

Ordinance No. 109740

88.c.09

AN ORDINANCE adding a new chapter 15.62 to the Seattle Municipal Code to establish procedures, notice requirements and fees for the vacation of streets, alleys and public places pursuant to RCW Ch. 35.79, superseding Resolution 21099 and existing chapter 15.62 of the Seattle Municipal Code and repealing Ordinances 96020, 98929, 102342, 106019, 106750 and 107725.

2-25-81 Pen

COMPTROLLER
FILE NUMBER _____

Council Bill No. 102078

INTRODUCED: FEB 09 1981	BY: <i>EXEC.</i>
REFERRED: FEB 09 1981	TO: <i>TRANS.</i>
REFERRED:	
REFERRED:	
REPORTED: MAR 02 1981	SECOND READING: MAR 02 1981
THIRD READING: MAR 02 1981	SIGNED: MAR 02 1981
PRESENTED TO MAYOR: MAR 03 1981	APPROVED:
REFD. TO CITY CLERK:	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

Unanimous Vote

YES..... NO.....

SEE BACK COVER.

LAW DEPARTMENT

Ord. 110879 - Amends ... to increase the filing fee & appraisal fee for processing vacation petitions.

Ord. 111076 -Amends Sec 1 to delete the exemption from payment of compensation or conveyance of in-lieu parcels when streets are vacated upon petition of City departments certain other public agencies and non-profit colleges & universities.

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ORDINANCE 109740

AN ORDINANCE adding a new chapter 15.62 to the Seattle Municipal Code to establish procedures, notice requirements and fees for the vacation of streets, alleys and public places pursuant to RCW Ch. 35.79, superseding Resolution 21099 and existing chapter 15.62 of the Seattle Municipal Code and repealing Ordinances 96020, 98929, 102342, 103444, 106019, 106750 and 107725.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That there is added to the Seattle Municipal Code new sections 15.62.010-15.62.120, to read as follows:

15.62.010 STATEMENT OF PURPOSE

The purpose of this ordinance is to establish procedures, notice requirements and fees for the vacation of streets, alleys and public places within The City of Seattle. This ordinance is intended to implement the authority granted to the City by RCW Ch. 35.79 and to conform to its provisions, and in case of conflict between this ordinance and that statute, it is intended that the statutory provisions shall be controlling.

15.62.020 PETITION FOR VACATION

The owners of an interest in any real estate abutting upon any street, alley or public place who may desire to vacate the street, alley or public place or any part thereof may petition the City Council to make vacation, giving a description of the property to be vacated, or the City Council may itself initiate such vacation procedure by resolution. The petition or resolution shall be filed with the City Clerk, and if the petition is 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, the City Council shall by resolution fix a time when the petition will be heard and determined by such authority or a committee

1 thereof, which time shall be not more than sixty days nor
2 less than twenty days after the date of the passage of such
3 resolution.

4 15.62.030 PETITION FEES

5 Every petition for the vacation of any street, alley or
6 public place, or any part thereof, shall be accompanied by
7 a payment to the city of a fee of One Hundred Twenty-five
8 Dollars to defray the costs of processing such vacation
9 petitions and such fee shall not be refunded under any
10 circumstances. In addition, at the time the City Council,
11 or a committee thereof, recommends granting a vacation
12 petition, an additional fee in the amount of Three Hundred
13 Twenty-five Dollars shall be paid to cover appraisal costs
14 for a street, alley or public place abutting entirely on
15 property zoned RM 800 Multiple Residence Low Density or less
16 intensive, and Six Hundred Dollars for a street or alley
17 abutting on property zoned RMH 350 Multiple Residence High
18 Density or more intensive. In the event an appraisal cost
19 is less than the payment therefor, the vacation compensation
20 payable to the city shall be reduced by the difference
21 between the fee and the actual cost or, in the alternative,
22 such difference shall be refunded.

23 15.62.040 NOTICE OF HEARING

24 Upon the passage of the resolution fixing the time for
25 hearing the petition or proposal for vacation, the City
26 Clerk shall give not less than twenty days notice of the
27 time, place and purpose of the hearing by a written notice
28 posted in three of the most public places in the City and
by posting written placards in conspicuous places on and
near the street, alley or public place sought to be vacated.
Placards shall be highly visible and at least eleven inches

1 by fourteen inches in size, with headings that can be read
2 from a distance of seventy-five feet by persons of normal
3 visual acuity, and shall include a map showing the location
4 of the street, alley, or public place proposed to be vacated.
5 In addition to posting notices of the hearing, the City
6 Clerk shall mail a copy of the notice containing a statement
7 of the time and place fixed for the hearing to:

8 1. All owners, commercial lessees and residents of
9 property which lies within three hundred feet of the street,
10 alley or public place proposed to be vacated, provided that
11 when a street, alley or public place is proposed to be vacated
12 in the area bounded by Denny Way, the Central Freeway, South
13 Royal Brougham Way and Elliott Bay, notices shall be mailed
14 only to property owners and building managers. For such purpose
15 the real property tax roll as issued annually on microfiche
16 by the County Comptroller and the addresses listed in the
17 latest edition of Polk's Directory or its successor publications
18 shall be used.

19 2. The Director of the Department of Construction and
20 Land Use for inclusion in an informational mailing to news-
21 papers, individuals and groups on a master mailing list estab-
22 lished pursuant to the Master Use Permit Ordinance (109438).

23 15.62.050 PROTEST

24 If fifty percent of the abutting property owners file
25 written objections to a Council-initiated vacation with the
26 City Clerk prior to the time of the hearing, the City shall
27 be prohibited from proceeding with the resolution.

28 15.62.060 HEARING

The hearing on such petition or proposal shall be held
before the City Council, or before a committee thereof upon
the day fixed by resolution or at the time to which said

1 hearing may be adjourned. If the hearing is before such a
2 committee, the same shall, following the hearing, report its
3 recommendation on the petition or proposal to the City
4 Council which may adopt or reject the recommendation. If
5 such hearing is held before such a committee, it shall not
6 be necessary to hold a hearing before the City Council.

7 15.62.070 EASEMENTS FOR UTILITIES AND SERVICES

8 Ordinances vacating streets, alleys or public places
9 may provide that the City retains an easement or the right
10 to exercise and grant easements in respect to the vacated
11 land for the construction, repair and maintenance of public
12 utilities and services.

13 15.62.080 VACATION OF WATERFRONT STREETS

14 The City is not authorized to vacate a street, alley or
15 public place, or any parts thereof if any portion thereof
16 abuts on a body of salt or fresh water unless such vacation
17 is sought to enable the City, town, port district or state
18 to acquire the property for port purposes, boat moorage or
19 launching sites, park, viewpoint, recreational, or educa-
20 tional purposes, or other public uses. This provision shall
21 not apply to industrial zoned property.

22 15.62.090 COMPENSATION FOR VACATION

23 Ordinances vacating any street or alley, or any part
24 thereof shall provide that the same shall not become effec-
25 tive until:

26 A. The owners of property abutting upon the street or
27 alley, or part thereof so vacated, pay to the city one-half
28 of the appraised value of the area so vacated; or

B. In lieu of payment such owners deliver to the
City an instrument:

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1. Granting or dedicating to the city for street of alley purposes right-of-way acceptable to the city and required to eliminate any adverse effect of the vacation as proposed, or

2. Granting or dedicating to the city for street or alley purposes a parcel or parcels of land acceptable to the city and not necessarily required as a result of the vacation applied for but nevertheless useful to the city for street, alley or other municipal purposes; except where such payment is made or instrument is delivered prior to introduction of the ordinance.

In each instance such alternate right-of-way exchange or in-lieu parcel or parcels shall have a fair cash market value not less than the fair cash market value of the portion of the street or alley proposed to be vacated, and the City may, but shall not be obligated to, either accept such property in exchange for a cash payment for the vacated portion or pay to the petitioner a sum representing one-half of the excess over the fair cash market value of the portion of the street or alley proposed to be vacated. Such exchange parcel or parcels must be acceptable to the City Council. If such alternate right-of-way exchange or in-lieu parcel or parcels have a fair cash market value less than the fair cash market value of the portion of street or alley proposed to be vacated, such owners shall also pay to the city a sum representing one-half of the difference between the fair cash market value of the alternate parcel or parcels and the fair cash market value of the portion of street or alley to be vacated. Such compensation or grant or dedication or deed of exchange or in-lieu parcels shall not be required in connection with the vacation of any street, alley or

1 public place, or any part thereof, which has been requested
2 only by city departments, other municipal corporations or
3 state or federal governmental agencies, or by nonprofit
4 institutions of higher education accredited by a recognized
5 accrediting agency and requiring regular attendance by
6 students in classes conducted at the institution; nor shall
7 appraisal be secured or appraisal fees required in connection
8 with such vacations. Such city departments, municipal
9 corporations, state and federal agencies, and nonprofit
10 institutions shall, prior to the introduction of an ordinance
11 vacating any such street or alley or part thereof pursuant
12 to the request of such department, municipal corporation,
13 state or federal agency, or nonprofit institution, pay to
14 the city an amount equal to the costs incurred by the City
15 in processing the requested vacation, such costs to be
16 accumulated against the work order or job number established
17 for each vacation and certified by the Director of Engineering
18 or his authorized agent as being the full amount of the
19 costs incurred.

18 15.62.100 APPRAISALS

19 The Director of Engineering is authorized to obtain
20 appraisals from either qualified, independent appraisers or
21 qualified Engineering Department personnel in the discretion
22 of the Engineer of such streets or alleys as are recommended
23 for vacation after hearing by the City Council or a committee
24 thereof, and is further authorized to obtain appraisals from
25 either qualified independent real estate appraisers or
26 qualified Engineering Department personnel, in the discretion
27 of the Director of Engineering of the fair market value of
28 the alternate right-of-way of land proposed to be granted or
dedicated to the city for street or alley purposes in lieu

1 of a cash payment in the manner contemplated by Section 8
2 and in such instance an additional appraisal deposit fee
3 shall be paid for the appraisal of such parcel or parcels,
4 and according to the fee and time schedule provided for in
5 Section 3. Where qualified Engineering Department personnel
6 are used to make the required appraisals, a reasonable
7 hourly rate of compensation, as determined from time to time
8 by the Director of Engineering shall be charged against the
9 appraisal deposit fee.

10 15.62.110 PAYMENT OF COMPENSATION OR CONVEYANCE

11 Upon securing an appraisal of the value of the street
12 or alley area to be vacated as provided in this chapter, the
13 Director of Engineering shall notify the petitioner that
14 payment of one-half such appraised value, deducting therefrom
15 any appraisal fee coverage not previously refunded to peti-
16 tioner, may be made to the Director of Engineering who shall
17 upon receipt of any such payment forthwith transmit the
18 same to the City Treasurer for deposit in the General Fund
19 and shall make a written report of such payment to the City
20 Council. In the event that the petitioner has received
21 approval of delivery in lieu of a cash payment of an instrument
22 granting or dedicating to the city a parcel or parcels of
23 land for street or alley purposes as contemplated by Section
24 8, the City Engineer in his discretion, at the applicant's
25 expense shall obtain either a policy of title insurance
26 insuring title thereto in the city, or a certificate of
27 title as to the title thereof, and upon receipt of such
28 policy or certificate shall transmit the same to the City
Council for inclusion in the appropriate file.

1 15.62.120 POSTING AND MAILING NOTICES - RECORDING
2 ORDINANCE

3 Posting and mailing of the notices provided for in this
4 ordinance shall be the responsibility of the City Clerk, who
5 shall have the discretion to permit the Director of Engineering
6 or his/her designee to post and mail the notices under the
7 supervision of the City Clerk. As required by RCW 35.79.030,
8 a certified copy of the ordinance vacating a street, alley
9 or public place, or part thereof, shall be recorded by the
10 City Clerk and in the office of the King County Comptroller.

11 Section 2. That Ordinances 96020, 98929, 102342,
12 103444, 106019, 106750 and 107725 are hereby repealed,
13 provided such repeal shall not affect any right accrued, any
14 penalty incurred or any proceeding commenced under or by
15 virtue of the repealed ordinances. Resolution 21099 and
16 existing Ch. 15.62 of the Seattle Municipal Code are hereby
17 superseded.

18 Section 3. Any act pursuant to the authority and prior
19 to the effective date of this ordinance is hereby ratified
20 and confirmed.
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(To be used for all Ordinances except Emergency.)

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 2nd day of March, 1981, and signed by me in open session in authentication of its passage this 2nd day of March, 1981.

[Signature]
President of the City Council.

Approved by me this 11th day of March, 1981.

[Signature]
Mayor.

Filed by me this 11th day of March, 1981.

Attest: *[Signature]*
City Comptroller and City Clerk.

(SEAL)

Published _____

By *[Signature]*
Deputy Clerk.

portion or pay to the petitioner a sum representing one-half of the excess over the fair cash market value of the portion of the street or alley proposed to be vacated. Such exchange parcel or parcels must be acceptable to the City Council. If such alternate right-of-way exchange or in-lieu parcel or parcels have a fair cash market value less than the fair cash market value of the portion of street or alley proposed to be vacated, such owners shall also pay to the city a sum representing one-half of the difference between the fair cash market value of the alternate parcel or parcels and the fair cash market value of the portion of street or alley to be vacated. Such compensation or grant or dedication or deeding of exchange or in-lieu parcels shall not be required in connection with the vacation of any street, alley or public place, or any part thereof, which has been requested only by city departments, other municipal corporations or state or federal governmental agencies, or by nonprofit institutions of higher education accredited by a recognized accrediting agency and requiring regular attendance by students in classes conducted at the institution; nor shall appraisal be secured or appraisal fees required in connection with such vacations. Such city departments, municipal corporations, state and federal agencies, and nonprofit institutions shall, prior to the introduction of an ordinance vacating any such street or alley or part thereof pursuant to the request of such department, municipal corporation, state or federal agency, or nonprofit institution, pay to the city an amount equal to the costs incurred by the city in processing the requested vacation, such costs to be accumulated against the work order or job number established for each vacation and certified by the Director of Engineering or his authorized agent as being the full amount of the costs incurred.

15.62.100 APPRAISALS

The Director of Engineering is authorized to obtain appraisals from either qualified, independent appraisers or qualified Engineering Department personnel in the discretion of the Engineer of such streets or alleys as are recommended for vacation after hearing by the City Council or a committee thereof, and is further authorized to obtain appraisals from either qualified independent real estate appraisers or qualified Engineering Department personnel, in the discretion of the Director of Engineering of the fair market value of the alternate right-of-way of land proposed to be granted or dedicated to the city for street or alley purposes in lieu of a cash payment in the manner contemplated by Section 8 and in such instance an additional appraisal deposit fee shall be paid for the appraisal of such parcel or parcels,

and according to the fee and time schedule provided for in Section 3. Where qualified Engineering Department personnel are used to make the required appraisals, a reasonable hourly rate of compensation, as determined from time to time by the Director of Engineering shall be charged against the appraisal deposit fee.

15.62.110 PAYMENT OF COMPENSATION OR CONVEYANCE

Upon securing an appraisal of the value of the street or alley area to be vacated as provided in this chapter, the Director of Engineering shall notify the petitioner that payment of one-half such appraised value, deducting therefrom any appraisal fee coverage not previously refunded to petitioner, may be made to the Director of Engineering who shall upon receipt of any such payment forthwith transmit the same to the City Treasurer for deposit in the General Fund and shall make a written report of such payment to the City Council. In the event that the petitioner has received approval of delivery in lieu of a cash payment of an instrument granting or dedicating to the city a parcel or parcels of land for street or alley purposes as contemplated by Section 8, the City Engineer in his discretion, at the applicant's expense shall obtain either a policy of title insurance insuring title thereto in the city, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate shall transmit the same to the City Council for inclusion in the appropriate file.

15.62.120 POSTING AND MAILING NOTICES - RECORDING ORDINANCE

Posting and mailing of the notices provided for in this ordinance shall be the responsibility of the City Clerk, who shall have the discretion to permit the Director of Engineering or his/her designee to post and mail the notices under the supervision of the City Clerk. As required by RCW 35.79.030, a certified copy of the ordinance vacating a street, alley or public place, or part thereof, shall be recorded by the City Clerk and in the office of the King County Comptroller.

Section 2. That Ordinances 96020, 98929, 102342, 103444, 106019, 106750 and 107725 are hereby repealed, provided such repeal shall not affect any right accrued, any penalty incurred or any proceeding commenced under or by virtue of the repealed ordinances. Resolution 21099 and existing Ch. 15.62 of the Seattle Municipal Code are hereby superseded.

Section 3. Any act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 20th day of March, 1981, and signed by me in open session in authentication of its passage this 20th day of March, 1981.

Approved by me this 11th day of March

Filed by me this 11th day of March, 1981.

Charles Royer
Mayor

Tim Hill
Attest: City Comptroller and City Clerk.

J. Harlow Jordan
Deputy Clerk.

(SEAL)

Publication ordered by TIM HILL, Comptroller and City Clerk.
Date of Official Publication in the Daily Journal of Commerce, Seattle, March 14, 1981. (C-701)

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on

Trans.

Date Reported

and Adopted
MAR 2 1981

to which was referred

C.B. 102078

Adding a new chapter 15.62 to the Seattle Municipal Code to establish procedures, notice requirements and fees for the vacation of streets, alleys and public places pursuant to RCW Ch. 35.79, superseding Resolution 21099 and existing chapter 15.62 of the Seattle Municipal Code and repealing Ordinances 96020, 98929, 102342, 106019, 106750 and 107725.

2-25-81 Pan

Janette Williams

Chairman

Chairman

Transportation

Committee

Committee

C-701

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 109740

was published on March 14, 1981

B. Blair
Subscribed and sworn to before me on

March 14, 1981

J. Mahaly
Notary Public for the State of Washington,
residing in Seattle.