



REQUEST TO VACATE RIGHT-OF-WAY

What is a Right-of-Way Vacation?

If a property owner asserts that the county road right-of-way adjacent to their parcel is no longer a useful part of the County road system and the public would be best served by the County relinquishing its interest, the owner may petition the County to vacate the county road right-of-way under the regulations stipulated in RCW 36.87 and Thurston County Code 13.36.

What requirements/conditions have to be met in order for the right-of-way to be vacated?

- Approval of the vacation petition cannot land-lock or impair the access of any parcel – easements may be provided if acceptable to affected party.
- The public can not be adversely affected.
- The right-of-way must not be needed for future use.
- No right-of-way abutting any "bodies of salt or fresh water" can be vacated.
- Thurston County does not typically support requests for less than the full width of the right-of-way.
- All resolutions maintain a utility easement.
- Operation of law stipulates that the land reverts to the underlying fee owner (it reverts to the property it came from).
- The property owner(s) petitioning for vacation will be responsible for paying all expenses incurred in the vacation process including Hearing Examiner Fees and the fair market value of the vacated right-of-way (applicant is responsible for appraisal fee).
- Need support from majority (>50%) of abutting property owners.

How Do I Apply?

Complete and submit the Master Application and supplemental application for the Right-of-Way Vacation Request (Form SA015c). Please include a letter stating the reason for the request and the public benefit of the vacation. Also required is the Application fee and Hearing Examiner Deposit.

Review Process*:

The right-of-way to be vacated will be reviewed against the criteria previously listed.

Once verified that the vacation request can move forward, a petition will be prepared and sent to the applicant. The applicant will need to get signatures from abutting property owners to show that a majority (>50%) is in favor of the vacation. The completed petition shall be submitted to the County for verification.

A public meeting will be scheduled with the Hearing Examiner (typically 2 months out) and a "Public Notice" sign will be placed onsite with the date and time of the public meeting. Adjacent owners will also receive notice by mail. **The applicant must attend the public meeting.**

The Hearing Examiner will make a recommendation which is then presented to the Board of County Commissioners. A resolution will be signed establishing conditions for approval. These conditions are typically the establishment of easements, payment of outstanding fees, including the remainder of the Hearing Examiner fee (typically \$500 to \$2,000) and payment for the vacated right-of-way.

Once the conditions have been satisfied, a new resolution will be signed by the Board of County Commissioners officially vacating the right-of-way. The resolution will be recorded with the Auditor's Office.

* If the County determines that the request does meet the criteria, the applicant may withdraw the application and request a refund. The applicant may also elect to move forward with the process to argue the case in front of a Hearing Examiner without the support of Public Works.

I Still Have Questions...

The information in this bulletin is a general guideline of the procedures and rules. You should not rely on this bulletin for identifying the specific requirements for your project. For additional information, you may contact the Thurston County Public Works, Real Estate Services directly at (360) 867-2356. You may also view all Thurston county codes online at the county website.