

ORDINANCE No. 113649

Council Bill No. 106371

Law Department

AN ORDINANCE amending Section 15.62.080 of the Seattle Municipal Code relating to the vacation of waterfront streets to conform with a 1987 amendment to state law.

The City of Seattle--Legis

REPORT OF COMM

Honorable President:

Your Committee on TRANSPORTATION

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully recom

DO PASS

COMPTROLLER FILE No. _____

Introduced: SEP 14 1987	By: <i>City Attorney</i>
Referred: SEP 14 1987	To: <i>TRANSPORTATION</i>
Referred:	To:
Referred:	To:
Reported: SEP 28 1987	Second Reading: SEP 28 1987
Third Reading: SEP 28 1987	Signed: SEP 28 1987
Presented to Mayor: SEP 29 1987	Approved: OCT 5 1987
Returned to City Clerk: OCT 5 1987	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: OL

REC'D OMB SEP 29 1987

[Signature]

Committee Chair

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on TRANSPORTATION

to which was referred the within Council Bill No. 106371
report that we have considered the same and respectfully recommend that the same:

DO PASS FOR - GP, DS
Abstain, JW



Committee Chair

REC'D CIVILS SEP 29 1987

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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C.B. 106371

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ORDINANCE 113649

AN ORDINANCE amending Section 15.62.080 of the Seattle Municipal Code relating to the vacation of waterfront streets to conform with a 1987 amendment to state law.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 15.62.080 of the Seattle Municipal Code, added by Ordinance 109240*, is amended to read as follows:

15.62.080 Vacation of waterfront streets.

A. The City is not authorized to vacate a street, alley or public place (~~or any parts thereof~~) if any portion thereof abuts (~~on~~) a body of salt or fresh water unless: ((such vacation is sought to enable the City, town, port district or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational, or educational purposes, or other public uses. This provision shall not apply to industrial zoned property.))

(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, by resolution, declares that the street, alley, or public place is not presently being used as a street, alley or public place and that the street, alley or public place is not suitable for any of the following purposes: 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

*5/B 109740 ewa

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provides comparable or improved public access to the same shoreline area to which the streets, alleys or public places sought to be vacated abut, had the properties included in the plan not been vacated.

B. Before adopting an ordinance vacating a street, alley or public place under subsection A(2) of this section, the City Council shall:

(1) Cause an inventory to be compiled of all rights of way within the City that abut the same body of water that is abutted by the street, alley or public place sought to be vacated;

(2) Cause a study to be conducted to determine if the street, alley or public place to be vacated is suitable for use by the City for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

(3) Hold a public hearing on the proposed vacation in the manner required by RCW Ch. 35.79 and this chapter; and

(4) Include in its written decision a finding that the street, alley or public place sought to be vacated is not suitable for any of the purposes listed under (2) of this subsection, and that the vacation is in the public interest.

C. Notice of the public hearing on the proposed vacation shall be posted on the street, alley or public place sought to be vacated, and the notice shall indicate in addition to the requirements of Section 15.62.040 that the area is public access, that it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to the Transportation Committee indicating his or her objection.

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D. Moneys received from the vacation shall be placed in the Guaranty Deposit Fund and may be used by the City only for the purpose of acquiring additional beach or water access, additional public view sites to a body of water, or additional moorage or launching sites.

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(To be used for all Ordinances except Emergency.)

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Section 2. 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 28th day of September, 1987, and signed by me in open session in authentication of its passage this 28th day of September, 1987.

Salores Strong
President pro tem of the City Council.

Approved by me this 5th day of October, 1987. Filed by me this 5th day of October, 1987.

Charles Ryan
Mayor.

Attest: *Norward J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published _____ By *Theresa Dunbar*
Deputy Clerk.

PUBLISH DO NOT PUBLISH
CITY ATTORNEY _____

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

September 2, 1987

City Council
City of Seattle

Re: Vacation of Waterfront Streets

Honorable Members:

In 1981, the City Council adopted Ordinance 109741* which established procedures, notice requirements and fees for the vacation of streets. The ordinance implemented the authority granted to the City by RCW Ch. 35.79 and conformed with its provisions.

Chapter 35.79 prohibited the vacation of streets abutting on a body of water except where the street vacation was sought to enable the City or other public bodies to acquire the property for port purposes, boat moorage or launching sites, parks, viewpoints, recreational or educational purposes or other public uses. The prohibition did not apply to industrial zoned property.

Chapter 35.79 was amended by Ch. 228, Laws of 1987 to permit waterfront streets to be vacated when the street was not suitable for public water access uses, or when the vacation was needed to implement a plan to provide comparable or improved public access to the same shoreline area. A specific procedure is provided before waterfront streets may be vacated, including a study to determine if the street is suitable for public access uses, and a specific finding that the street is not suitable. Notice of the public hearing on the vacation must be posted on the street to be vacated, not on or near the street as specified in SMC 15.62.040 for street vacations generally.

* 5/13 109740 ELL

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City Council
September 2, 1987
Page Two

In order to conform the Seattle Municipal Code with the current statutes, we have prepared and transmit herewith a proposed ordinance amending SMC 15.62.080. The ordinance incorporates the statutory provisions and provides for deposit of the proceeds of the vacation in the Guaranty Deposit Fund, which we are advised by the Treasurer's Office is the appropriate repository for such monies.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By


GORDON F. CRANDALL
Senior Assistant

GFC:rlh
Enclosure
cc: Gary Zarker
Holly Miller

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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City of Seattle

ORDINANCE 113649

AN ORDINANCE amending Section 15.62.090 of the Seattle Municipal Code relating to the vacation of waterfront streets to conform with a 1987 amendment to state law.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 15.62.090 of the Seattle Municipal Code, added by Ordinance 109249, is amended to read as follows:

15.62.090 Vacation of waterfront streets.

A. The City is not authorized to vacate a street, alley or public place (or any part thereof) if any portion thereof abuts (or) a body of salt or fresh water unless: (such vacation is sought to enable the City, town, port district or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational, or educational purposes, or other public uses. This provision shall not apply to industrial zoned property.)

(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, BY RESOLUTION, DECLARES THAT THE STREET, ALLEY, OR PUBLIC PLACE IS NOT PRESENTLY BEING USED AS A STREET, ALLEY OR PUBLIC PLACE AND THAT THE STREET, ALLEY OR PUBLIC PLACE IS NOT SUITABLE FOR ANY OF THE FOLLOWING PURPOSES: 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 STREETS, ALLEYS OR PUBLIC PLACES SOUGHT TO BE VACATED ABUT, HAD THE PROPERTIES INCLUDED IN THE PLAN NOT BEEN VACATED.

B. BEFORE ADOPTING AN ORDINANCE VACATING A STREET, ALLEY OR PUBLIC PLACE UNDER SUBSECTION A(2) OF THIS SECTION, THE CITY COUNCIL SHALL:

(1) CAUSE AN INVENTORY TO BE COMPILED OF ALL RIGHTS OF WAY WITHIN THE CITY THAT ABUT THE SAME BODY OF WATER THAT IS ABUTTED BY THE STREET, ALLEY OR PUBLIC PLACE SOUGHT TO BE VACATED;

(2) CAUSE A STUDY TO BE CONDUCTED TO DETERMINE IF THE STREET, ALLEY OR PUBLIC PLACE TO BE VACATED IS SUITABLE FOR USE BY THE CITY FOR ANY OF THE FOLLOWING PURPOSES: PORT, BOAT MOORAGE, LAUNCHING SITES, BEACH OR WATER ACCESS, PARK, PUBLIC VIEW, RECREATION, OR EDUCATION;

(3) HOLD A PUBLIC HEARING ON THE PROPOSED VACATION IN THE MANNER REQUIRED BY RCW CH. 35.79 AND THIS CHAPTER; and

(4) INCLUDE IN ITS WRITTEN DECISION A FINDING THAT THE STREET, ALLEY OR PUBLIC PLACE SOUGHT TO BE VACATED IS NOT SUITABLE FOR ANY OF THE PURPOSES LISTED UNDER (2) OF THIS SUBSECTION AND THAT THE VACATION IS IN THE PUBLIC INTEREST.

C. NOTICE OF THE PUBLIC HEARING ON THE PROPOSED VACATION SHALL BE POSTED ON THE STREET, ALLEY OR PUBLIC PLACE SOUGHT TO BE VACATED, AND THIS NOTICE SHALL INDICATE IN ADDITION TO THE REQUIREMENTS OF SECTION 15.62.090 THAT THE AREA IS PUBLIC ACCESS, THAT IT IS PROPOSED TO BE VACATED, AND THAT ANYONE OBJECTING TO THE PROPOSED VACATION SHOULD ATTEND THE PUBLIC HEARING OR SEND A LETTER TO THE TRANSPORTATION COMMITTEE INDICATING HIS OR HER OBJECTION.

D. MONEYS RECEIVED FROM THE VACATION SHALL BE PLACED IN THE GUARANTY DEPOSIT FUND AND MAY BE USED BY THE CITY ONLY FOR THE PURPOSES OF ACQUIRING ADDITIONAL BEACH OR WATER ACCESS, ADDITIONAL PUBLIC VIEW SITES TO A BODY OF WATER, OR ADDITIONAL MOORAGE OR LAUNCHING SITES.

Section 2. 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 22th day of September, 1987, and signed by me in open session in authentication of its passage this 22th day of September, 1987.

DOLORES SIDONGA, President Pro Tem of the City Council.

Approved by me this 5th day of October, 1987.

CHARLES ROYER, Mayor.

Filed by me this 5th day of October, 1987.

Attest: NORWARD J. BROOKS, City Comptroller and City Clerk.

(Seal) By THERESA DUNBAR, Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, October 4, 1987.

(C-164-X)

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. 113649

was published on October 9, 1987

R. Spicuzza

Subscribed and sworn to before me on

October 9, 1987

Barbara C. Jones

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

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