CHAPTER 17.21

VACATIONS OF PUBLIC RIGHT-OF-WAY

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17.21.010 Petition by Owners

A. The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley or any part thereof may petition the City Council to make the vacation. The petition shall be filed with the Planning Director and shall include the information listed in section 17.21.020 below.

B. The petition shall be signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated.

17.21.020 Contents of Petition.

A complete petition shall include the following information:

A. A completed petition form as provided by the Planning Department and all applicable fees

B. A statement regarding the general background and the reason for seeking, the proposed action and the effect of the proposal on adjacent areas,

C. The legal description of the boundaries of the area proposed for vacation.

D. A vicinity map, designating the area of the proposed action, together with all significant geographic features, including bodies of water, major streets and highways and boundaries of all units of government in the area as they presently exist,

E. The names and addresses of all property owners abutting upon any portion of the street or alley proposed for vacation, as shown on the rolls of the county treasurer.
17.21.025 Review Required

All petitions for vacation of public rights-of-way shall be reviewed by the Technical Review Committee as required in Section 17.05.050 LMC.

17.21.030 Hearings – Notice Required

A. Following receipt of a complete petition for a street or alley vacation and payment of any required fees, the City Council shall by resolution fix the date it will convene a public hearing on the petition, which date shall not be more than sixty (60) days nor less than twenty (20) days after the date of passage of such resolution.

B. Upon passage of the resolution the City shall give twenty (20) days notice of the pendency of the petition by a written notice posted in three (3) public places in the City and a like notice in a conspicuous place on the street or alley sought to be vacated. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In addition to the above required notice, there shall be given by mail at least fifteen (15) days before the date fixed for the public hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address shown thereon.

17.21.040 Ordinance of vacation

A. If the City Council, after holding the required public hearing, determines to grant the petition or any part thereof, the applicants shall complete an appraisal of said property to be vacated. The appraisal shall be conducted by a certified appraiser and provide a minimum of three comparable properties.

B. If the appraisal is found to be acceptable by the City Council, the City Council shall adopt an ordinance to vacate the street or alley; provided however, that said ordinance shall not be effective until the owners of property abutting upon the street or alley to be vacated have compensated the City in an amount not to exceed the full appraised value of the area vacated.

C. The ordinance shall provide that the City shall retain easements for the installation, repair and maintenance of public utilities and services.

D. A certified copy of said ordinance shall be recorded in the office of the County Auditor.

17.21.050 Disposition of revenue

One half of the revenue received by the City as compensation for the area vacated must be dedicated to the acquisition, improvement, development and related maintenance of public open space or transportation capital projects within the City.

17.21.060 Title to vacated street or alley

If the Council vacates any street or alley within the City, the property within the limits so vacated shall belong to the abutting property owners, one-half to each. All vacated
property shall attach itself to the abutting parcel and shall not be considered as a separate legal lot of record.

17.21.070 Vacation by Resolution of the Council
The City Council may initiate the vacation of any street or alley within the City by adopting a resolution fixing the time and date of a public hearing, and by providing notice in conformance with 17.21.030.B; provided that, if fifty (50) percent of the abutting property owners file written objection to the proposed vacation with the City Clerk, prior to the time of hearing, the City shall be prohibited from proceeding with the vacation. If no such objection is filed, and the City Council determines after the public hearing that such vacation of a street or alley is in the public interest, the City Council may approve an ordinance enacting the vacation. For vacations initiated by the City Council, conformance with the compensation and easement requirements of 17.21.040 shall be within the Council’s discretion; except that, a certified copy of said ordinance shall be recorded in the office of the County Auditor.

17.21.080 Limitations on Vacations of Streets Abutting Bodies of Water
The City shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh water except in conformance with the requirements of RCW 35.79.035, and as hereafter amended.

17.21.090 Exclusion from Hearing Requirements of Chapter 36.70B RCW.
Pursuant to the authority granted in RCW 36.70B.140(1), all street and alley vacations shall be excluded from the provisions of RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.