

Ordinance No. 121661

Council Bill No. 115075

AN ORDINANCE relating to the fees for the vacation of streets and other public rights-of-way; exempting City departments from paying the street vacation fee; closing the Street Vacation Compensation Fund of the General Fund; establishing a new Street Vacation Subaccount within the Capital Projects Account of the Cumulative Reserve Subfund; authorizing the transfer of all balances and appropriation authority within the Street Vacation Compensation Fund to the Street Vacation Subaccount; amending or repealing Seattle Municipal Code Sections 15.62.090A and C, and Seattle Municipal Code Sections 5.80.020 and 5.80.030, in connection therewith.

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action:

11-9-04 DIVIDED REPORT Pass: JC, JD, NA
Do Not Pass: RC, D

11-22-04 Passed ~~ED~~ (No: Godden)

CF No. _____

Date Introduced:	OCT 18 2004	
Date 1st Ref:	To: (committee)	BUDGET
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: ED	
Date Presented to Mayor:	Date Approved: 11/30/04	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready for presentation to Full Council. Comm

Law Department

Law Dept. Review

OMP Review

City Clerk Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Richard J. McIver
Councilmember



Committee Action:

11-9-04 Divided Report Pass: JC, JD, DL, TR, PS

Do Not Pass: RC, DD, JG, RM

11-22-04 Passed *GD* (No! Goodden)

This file is complete and ready for presentation to Full Council. Committee: _____

Law Department

*Final copy submitted
11/22/04
No attachments
Approved
Full text loaded
Review on previous
Copy all in
No notes
No attachments*

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

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

me

BUDGET
<i>GD</i>
104
T.O. <input type="checkbox"/>
F.T. <input checked="" type="checkbox"/>
id:

ORDINANCE 121461

1
2
3 AN ORDINANCE relating to the fees for the vacation of streets and other public rights-of-way;
4 exempting City departments from paying the street vacation fee; closing the Street
5 Vacation Compensation Fund of the General Fund; establishing a new Street Vacation
6 Subaccount within the Capital Projects Account of the Cumulative Reserve Subfund;
7 authorizing the transfer of all balances and appropriation authority within the Street
8 Vacation Compensation Fund to the Street Vacation Subaccount; amending or repealing
9 Seattle Municipal Code Subsections 15.62.090A and C, and Seattle Municipal Code
10 Sections 5.80.020 and 5.80.030, in connection therewith.

11 WHEREAS, the State Legislature, in the 2001 Legislative Session, amended RCW Chapter
12 35.79 to grant cities the authority to charge compensation for street vacations that is equal
13 to the full appraised value of the right-of-way for all streets that have been part of a
14 dedicated public right-of-way for twenty-five years or more; and

15 WHEREAS, the City last amended Seattle Municipal Code Section 15.62.090 in November 2001
16 through Ordinance 120607 to charge the maximum amount allowed by State Law from
17 all petitioners, other than State or Federal agencies; and

18 WHEREAS, the City now wishes to extend the exemption granted to State and Federal agencies
19 to City departments to reduce administrative and accounting costs; and

20 WHEREAS, the Street Vacation Compensation Fund (00310), a subfund of the General Fund,
21 was established in 2001 by ordinance 120607 for deposit of one half of the revenue
22 received pursuant to Seattle Municipal Code Section 15.62.090 to be used for the
23 acquisition, improvement, and development of public open spaces or for transportation
24 capital projects; and

25 WHEREAS, a new subaccount of the Capital Projects Account of the Cumulative Reserve
26 Subfund is the preferred financial tool for the deposit and appropriation of one half of the
27 street vacation fees that are collected by the City, as it will segregate these revenues from
28 other City funds for tracking, investment, and reporting purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2005, there is hereby established as a Subaccount of the
Cumulative Reserve Subfund's Capital Projects Account, a Street Vacation Subaccount. One-
half of the revenue received by the City as compensation for areas vacated pursuant to Seattle



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

1 Municipal Code Section 15.62.090 shall be deposited into the Street Vacation Subaccount. The
2 revenues so received shall be used to pay for the acquisition, improvement, and development of
3 public open space or for transportation capital projects.
4

5 Section 2. Effective January 1, 2005, a new Subsection F is added to Seattle Municipal
6 Code Section 5.80.030 as follows:
7

8 * * *

9 F. The Street Vacation Subaccount shall, unless provided otherwise by
10 ordinance, be comprised of one-half of the revenue received by the City as compensation for any
11 street or alley that is vacated. Expenditures shall be dedicated to the acquisition, improvement,
12 and development of public open space or transportation capital projects.
13

14
15 Section 3. Effective January 1, 2005, Subsection A and Subsection C of Seattle
16 Municipal Code Section 15.62.090 are hereby amended or repealed as follows:
17

18 **15.62.090 Compensation for vacation**

19 A. Ordinances vacating any street or alley or part thereof shall not be
20 passed by the City Council until a sum equal to one-half (1/2) of the appraised value of
21 the area vacated is paid to the City, provided that if the street or alley has been a part of a
22 dedicated public right-of-way for twenty-five years or more, the City shall be
23 compensated in an amount equal to the full appraised value of the area vacated. In certain
24 circumstances, provision of other valuable consideration acceptable to the City may be
25 made in lieu or up to one-half (1/2) of the payment; provided that such consideration shall
26
27
28



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

1 not be acceptable if it is required for the street vacation, it is considered a public benefit
2 to meet the public benefit requirements of the street vacation, or it is required by other
3 regulatory action. Acceptable consideration shall be quantified in dollars which shall
4 then be credited to the required payment. City, State and federal agencies shall be exempt
5 from such payment, but shall pay to the City all costs incurred by the City in processing
6 the vacation request. As contemplated by RCW 35.79.035(3), the full market value shall
7 be paid upon vacation of streets abutting upon bodies of water.
8

9 * * *

10 ~~((C. One half (1/2) of the revenue received by the City as compensation~~
11 ~~for the area vacated shall be dedicated to the acquisition, improvement and development~~
12 ~~of public open space or transportation capital projects. This revenue shall be deposited in~~
13 ~~the Street Vacation Compensation Fund and the highest priority for the use of these funds~~
14 ~~shall be for transportation capital projects.))~~
15

16
17 Section 4. Effective January 1, 2005, Subsection 5.80.020A of the Seattle Municipal
18 Code is hereby amended as follows:

19 **SMC 5.80.020 Structure of subfund.**

20 * * *

21
22 A. The Capital Projects Account shall be comprised of several subaccounts, including
23 but not limited to the Real Estate Excise Tax I Subaccount; the Real Estate Excise Tax II
24 Subaccount; the South Lake Union Property Proceeds Subaccount; the Asset Preservation
25 Subaccount - Fleets and Facilities; the Street Vacation Subaccount; and the Unrestricted
26
27
28



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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Subaccount. Expenditures from the Capital Projects Account shall require an ordinance adopted by a majority of the members of the City Council.

* * *

Section 5. The Street Vacation Compensation Fund (00310), a subfund of the General Fund established by Ordinance 120607, is hereby closed and eliminated effective January 1, 2005. As of that date, all assets, liabilities, and unexpended and unencumbered fund balance remaining in the Fund shall be transferred to the Street Vacation Subaccount within the Capital Projects Account of the Cumulative Reserve Subfund. Also as of that date, all unexpended prior appropriations from the Street Vacation Compensation Fund that carry forward either because they are for capital outlays or because they are specifically carried forward by ordinance shall become appropriations from the Unrestricted Subaccount within the Capital Projects Account.

Section 6. Any act pursuant to and prior to the effective date of this ordinance is hereby ratified and confirmed.

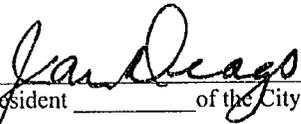


NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

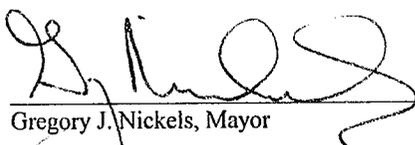
Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 22nd day of November, 2004, and signed by me in open session in authentication of its passage this 22nd day of November, 2004.



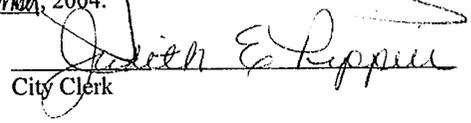
President _____ of the City Council

Approved by me this 30th day of November, 2004.



Gregory J. Nickels, Mayor

Filed by me this 30th day of November, 2004.



City Clerk

Seal)



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



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 27, 2004

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill for consideration with the 2005 Proposed Budget. Historically, the City has exempted state and federal agencies from paying street vacation fees and, instead, requires these agencies to pay all costs incurred by the City in processing vacation requests. However, City departments are currently required to pay vacation fees. When City departments pay a vacation fee, money is moved from one City government funding source to another, creating an unnecessary accounting and administrative burden without generating new revenue. The attached proposed legislation exempts the City from paying street vacation fees that are granted for a City purpose, creates a Street Vacation Subaccount within the Cumulative Reserve Subfund's Capital Projects Account, and transfers all balances from, and closes, the existing Street Vacation Compensation Fund of the General Subfund.

City departments will still be required to pay other related fees established by the Seattle Municipal Code to cover the cost of providing necessary information for the vacation review, such as traffic analyses, and will be obligated to pay all City costs for processing the vacation. In addition to providing the City with an exemption from paying street vacation fees, the attached legislation consolidates all project revenues into a single subfund.

This legislation recognizes the unique nature of the City granting a vacation for a City purpose, eliminates the requirement that a street vacation fee be paid in those circumstances, and streamlines accounting and processing procedures that relate to street vacations in general. Thank you for your consideration of this legislation. Should you have questions, please contact Jennifer Devore at 615-1328.

Sincerely,

GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: mayors.office@seattle.gov

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



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

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Department of Finance	Jennifer Devore, 5-1328	Jennifer Devore, 5-1328

Legislation Title: AN ORDINANCE relating to the fees for the vacation of streets and other public rights-of-way; exempting City departments from paying the street vacation fee; closing the Street Vacation Compensation Fund of the General Fund, establishing a new Street Vacation Subaccount within the Capital Projects Account of the Cumulative Reserve Subfund; authorizing the transfer of all balances and appropriation authority within the Street Vacation Compensation Fund to the Street Vacation Subaccount; amending or repealing Seattle Municipal Code Subsections 15.62.090A and C, and Seattle Municipal Code Sections 5.80.020 and 5.80.030, in connection therewith.

- **Summary of the Legislation:** The proposed legislation exempts the City of Seattle from paying the street vacation fee, creates a Street Vacation Subaccount within the Cumulative Reserve Subfund's Capital Projects Account, and transfers all balances and appropriations from, and closes, the existing Street Vacation Compensation Fund of the General Subfund. Finally, the legislation amends the appropriate sections of the Seattle Municipal Code accordingly.

- The City's street vacation fee exemption authorized by this ordinance will negate the need to conduct and pay for property appraisals on street vacations that are requested by, and granted to, the City of Seattle. The existing law, which is intended to compensate the City for the acquisition of the City's property interest in the street right-of-way, currently exempts State and Federal agencies. This ordinance extends the exemption to City departments and agencies. With the exemption, City departments will still be required to pay the other fees established by the Seattle Municipal Code (e.g., time and materials for the processing of the vacation), to pay the costs of providing any necessary information for the vacation review such as a traffic analysis, and would now be obligated to pay the costs incurred in processing the vacation. It is expected that overall City costs will be lower as a result of the legislation due to administrative efficiencies and streamlined accounting. In addition to authorizing the street vacation fee exemption, this ordinance transfers balances from the existing Street Vacation Compensation Fund, closes that Fund, creates a new Street Vacation Subaccount within the Cumulative Reserve Subfund's Capital Projects Account, and transfers all balances from the former Fund to the newly-created Street Vacation Subaccount. This action will help to streamline tracking and accounting of street vacation-related expenses and consolidate revenues restricted to capital projects in the Capital Projects Account of the Cumulative Reserve Subfund.



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

- **Background:** (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

Vacation compensation can be defined as the fee paid to acquire the City's property interest in the street right-of-way. The power to vacate streets was granted by the State Legislature to the legislative bodies of city and towns pursuant to RCW chapter 35.79. The fee is permissive, not mandatory, under the State statute. In 2001, the State Legislature made major changes in the law pertaining to vacation compensation. State law now allows cities, in certain circumstances, to charge a vacation fee that is the full-appraised value of the right-of-way. State law also now mandates that least 1/2 of the vacation compensation fees received be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city.

Through Ordinance 120607, the City Council revised the Seattle Municipal Code to reflect changes in State law and increased the Street Vacation fee to the maximum amount allowed for all petitioners, except State and Federal agencies. This proposed ordinance extends the exemption to City departments. When City departments pay this fee, money is moved from one City government funding source to another, creating an unnecessary accounting and administrative burden without generating new revenue.

- Please check one of the following:

This legislation does not have any financial implications. (Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete all relevant sections that follow.)

Appropriations: This table should reflect appropriations that are a direct result of this legislation. In the event that the project/ programs associated with this ordinance have appropriations that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2004 Appropriation	2005 Anticipated Appropriation
None				
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes: Outstanding appropriations from the existing Street Vacation Compensation Fund will be transferred to the Street Vacation Subaccount on January 1, 2005.



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

Lisa Peyer
August 31, 2004
SDOT Street Vacation
Version #4

Anticipated Revenue/Reimbursement: Resulting From This Legislation: *This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

Actual revenue changes are a function of future street vacations, not all of which can be anticipated at this time.

The following is an illustrative example of the revenue implications for one possible exemption. Under the recently passed Fire Levy, Fire Station #10 requires a street vacation for the project. This example provides a "scalable" impact for evaluating the future revenue consequences of this project and any other future actions under the proposed ordinance. The dollar amounts identified are not final, but are a reasonable estimate based on recent property sales in the area as confirmed by the Fleets and Facilities Department.

Under current practice (and this example), the Fire Station #10 project costs for the street vacation would be approximately \$406,000 for the street vacation and \$4,000 for SDOT's street vacation processing costs. These costs would come out of the 2003 Fire Facilities Fund. Of this amount \$203,000 would go to the Cumulative Reserve Fund and \$203,000 would go into the Street Vacation Compensation Fund. With the proposed ordinance, the 2003 Fire Facilities Fund could potentially save approximately \$406,000 in street vacation costs for Fire Station #10. At the same time, the Cumulative Reserve Fund and Street Vacation Compensation Fund would not gain the \$203,000 each of revenue from the street vacation. The Fire Facilities Fund would still be responsible for paying SDOT's street vacation processing costs of approximately \$4,000.

Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE Impact: *This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

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



Lisa Peyer
 August 31, 2004
 SDOT Street Vacation
 Version #4

Position Title and Department*	Fund Name	Fund Number	Part-Time/Full Time	2004 Positions	2004 FTE	2005 Positions**	2005 FTE**
N/A							
TOTAL							

* List each position separately

** 2005 positions and FTE are total 2005 position changes resulting from this legislation, not incremental changes. Therefore, under 2005, please be sure to include any continuing positions from 2004

Notes:

- **Do positions sunset in the future?** (If yes, identify sunset date):

Spending/Cash Flow: This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.

Fund Name and Number	Department	Budget Control Level*	2004 Expenditures	2005 Anticipated Expenditures
N/A				
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Notes:

- **What is the financial cost of not implementing the legislation?** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)

There is no net cost to the City in implementing the proposed legislation. While neutral overall, this action redistributes funding away from SDOT and the other current beneficiaries of the existing street vacations to the requesting and benefiting City department. It reduces revenues paid to the Cumulative Reserve Subfund-Unrestricted Subaccount and the Street Vacation Compensation Subaccount by City departments benefiting from the vacation. The Cumulative Reserve Subfund-Unrestricted Subaccount proceeds are appropriated annually to capital



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

Lisa Peyer
August 31, 2004
SDOT Street Vacation
Version #4

projects, primarily to Parks, Seattle Center, Fleets and Facilities, SDOT, Library and Office of Arts and Cultural Affairs. Proceeds in the Street Vacation Subaccount are appropriated for acquisition, improvement, development, and related maintenance of public open space or transportation capital projects.

What are the possible alternatives to the legislation that could achieve the same or similar objectives? *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

For specific cases, projects could be uniquely exempted by ordinance from paying the Street Vacation Fee. The basic policy could otherwise remain as is for all other street vacations.

Is the legislation subject to public hearing requirements: *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*No.

Other Issues *(including long-term implications of the legislation):* N/A.

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



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

STATE OF WASHINGTON - KING COUNTY

--SS.

179628
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

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

CT:ORDINANCE 121661

was published on

12/9/2004



Jamall Sullagber

Subscribed and sworn to before me on

12/9/2004

Jennifer Patek

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 121861

AN ORDINANCE relating to the fees for the vacation of streets and other public rights-of-way; exempting City departments from paying the street vacation fee; closing the Street Vacation Compensation Fund of the General Fund; establishing a new Street Vacation Subaccount within the Capital Projects Account of the Cumulative Reserve Subfund; authorizing the transfer of all balances and appropriation authority within the Street Vacation Compensation Fund to the Street Vacation Subaccount; amending or repealing Seattle Municipal Code Sections 16.62.090A and C, and Seattle Municipal Code Sections 5.80.020 and 5.80.020, in connection therewith.

WHEREAS, the State Legislature, in the 2001 Legislative Session, amended RCW Chapter 35.79 to grant cities the authority to charge compensation for street vacations that is equal to the full appraised value of the right-of-way for all streets that have been part of a dedicated public right-of-way for twenty-five years or more; and

WHEREAS, the City last amended Seattle Municipal Code Section 16.62.090 in November 2001 through Ordinance 120607 to charge the maximum amount allowed by State Law from all petitioners, other than State or Federal agencies; and

WHEREAS, the City now wishes to extend the exemption granted to State and Federal agencies to City departments to reduce administrative and accounting costs; and

WHEREAS, the Street Vacation Compensation Fund (00310), a subfund of the General Fund, was established in 2001 by ordinance 120607 for deposit of one-half of the revenue received pursuant to Seattle Municipal Code Section 16.62.090 to be used for the acquisition, improvement, and development of public open spaces or for transportation capital projects; and

WHEREAS, a new subaccount of the Capital Projects Account of the Cumulative Reserve Subfund is the preferred financial tool for the deposit and appropriation of one-half of the street vacation fees that are collected by the City, as it will aggregate these revenues from other City funds for tracking, investment, and reporting purposes, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2005, there is hereby established as a Subaccount of the Cumulative Reserve Subfund's Capital Projects Account, a Street Vacation Subaccount. One-half of the revenue received by the City as compensation for areas vacated pursuant to Seattle Municipal Code Section 16.62.090 shall be deposited into the Street Vacation Subaccount. The revenues so received shall be used to pay for the acquisition, improvement, and development of public open space or for transportation capital projects.

Section 2. Effective January 1, 2005, a new Subsection F is added to Seattle Municipal Code Section 5.80.020 as follows:

F. The Street Vacation Subaccount shall, unless provided otherwise by ordinance, be comprised of one-half of the revenue received by the City as compensation for any street or alley that is vacated. Expenditures shall be dedicated to the acquisition, improvement, and development of public open space or transportation capital projects.

Section 3. Effective January 1, 2005, Subsection A and Subsection C of Seattle Municipal Code Section 16.62.090 are hereby amended or repealed as follows:

16.62.090 Compensation for vacation

A. Ordinance vacating any street or alley or part thereof shall not be passed by the City Council until a sum equal to one-half (1/2) of the appraised value of the area vacated is paid to the City, provided that if the street or alley has been a part of a dedicated public right-of-way for twenty-five years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated. In certain circumstances, provision of other valuable consideration acceptable to the City may be made in lieu of up to one-half (1/2) of the payment; provided that such consideration shall not be acceptable if it is required for the street vacation, it is considered a public benefit to meet the public benefit requirements of the street vacation, or it is required by other regulatory action. Acceptable consideration shall be quantified in dollars which shall then be credited to the required payment. City, State and federal agencies shall be exempt from such payment, but shall pay to the City all costs incurred by the City in processing the vacation request. As contemplated by RCW 35.79.035(3), the full market value shall be paid upon vacation of streets abutting upon bodies of water.

((G-One-half (1/2) of the revenue received by the City as compensation for the area vacated shall be deposited to the acquisition, improvement and development of public open space or transportation capital projects. This revenue shall be deposited in the Street Vacation Compensation Fund and the highest priority for these uses of these funds shall be for transportation capital projects.))

Section 4. Effective January 1, 2005, Subsection 5.80.020A of the Seattle Municipal Code is hereby amended as follows:

SMC 5.80.020 Structure of subfund.

A. The Capital Projects Account shall be comprised of several subaccounts, including but not limited to the Real Estate Excise Tax I Subaccount; the Real Estate Excise Tax II Subaccount; the South Lake Union Property Process Subaccount; the Asset Preservation Subaccount; Fleets and Facilities; the Street Vacation Subaccount; and the Unrestricted Subaccount. Expenditures from the Capital Projects Account shall require an ordinance adopted by a majority of the members of the City Council.

Section 5. The Street Vacation Compensation Fund (00310), a subfund of the General Fund established by Ordinance 120607, is hereby closed and eliminated effective January 1, 2005. As of that date, all assets, liabilities, and unexpended and unencumbered fund balances remaining in the Fund shall be transferred to the Street Vacation Subaccount within the Capital Projects Account of the Cumulative Reserve Subfund. Also as of that date, all unexpended prior appropriations from the Street Vacation Compensation Fund that carry forward either because they are for capital outlay or because they are legally carried forward by ordinance shall become appropriations from the Unrestricted Subaccount within the Capital Projects Account.

Section 6. Any act pursuant to and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.14.020.

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

to offset the increased vacation, to State Law from all petitioners, other than State or Federal agencies; and

WHEREAS, the City now wishes to extend the exemption granted to State and Federal agencies to City departments to reduce administrative and accounting costs; and

WHEREAS, the Street Vacation Compensation Fund (00310), a subfund of the General Fund, was established in 2001 by ordinance 120607 for deposit of one-half of the revenue received pursuant to Seattle Municipal Code Section 15.62.090 to be used for the acquisition, improvement, and development of public open space or for transportation capital projects; and

WHEREAS, a new subaccount of the Capital Projects Account of the Cumulative Reserve Subfund is the preferred financial tool for the deposit and appropriation of one-half of the street vacation fees that are collected by the City, as it will segregate these revenues from other City funds for tracking, investment, and reporting purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2005, there is hereby established as a Subaccount of the Cumulative Reserve Subfund's Capital Projects Account, a Street Vacation Subaccount. One-half of the revenue received by the City as compensation for areas vacated pursuant to Seattle Municipal Code Section 15.62.090 shall be deposited into the Street Vacation Subaccount. The revenue so received shall be used to pay for the acquisition, improvement, and development of public open space or for transportation capital projects.

Section 2. Effective January 1, 2005, a new Subsection F is added to Seattle Municipal Code Section 6.80.030 as follows:

F. The Street Vacation Subaccount shall, unless provided otherwise by ordinance, be comprised of one-half of the revenue received by the City as compensation for any street or alley that is vacated. Expenditures shall be dedicated to the acquisition, improvement, and development of public open space or transportation capital projects.

Section 3. Effective January 1, 2005, Subsection A and Subsection C of Seattle Municipal Code Section 15.62.090 are hereby amended or repealed as follows:

15.62.090 Compensation for vacation

A. Ordinances vacating any street or alley or part thereof shall not be passed by the City Council until a sum equal to one-half (1/2) of the appraised value of the area vacated is paid to the City, provided that if the street or alley has been a part of a dedicated public right-of-way for twenty-five years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated. In certain circumstances, provision of other valuable consideration acceptable to the City may be made in lieu or up to one-half (1/2) of the payment; provided that such consideration shall not be acceptable if it is required for the street vacation, it is considered a public benefit to meet the public benefit requirements of the street vacation, or it is required by other regulatory action. Acceptable consideration shall be quantified in dollars which shall then be credited to the required payment. City, State and federal agencies shall be exempt from such payment, but shall pay to the City all costs incurred by the City in processing the vacation request. As contemplated by RCW 35.19.030(3), the full market value shall be paid upon vacation of streets abutting upon bodies of water.

~~(C. One-half (1/2) of the revenue received by the City as compensation for the area vacated shall be dedicated to the acquisition, improvement and development of public open space or transportation capital projects. This revenue shall be deposited in the Street Vacation Compensation Fund and the highest priority for the use of these funds shall be for transportation capital projects.)~~

Section 4. Effective January 1, 2005, Subsection 6.80.020A of the Seattle Municipal Code is hereby amended as follows:

SMC 6.80.020 Structure of subfund.

A. The Capital Projects Account shall be comprised of several subaccounts, including but not limited to the Real Estate Excise Tax I Subaccount, the Real Estate Excise Tax II Subaccount, the South Lake Union Property Proceeds Subaccount, the Asset Preservation Subaccount, Fleets and Facilities, the Street Vacation Subaccount, and the Unrestricted Subaccount. Expenditures from the Capital Projects Account shall require an ordinance adopted by a majority of the members of the City Council.

Section 5. The Street Vacation Compensation Fund (00310), a subfund of the General Fund established by Ordinance 120607, is hereby closed and eliminated effective January 1, 2005. As of that date, all assets, liabilities, and unexpended and unencumbered fund balance remaining in the Fund shall be transferred to the Street Vacation Subaccount within the Capital Projects Account of the Cumulative Reserve Subfund. Also as of that date, all unexpended prior appropriations from the Street Vacation Compensation Fund that carry forward either because they are for capital outlays or because they are specifically carried forward by ordinance shall become appropriations from the Unrestricted Subaccount within the Capital Projects Account.

Section 6. Any act pursuant to and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 22nd day of November, 2004, and signed by me in open session in authentication of its passage this 22nd day of November, 2004.

JAN DRAGO,

President of the City Council.

Approved by me this 30th day of November, 2004

GREGORY J. NICKELS,

Mayor.

Filed by me this 30th day of November, 2004

(Seal) JUDITH PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 9, 2004.

1201175699

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