthouse.**

Compensation for the right-of-way may also be required.

## APPLICATION

The applicant shall submit the completed Right-of-Way Vacation Application to the Engineering Division. The completed application shall include the following information:

- **A petition for the vacation**, signed by two-thirds of the property owners abutting the street or alley to be vacated (the two-thirds is determined on a front footage basis).

Note: all of the owners of a property listed with the County Treasurer's Office **must** sign the petition.

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- **A legal description** of the proposed vacation area.\*
- **A suitable drawing** of the vacation area, including the square footage of the area to be vacated.\*
- **A comment letter from each utility company** on the attached list describing their facilities in the proposed vacation area, and whether an easement must be retained as part of the vacation.
- **A \$1750.00 application fee** (non-refundable).

\* *These items must be on sheets of paper capable of producing a legible image not larger than fourteen inches long and eight and one half inches wide with text printed or written in eight point font or larger, with a one-inch margin on the top, bottom and sides of the pages.*

## **PROCESSING**

Upon receipt of the completed application, City staff shall:

- **Review the application** for completeness and notify the applicant of any errors or additional information required to complete it. The applicant must provide the required information within 60 days of the request or the application process will be terminated.
- **Verify the petition signatures.**
- **Check the legal description.**
- **Establish the land value.**
- **Inspect the proposed vacation area.**
- **Establish the compensation amount** based on the assessed value of the adjacent properties (see below).
- **Prepare a staff report** and provide a copy of it to the applicant.

## **PAYMENT OF COMPENSATION**

Upon review of the staff report, the applicant must determine if they want to continue processing the vacation. The compensation amount must be paid at this time to continue the process.

## **DETERMINATION OF COMPENSATION**

The compensation for the vacated area is based upon the type of ownership and use of the right-of-way as follows:

- **Class 1 Right-of-Way:** The City owns the right-of-way in fee title. Compensation shall be 100% of the value.
- **Class 2 Right-of-Way:** The City has a right-of-way easement and the right-of-way is improved. Compensation shall be 50% of the value.
- **Class 3 Right-of-Way:** The City has a right-of-way easement and the right-of-way is not improved. No compensation shall be required.

The value for the vacated property shall be determined by one of the following methods:

- The City will accept the value determined using the County Assessor's records for the average unit (\$/sq. ft.) land value of the adjacent properties weighted on a front footage basis and applied to the vacated area.
- The applicant may provide an appraisal of the property. The appraiser must be certified and be mutually agreeable to the City and the applicant. If an appraisal is performed, it will be used for determination of the compensation.

### **ESTABLISHING THE HEARING DATE**

Upon payment of the compensation amount, the Engineering Division will prepare an Agenda Bill and Resolution that establishes the City Council hearing date. The hearing will occur between 20 and 60 days after the City Council approves the Resolution.

### **PRE-HEARING ACTIVITIES**

Activities to occur at least 20 days prior to the set hearing date include:

- The City Clerk posting a Notice of Hearing in three public places.
- The City Clerk mailing a Notice of Hearing to all of the property owners that abut the right-of-way.
- The City Clerk mailing a Notice of Hearing to all of the utility companies providing service to the area.
- The Engineering Division posting a Notice of Hearing in the area to be vacated.
- The Engineering Division preparing an Agenda Bill and Ordinance for the hearing.

### **VACATION HEARING**

Activities to occur at the Vacation Hearing include:

- Presentation of the staff report and Determination of Value for Compensation to the City Council.
- Public testimony heard by the City Council.
- Acceptance, rejection, adjustment or conditional approval of the street vacation request by the City Council. The conditional approval may require resolution of conditions established by the council to address any issues that the public or the property owners presented at the hearing.

### **RECORDING OF THE VACATION ORDINANCE**

The City Clerk will record the Vacation Ordinance and easements after all conditions of approval are met. No further City Council action is required.

**CITY OF BREMERTON**  
**Application for Right-of-Way Vacation**

To the City Council of the City of Bremerton:

**APPLICANT:** \_\_\_\_\_ **PHONE (Business):** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **(Residence):** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**ATTACHMENTS:**

- |   |  |   |  |
|---|--|---|--|
| Y | Legal description of area to be vacated* | Y | Exhibit that shows area to be vacated* |
| Y | Vicinity map*                            | Y | Utility company letters                |
| Y | Application fee                          | Y | Petition to vacate the right-of-way    |

(Attach additional sheets if necessary)

\* *These items must be on sheets of paper capable of producing a legible image not larger than fourteen inches long and eight and one half inches wide with text printed or written in eight point font or larger, with a one-inch margin on the top, bottom and sides of the pages.*

**PARCEL LOCATION:** (Give brief description of geographic location)

\_\_\_\_\_  
\_\_\_\_\_

Fronting Street: \_\_\_\_\_

Adjacent or nearest street intersection: \_\_\_\_\_

**COMPREHENSIVE PLAN MAP DESIGNATIONS:** \_\_\_\_\_

\_\_\_\_\_  
**CURRENT ZONING:** \_\_\_\_\_

Explain basis for request to vacate City right-of-way:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any easement and/or existing utilities either public or private that abut or cross the proposed vacation.

\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY OWNERS:** List names, mailing addresses of all owners of the abutting property(s) that will receive vacated area property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Attach additional sheets if necessary.*

**CONTACT PERSON** (to receive all correspondence, advisory report, hearing notice, etc., by mail and to be primary phone and correspondence contact):

MAILING ADDRESS: \_\_\_\_\_  
CITY \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_ ALTERNATE PHONE (if any): \_\_\_\_\_  
FAX: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

*I HEREBY STATE THAT I AM THE APPLICANT, OR AN AGENT FOR THE APPLICANT, LISTED ABOVE: AND THAT THE FOREGOING STATEMENTS AND ANSWERS HEREIN MADE, AND ALL INFORMATION AND EVIDENCE HEREIN MADE, AND ALL INFORMATION AND EVIDENCE HEREWITH SUBMITTED ARE IN ALL RESPECTS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE AND COMPLETE. I UNDERSTAND THAT THE FILING FEE ACCOMPANYING THIS APPLICATION IS NOT REFUNDABLE, IS ONLY FOR THE PURPOSE OF PARTIALLY DEFRAYING THE NORMAL ADMINISTRATIVE EXPENSES OF PROCESSING THE APPLICATION, AND THAT THE PAYMENT OF SAID FEE DOES NOT RESULT IN AUTOMATIC APPROVAL OF THE VACATION REQUESTED IN THIS APPLICATION.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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Printed Name of Applicant

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## A PETITION FOR RIGHT-OF-WAY VACATION

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Honorable Mayor and City Council:

We, the undersigned, being legal and registered owners of the property abutting upon the street or alley described below, do hereby petition your honorable body to vacate said street or alley:

**The legal description is attached.**

OWNER'S NAME(s)	OWNER'S SIGNATURE(s)	ADDRESS:	TELEPHONE:	TAX ASSESSOR'S PARCEL NUMBER:

This petition was filed on \_\_\_\_\_, and at that time the fee was paid. The receipt number is \_\_\_\_\_.

As set forth in Bremerton Municipal Code, Chapter 11.20, the owners of abutting property who receive the vacated portion of right-of-way may be required to compensate the City for the vacated property.

## **ENGINEERING DIVISION**

### **RIGHT OF WAY VACATION UTILITY COMPANY CONTACTS**

#### **CASCADE NATURAL GAS**

Shawn Oneill  
P.O. Box 539  
Bremerton, WA 98312  
Phone: (360) 328-6845  
Email shawn.oneill@cngc.com

#### **COMCAST**

Jim LeCompte  
1225 Sylvan Way  
Bremerton, WA 98310  
Phone: (253) 896-5688  
Email  
jim\_lecompte@cable.comcast.com

#### **PUGET SOUND ENERGY**

Kitty Ogg  
Real Estate Representative  
6522 Kitsap Way  
Bremerton, WA 98312  
Phone: (253) 476-6103  
Email kitty.ogg@pse.com

#### **CENTURYLINK**

Glady Zeilstra  
611 6<sup>th</sup> Street  
Gig Harbor, WA  
Phone: N/A  
Email  
NRE.Easement@CenturyLink.com

#### **WAVE BROADBAND**

Shawn Murphy  
4519 SE Mile Hill Drive  
PO Box 88  
Port Orchard, WA 98366  
Phone: (425) 896-1713  
Email smurphy@wavebroadband.com

#### **PUBLIC UTILITY DISTRIC OF KITSAP COUNTY (KPUD)**

Matt Henson  
1431 Finn Hill Road  
P.O. Box 1989  
Poulsbo, WA 98370  
Phone: (360) 626-7705  
Email matt@kpud.org

#### **CONVERGENCE TECHNOLOGIES**

John Stockwell  
P.O. Box 2307  
Bremerton, WA 98310  
Phone: (360) 405-1231  
Email stockwell@convergence-tech.com



