



RIGHT-OF-WAY VACATIONS

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 being vacated may also be required. It is recommended prior to submitting an application to contact the Department of Public Works and Utilities (PW&U) – Engineering Division to discuss the feasibility and alternatives.

CONTACT INFORMATION

Inquiries for a vacation request are to be directed to the PW&U-Engineering Division. The Division may be physically contacted at:

Norm Dicks Government Center
345 6th Street
6th Floor, Permit Counter
Bremerton, WA 98337
Telephone (360) 473-5006
CityofBremerton.Permits@ci.bremerton.wa.us

Office hours are 9:00 AM – 12:00 PM, Monday through Friday.

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.*

- **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 \$1900.00 application fee** (non-refundable). The City accepts checks (made payable to City of Bremerton), Visa, or Mastercard as payment.

** These items must be legible and scaled to paper no larger than fourteen inches long and eight and one-half inches wide with text printed or written in eight-point font or larger with one-inch margins 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 right-of-way 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 agreed upon by 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 proposed vacated 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 public 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: _____ **PHONE (Residence):** _____

CITY: _____ **ZIP:** _____

ATTACHMENTS:

<input type="checkbox"/> Legal description of area to be vacated*	<input type="checkbox"/> Exhibit that shows area to be vacated*
<input type="checkbox"/> Vicinity map*	<input type="checkbox"/> Utility company letters
<input type="checkbox"/> Application fee	<input type="checkbox"/> Petition to vacate the right-of-way

(Attach additional sheets if necessary)

* *These items must be legible and scaled to paper no larger than fourteen inches long and eight and one-half inches wide with text printed or written in eight-point font or larger with one-inch margins 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:

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

Printed Name of Applicant

ENGINEERING DIVISION

RIGHT OF WAY VACATION UTILITY COMPANY CONTACTS

CASCADE NATURAL GAS

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COMCAST

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Cc: paula_abcrombie@comcast.com

PUGET SOUND ENERGY

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CENTURYLINK

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WAVE BROADBAND

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PUBLIC UTILITY DISTRICT OF KITSAP COUNTY (KPUD)

Contracts & Procurement Administrative
Assistant
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Poulsbo, WA 98370
Phone: (360) 626-7705
Email: roster@kpud.org

CONVERGENCE TECHNOLOGIES

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