



RIGHT-OF-WAY VACATION

GENERAL

City rights-of-way are established to provide public access to private property and to provide a corridor for utilities. When a portion of the right-of-way is undeveloped, or is otherwise surplus to the City's needs, the adjacent property owners may petition the City to vacate the right-of-way. Vacation of rights-of-way is governed by Bainbridge Island Municipal Code (BIMC), Chapter 12.34 and requires a public process that includes an application, a petition, review by City staff, and ultimately a public hearing and approval by the City Council. At the City Council Hearing, the determination on the vacation will consider, at a minimum, the following criteria per Bainbridge Island Municipal Code 12.34.110:

- A. How will change of use or vacation of the street or alley better serve the public?
- B. Is street or alley no longer required for public use or public access?
- C. Whether future conditions would provide a greater use or need than presently exists.
- D. Any objections to the proposed vacation by owners of private property, other governmental agencies or members of the general public.

Compensation for the right-of-way is required. Applications are available at the Public Works Engineering Division, or you may call 206-842-2016 with any questions you may have.

City of Bainbridge Island
Department of Public Works
Engineering Division
280 Madison Avenue North
Bainbridge Island, WA 98110-1812
Telephone: 206/842-2016 — Fax: 206/780-3710
pwadmin@bainbridgewa.gov

This handout is a summary of Bainbridge Island Municipal Code Chapter 12.34 to assist in understanding the process.

Applicants are directed to the Code: <https://ecode360.com/50267067> for full details of the right-of-way vacation process.

Public Works staff are available to meet with applicants to discuss this process prior to making an application.

APPLICATION

The attached Right-of-Way Vacation Application shall be submitted to the Engineering Division. A complete application shall include the following information:

- **Petition** – The petition for the vacation, signed by more than 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 signing the petition must be listed as the property owners with the Kitsap County Treasurer's office.
- **Legal description** – A legal description of the proposed vacation area prepared by a registered land surveyor.
- **Drawing** – A plat map indicating the proposed vacation area and the specific parcels abutting the proposed vacation area (showing front footage per parcel) prepared by a registered land surveyor along with a vicinity map.
- **Comment Letter** – A comment letter from each utility company serving the area describing their facilities in the proposed vacation area, and whether an easement must be retained as part of the vacation.
- **Fee** – A non-refundable application fee is due at time of application. The current fee can be found in Section 12: Miscellaneous Fees section of our current fee schedule:
[City of Bainbridge Island 2026 Fee Schedule - ROAD VACATION - page 43](#)
- **Flagging** – The boundaries of the proposed vacation area must be flagged and/or staked by a registered land surveyor. The applicant may be required to maintain or replace the stakes and flagging if it deteriorates or is damaged.

PROCESSING

Upon receipt of the application, the City shall review it for completeness, verify the petition signatures, check the legal description, and inspect the proposed vacation area. The applicant will be notified of any errors or additional information that may be required to complete the application. The required information must be provided within 60 days of the request or the application will be terminated, and the fee shall be forfeited by the applicant.

ESTABLISHING THE HEARING DATE

Upon verification of the completeness of the petition, and within 30 days of the City's receipt of the completed petition, the Engineering Division shall prepare a Council Agenda Bill and Resolution that establishes a hearing date for the proposed vacation. The hearing will occur between 20 to 60 days after the City Council approves the Resolution establishing the hearing date.

PRE-HEARING ACTIVITIES

Once the hearing date is established a number of things will occur at least 20 days prior to the hearing date. The City Clerk and/or the Engineering Division will post a Notice of Hearing in three public places and in a conspicuous place on the area to be vacated. The City shall mail a Notice of Hearing to all of the property owners that abut the right-of-way and all of the utility companies providing service to the area. Notice shall also be published once in the City's official newspaper. The Engineering Division shall prepare a staff report, Council Agenda Bill, and Ordinance for the hearing.

VACATION HEARING

At the Street Vacation Hearing, the staff report shall be presented to the City Council. The staff report shall include discussion of the criteria for city council decision as outlined in BIMC 12.34.110. The City Council shall hear public testimony at the hearing. The City Council may accept, reject, adjust or conditionally approve the street vacation request. The conditional approval may require resolution of conditions that the City Council established to address any issues that the public or the property owners presented at the hearing.

If the City Council decides to approve the vacation, the City Council shall, by motion, approve such vacation subject to the owners' Determination of Compensation (discussed below), timely payment of the compensation and satisfaction of all other imposed conditions, if any.

DETERMINATION OF COMPENSATION

The value of the vacated property shall be determined prior to the final reading of the vacation ordinance by an appraisal of the property. The appraisal shall be performed by a State certified real estate appraiser who has a MAI or SRA designation from the Appraisal Institute. The appraiser shall be selected from a City list of approved appraisers. The applicant shall pay for the appraisal.

If the Public Works Director is not satisfied with the appraisal, the Director may order a second appraisal from a state-certified appraiser who has a MAI or SRA designation from the Appraisal Institute. The City shall pay for this second appraisal. The Public Works Director shall use the appraisal having the highest value for the area vacated.

The compensation for the vacated area shall be as follows:

- Compensation for the vacated area shall be 50% of the appraised value if the vacated area was not acquired by the City at public expense.
- Compensation for the vacated area shall be 100% of the appraised value if the vacated area was acquired by the City at public expense.
- Compensation for any area abutting a body of water shall be at 100% of the appraised value of the vacated area.

After making the Determination of Compensation, the Public Works Director shall notify the applicant of the compensation amount. Payment of the compensation amount shall be delivered to the Public Works Department, which shall deposit the payment with the City treasurer upon receipt. The Public Works Director shall notify the City Council of payment of the compensation amount.

VACATION ABUTTING A BODY OF WATER

The City is limited in its authority to vacate a street or alley if any portion of the street or alley abuts a body of fresh or saltwater. Such a vacation may be approved only if:

- 1) The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation or educational purposes, or other public uses;
- 2) The City Council declares by resolution that the street or alley sought to be vacated is not presently being used as a street or alley and that the street or alley is not suitable for port, beach or water access, boat moorage, launching sites, park, public view, recreation or education; or
- 3) The vacation is sought to enable the city to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the street or alley sought to be vacated abut, had the property included in the plan not been vacated.

All applications and petitions for the vacation of a street or alley which abuts, in any part, a body of fresh or saltwater shall be subject to the additional research, hearing and compensation requirements set forth in [Revised Code of Washington 35.79.035](#) and [BIMC 12.34](#)

PASSAGE OF THE VACATION ORDINANCE

Upon verification from the Public Works Department that such compensation has been fully paid, (per [BIMC 12.34.130A](#)), and that all other imposed conditions to the vacation, if any, have been satisfied, an ordinance vacating the proposed vacation area shall be placed on the City Council's next consent agenda. The vacation ordinance shall be approved by the City Council without further consideration.

RECORDING OF THE VACATION ORDINANCE

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



City of Bainbridge Island Application for Rights-of-Way Vacation

To: City Clerk, City of Bainbridge Island

APPLICANT: _____

ADDRESS: _____

Phone: _____

Cell Phone: _____

Fax: _____

Email: _____

Application Fee: Receipt # _____

Petition to vacate right-of-way

Legal description of area to be vacated

Vicinity Map

Plat map showing front footage abutting
proposed vacation

Utility company response letters

Exhibit showing area to be vacated

Survey

Flagging prior to public hearing

MAI Certified Appraisal & Compensation
prior to final ordinance reading

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 the City rights-of-way:

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

EXPLANATIONS RELATING TO BIMC 12.34.110:

Explain whether a change of use or vacation of the street or alley will better serve the public:

Explain whether the street or alley is no longer required for public use or public access:

Explain whether the substitution of a new and different public way would be more useful to the Public: _____

Describe whether conditions may so change in the future as to provide a greater use or need than presently exists: _____

Discuss whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the street or alley or other governmental agencies or members of the general public: _____

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)

UTILITY COMMENTS: Applicant sends out map of proposed vacation area to affected utility companies and other interested parties for response. All responses must be included in the application submission. See Email contact information below:

Puget Sound Energy customercare@pse.com	BI Public Works pwadmin@bainbridgewa.gov
Lumen nre.easement@lumen.com	BI Fire Department contact@bifd.org
Comcast: WAConstruction_JointUse@comcast.com	BI Metro Park & Recreation District info@biparks.org
Kitsap Public Utility District customerservice@kpud.org ; ourfiber@kpud.org	Kitsap Transit ktplanning@kitsaptransit.com
Citizen Advisory Groups (if applicable) cityadmin@bainbridgewa.gov	City Departments (if applicable):

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

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Cell Phone: _____

Fax: _____ Email: _____

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 non-refundable and 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