



City of Kalama

Incorporated 1890



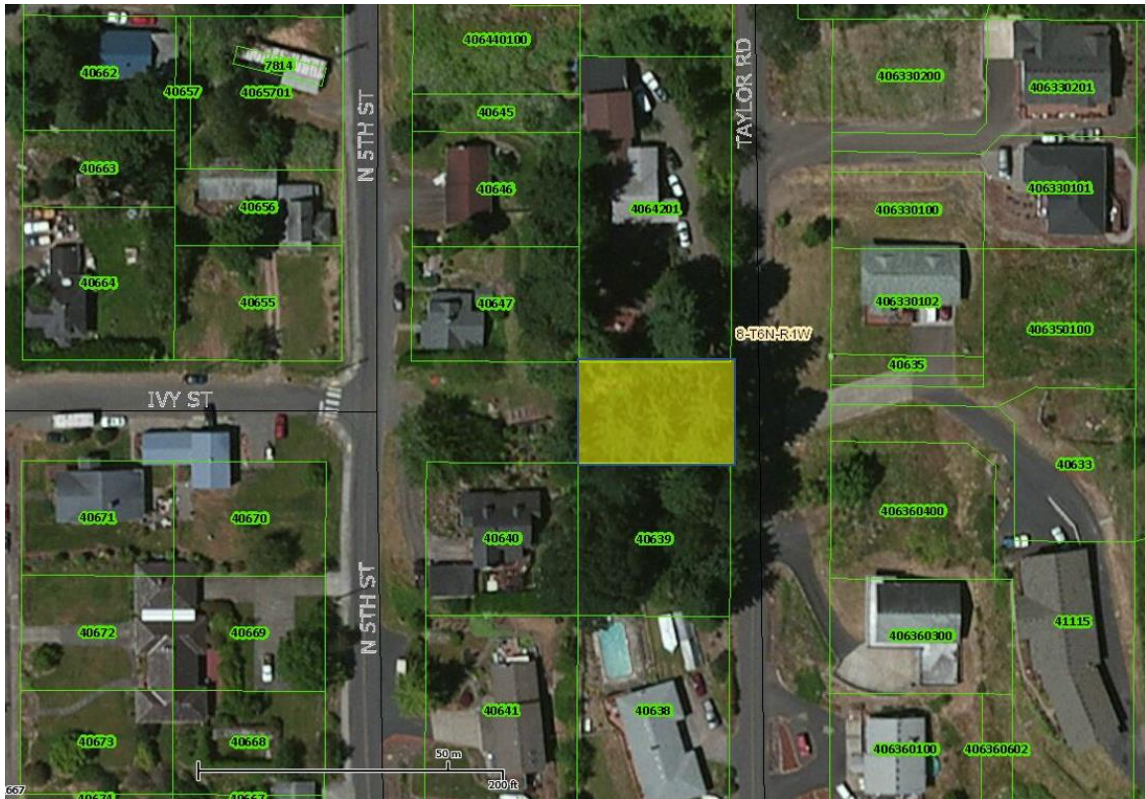
STREET VACATION PETITION STAFF REPORT AND RECOMMENDATION

Date: August 31, 2017
To: Kalama City Council
From: Mark Person, City Planner
Re: Street Vacation Request (Ivy Street)

PROPOSAL

Craig and Carolyn Frkovich have petitioned the City of Kalama to vacate 6,600 square feet of undeveloped right-of-way associated with Ivy Street. The vacation would vacate existing right-of-way from Taylor street on the east, 100 feet to the west. The right-of-way in question is located south of Parcel 4064201 and north of Parcel 40639. Craig and Carolyn Frkovich own the parcels on both sides of the right-of-way.

See Exhibit A for the application description of the proposed vacated area. An aerial view is presented below:



FINDINGS

1. Site Description: The right-of-way in question is an undeveloped portion of Ivy Street (see Exhibit A for complete application and map). The Ivy Street right-of-way is 66 feet wide x 100 feet long. The 6,600 square feet is 66 feet wide x 100 feet long and abuts the Frkovich property to the north and south, Ivy Street to the west and Taylor Road to the east.
2. Existing Land Uses: The proposed vacated area is located between two parcels. West of the right-of-way proposed for vacation is the extension of the Ivy right-of-way. East of the right-of-way is the Taylor Road right-of-way. North and south of the right-of-way proposed for vacation are the parcels owned by the petitioners.
3. Proposed Use: Craig and Carolyn Frkovich are pursuing a full width right-of-way vacation between their two parcels. Staff is not aware of specific uses proposed for the vacated area. Pursuant to RCW 35.79.040, "If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each." The north 33 feet will be incorporated into 4064201 and the south 33 feet will be incorporated into 40639.
4. Zoning: Single-Family Residential (R-1).

5. Comprehensive Plan: There are no policies addressing street and alley vacations in the comprehensive plan. The issue of street vacation is generally outside the scope of a comprehensive plan.
6. Utility Provision: The City will retain the right to exercise and grant easement in respect to the vacated land for the construction, repair and maintenance of public utilities and services as allowed per KMC 11.18.020(B) and RCW 35.79.030.
7. Jurisdiction: The City of Kalama is reviewing this request under the jurisdictional standards set forth in Chapter 11.18 KMC and the Chapter 35.79 RCW. The primary requirement of the municipal code and RCW 35.79.030, is that the City be compensated in an amount of at least one-half the appraised value of the area to be vacated. If the street or alley has been part of a dedicated public right-of way for twenty-five years or more, the City may require the owners of the property abutting upon the street or alley to compensate the City in an amount that does not exceed the full appraised value of the area vacated. According to the Kalama Public Works Department and the Cowlitz County Auditor's Office, the street right-of-way in question is greater than 25 years old.

In keeping with the above requirement, Staff has calculated the appraised value of the land using assessment figures from the Cowlitz County Assessor. The adjacent parcel (Parcel # 4064201) to the north owned by Craig and Carolyn Frkovich is assessed at \$2.77 a square foot. The adjacent parcel to the south owned by Craig and Carolyn Frkovich is assessed at \$3.42 a square foot. The average of the two abutting parcels is \$3.10 a square foot. RCW 35.79.030 requires compensation based on appraised value. The right-of-way proposed for vacation (and that intervenes between the two parcels) is assumed to have a value consistent with the neighboring parcels because of its similar characteristics (terrain, slope, etc.). Calculations for the vacated area appear below:

$$\rightarrow \text{Vacated Area} = 6,600 \text{ square feet} \times \$3.10 = \mathbf{\$20,460^*}$$

**Note: The applicants may have the proposed vacated area appraised by a licensed appraiser, in which case, the city may reassess fees upon review of the report.*

8. Correspondence: As of the date of this report, the City of Kalama has not received any correspondence related to the proposed action.
9. General Questions & Answers (Staff response in *italics*)

In regard to the specific area proposed for street vacation:

- a) Has the right-of-way proposed for vacation ever been improved? *No*
- b) Have any public monies ever been spent on it? *Not to Staff's knowledge.*

- c) What function does the street right-of-way serve in the City's overall street system? *Vacating the street right-of-way as proposed will not impact the overall function of the City's street system. The City has no plans to develop the right-of-way. The Public Works Department has no objection to the request.*
 - d) Does the City have any future plans for the street right-of-way area? *No*
 - e) If the street right-of-way is vacated, will views from neighboring lots be impaired? *Views will not be impacted any differently than under the current lot configuration and all future development will be subject to City building and zoning standards.*
 - f) Are there any utilities located in the street right-of-way? *Kalama Telephone Company has an existing service through this right-of-way. Additionally, the Frkovich's sewer lateral is within the area to be vacated. If the right-of-way is vacated, the City shall retain a utility easement over these services.*
 - g) After careful examination of the request, will granting the request be in the best interest of the City? *Yes; to be approved, a street vacation must have an element of public use. Vacating a portion of Ivy will provide income to the City (payment for right-of-way and increased tax assessment), allowing for additional funds to be spent on transportation projects throughout the City. There is little benefit to the public of retaining the proposed vacated area since it will never be improved and will not serve the transportation needs of the area. The proposal is supported by the Kalama Public Works Department.*
10. On August 23, 2017, a public hearing before the Kalama Hearing examiner considered this street vacation.
11. On August 25, 2017, Kalama Hearing Examiner Sarah L. Koss, recommended approval of the street vacation.

RECOMMENDATION

Based on the foregoing findings of fact, Staff recommends that the Kalama City Council adopt Ordinance 1388 to vacate a portion of Ivy Street:

- A. Vacate 6,600 square feet of City right-of-way along Ivy per Exhibit A and as shown on the survey map submitted with the Petition for Street Vacation (Exhibit B), to Craig and Carolyn Frkovich, subject to the following conditions:
 - 1. All fees and monies due the City shall be paid in advance of final vacation notice. Fees shall be paid in accordance with KMC 11.18.020.
 - 2. In accordance with RCW 35.79.030 the City of Kalama retains the right to exercise and grant easements within the vacated land for the construction, repair and maintenance of

public utilities and services and hereby retains an easement to construct, install, repair, replace and maintain public utilities and services within the vacated right-of-way.

*****NOTICE***
CANCELLATION/APPROVAL VOID**

Pursuant to KMC 11.18.030, in the event any of the fees, costs or appraised value of the vacated property is not paid to the City within sixty days following demand for payment thereof by the clerk-treasurer, such petition for vacation shall thereupon be deemed void, canceled and of no further force and effect.

List of Exhibits

A Petition for Street ROW Vacation (and included map) – Application

cc: Applicant
 Adam Smee, City Administrator
 Kelly Rasmussen, Public Works Superintendent
 Susan Junnikkala, Building Clerk
 Coni McMaster, Clerk/Treasurer
 File Copy