

ORDINANCE NO 1072

AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON, AMENDING CHAPTER 12.30 BY REPEALING AND RENUMBERING CHAPTER 12.30, STREET OR ALLEY VACATIONS, TO TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, BY CREATING A NEW CHAPTER 12.30, STREET OR ALLEY VACATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the current provisions governing the vacation of streets or alleys within the City of Roslyn is currently contained within the City's Development Regulations in Title 18; and

WHEREAS, the City Council desires to transfer the provisions related to the vacation of City streets and alleys from Title 18 to Title 12, because it specifically relates to the use and regulations of city streets and rights of way;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSLYN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 12.30 of the RMC is hereby repealed in its entirety and re-enacting as Chapter 12.30, street or alley vacations, as follows:

Chapter 12.30 STREET OR ALLEY VACATIONS

Sections:

- 12.30.010 Purpose and intent.
- 12.30.020 Petition.
- 12.30.030 Petition hearing.
- 12.30.040 Objections.
- 12.30.050 Review criteria.
- 12.30.060 Approval.

12.230.010 Purpose and intent.

The purpose of this chapter is to establish the special procedures necessary to process applications for the vacation of city-owned streets and alleys as a Class 3 permit.

It is the intent of the city, when administering this chapter, to:

- A. Preserve historic structures along Roslyn streets by keeping road widths to original platted dimensions, following historic grid pattern;
- B. Protect existing alleys as travel ways for both vehicles and pedestrians; and

C. Not vacate street rights-of-way unless necessary to resolve long-standing property disputes or to achieve priority community benefits.

12.230.020 Petition.

The owners of an interest in any real estate abutting upon any street or alley may petition the city council to vacate the street or alley, or any portion thereof, or the city council may itself initiate such vacation procedures by resolution.

A. The petition shall describe the street or alley or a portion thereof desired to be vacated and shall be signed by owners of more than two-thirds of the private property abutting upon the part of the street or alley sought to be vacated.

B. For the purposes of determining the sufficiency of signatures of owners of private property on the petition or consent to vacate, the following rules shall govern:

- 1. The signature of an owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse.
- 2. In the case of mortgaged property, the signature of the mortgagor shall be sufficient.
- 3. In the case of property subject to a contract of purchase, the signatures of the contract vendor and vendee shall be required.
- 4. In the case of ownership by corporation, the signature of any officer authorized by the bylaws or resolution of the board of directors shall be sufficient when evidenced by an excerpt of the bylaws of the resolution, certified by the secretary of the corporation, granting such authority.
- 5. In the case of property owned by the estate of a decedent or incompetent, the signature of the duly qualified administrator or executor or guardian shall be equivalent to the signature of the owner of the property.

C. Petition – Process and Filing Fee. The petition properly signed shall be filed with the city clerk upon payment of a filing fee, which shall be paid into the general fund of the city to aid in defraying of expenses incurred by the city in appraising the property, checking the sufficiency of such petition and investigating or reporting the facts and shall not be returned to the petitioners, regardless of the city council’s action on such petition. The amount of the fee shall be determined as follows:

- 1. One to five separate ownerships abutting the proposed vacation, a minimum fee of \$150.00.

12.230.030 Petition hearing.

A. Petition Method. If signed by the owners of more than two-thirds of the property abutting the portion of the street or alley to be vacated, at a regular council meeting following the filing of such petition, the council, by resolution, shall fix a time when the petition will be heard and determined, which time shall not be more than 60 days nor less than 20 days after the date of passage of such resolution.

B. Resolution Method. In cases where vacation is initiated by city council resolution, the resolution shall include the date for a hearing on the vacation.

12.230.040 Objections.

A. Petition Method. No petitioner may withdraw the petition or consent after the council has set a time for hearing, although the petitioners may be heard at the public hearing, to present any information which bears upon the public advantage to be served or harmed by the proposed vacation.

B. Resolution Method – Divestiture of Jurisdiction to Proceed. If 50 percent or more of the abutting property owners file written objections to the proposed vacation with the clerk, prior to the time of hearing, the city shall not proceed with the resolution.

C. Supplemental petitions, or objections, containing signatures of additional persons or owners of abutting property petitioning for and consenting to such vacation may be filed as a part of, and considered with, the initial petition; provided, that such supplemental petitions shall not extend the description of the area sought to be vacated or add a new or different condition to such vacation.

12.230.050 Review criteria.

At the time of the hearing on the vacation, or at such time as the same may be continued by the city council, the matter shall be considered, and those desiring to speak on the vacation shall be heard. Following the hearing, the council shall determine whether to grant the petition and/or proceed with the vacation. Such determination shall include, but not be limited to, consideration of the following criteria:

- A. Whether the proposed action is consistent with the goals and policies of the comprehensive plan;
- B. Whether the change of use or vacation of the described portion is in the public interest;
- C. Whether the street, alley or portion thereof is no longer required for public use;
- D. Whether the substitution of a new and different way would be more useful to the public; or
- E. Whether conditions may so change in the future as to provide a greater use or need than presently exists; and
- F. Whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the same.

12.230.060 Approval.

If the city council determines to grant the vacation, such action shall be made by ordinance with such conditions or limitations as the council deems necessary and proper to preserve any desired public use or benefit.

A. If, after a hearing, the council determines that the petition cannot be granted in whole, but that a portion of the area described in the original petition may be vacated, the council may, by ordinance, vacate such portion in accord with the provisions of this title.

B. Easements. If the city council deems that to grant the vacation shall be to the public's interest and advantage, the council may, by ordinance, vacate such street, alley or part thereof, reserving to the city an easement or the right to exercise the grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services and may impose such other conditions or limitations as it deems necessary and proper to preserve any desired public use or benefit.

C. Rededication. If the council finds that future development of undeveloped land abutting such street or alley may alter or increase need or public use in such strip, such vacation may be granted only upon execution of a covenant running with such abutting land to rededicate such a portion upon a declaration of public use and necessity by the council.

D. Compensation. Any ordinance granting a street vacation may provide that it shall not become effective until the owners of property abutting upon each side of the street or alley, or part thereof so vacated, shall compensate the city in an amount which does not exceed one-half of the appraised value of the area vacated, except, in the event the subject property or portions thereof were acquired at public expense, compensation may be required in an amount equal to the full appraised value of the vacation.

E. Appraisal or Survey. The council shall require the petitioners to pay for the appraisal or any required surveys.

F. Recording. Upon its effective date, a certified copy of the ordinance granting the vacation shall be recorded by the city with the Kittitas County assessor.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

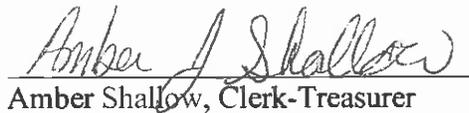
Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 8th DAY OF MARCH, 2011.

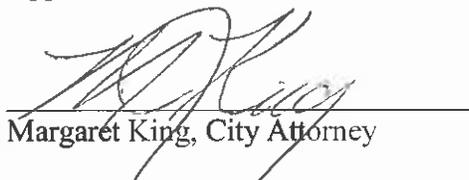
CITY OF ROSLYN


Jeri B. F. Porter, Mayor

ATTEST/AUTHENTICATED:


Amber Shallow, Clerk-Treasurer

Approved as to form:


Margaret King, City Attorney

Filed with the City Clerk: March 7, 2011
Passed by the City Council: March 8, 2011
Date of Publication: March 11, 2011
Effective Date: March 16, 2011