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VACATION OF PUBLIC RIGHT-OF-WAY GUIDELINES (For complete details see IMC 15.94)

Background

Requirements for obtaining vacation of public right-of-way are outlined in Ilwaco Municipal Code Chapter 15.94. Owners of an interest in any real estate abutting upon any street or alley may petition the city council to make vacation, giving a description of the property to be vacated. The city council itself may also initiate a street vacation procedure by resolution.

Application Process

- Applicant submits to the city clerk-treasurer a petition signed by owners of more than two-thirds of the property abutting upon the street or alley sought to be vacated.
- By resolution, city council sets a date when the petition will be heard and decided upon not more than 60 days nor less than 20 days after the date of the passage of such resolution.
- City clerk posts notice of the petition in three public places in the city and a notice in a conspicuous place on the street or alley sought to be vacated. Notice must include statement that a petition has been filed to vacate the street or alley described in the notice, and the time and place for the hearing of the petition.

If the proceeding has been initiated by the city council and not by property owners, the notice must be mailed to the owners of the property abutting upon any part of a street or alley sought to be vacated, as shown on the rolls of the country treasurer, at least fifteen (15) days before the date fixed for the hearing. If fifty (50) percent of the abutting property owners file written objection to the proposed vacation with the city clerk, before the hearing, the city will not proceed with the resolution.

- Once the hearing has been held, if the city council decides to grant the petition or any part of it, the city council may by ordinance vacate the street or alley. *For specific details regarding appraisals, compensation and easements, see IMC 15.94.040.*

- A certified copy of the ordinance must be recorded by the city clerk-treasurer and with the Pacific County Auditor.
- The city may not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless the street or alley meet certain exceptions (*see IMC 15.94.060*).
- If any street or alley is vacated by the city council, the property within the limits so vacated will belong to the abutting property owners, one-half to each.
- No vested rights are affected by the provisions of this chapter.

SUBMITTAL CHECKLIST

- Master Planning Permit Application Form**
- Plat map for site identification (to scale)**
 - Owner's name and mailing address.
 - Contact person's name, mailing address and phone number.
 - North arrow, scale and date.
 - Description of property to be vacated.
 - Location of any other permanent features in the area that could be affected, such as existing streets, platted but not constructed streets or any waterways, including wetlands and drainage ways.
 - Indicate whether the right-of-way is currently developed or undeveloped.
- Approval of abutting property owners**
 - Name, signature and address of more than two-thirds of the property owners abutting upon the street or alley sought to be vacated (*attached to petition*).
- Application fees (see Ilwaco Fee Schedule)**