ORDINANCE NO. 6256

AN ORDINANCE of the City of Kent setting forth the procedures for vacation of city streets and alleys; and establishing a street and alley vacation permit fee.

THE CITY COUNCIL OF THE CITY OF KENT DO ORDAIN as follows:

Section 1. The owners of an interest in any real estate abutting upon any street or alley within the city limits of the City of Kent who may desire to vacate the street or alley or any part thereof, may petition the Kent City Council to make vacation, giving a description of the property to be vacated, or the Kent City Council may itself initiate by resolution such vacation procedure. 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 a part of such street or alley sought to be vacated, the Kent City Council shall by resolution fix a time when the petition will be heard and determined by such Kent City Council or a Committee thereof, which time shall not be more than sixty (60) days or less than twenty (20) days after the date of the passage of such resolution.

Section 2. Upon the passage of the resolution, the City Clerk shall give twenty (20) days notice of the pendency of the petition by a written notice posted in three (3) of the most public places in the City and a like notice in a conspicuous place on the street or alley sought to be vacated. The said 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 all cases where the proceeding is initiated by resolution of the Kent City Council without a
a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen (15) days before the date fixed for the 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 thereon shown, provided that if fifty (50%) per cent 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 resolution.

Section 3. Each petition for vacation of a street or alley must be accompanied by a street and alley vacation permit fee of Fifty Dollars ($50.00), and if any such petitioner and if any such petitioner does not deposit such sum and/or withdraws his petition, the City Council may then reject the petition and retain the Fifty Dollar ($50.00) street and alley vacation permit fee.

Section 4. The Kent City Engineer shall be responsible for processing any such petition or resolution for vacation of a street or alley and for securing the technical facts pertinent to the question of vacation. This shall include a sketch of the proposed vacation and also written approval or rejection of the water, sewer and street departments.

Section 5. Upon assembly of the technical information, the petition or resolution shall be referred to the planning commission for consideration at its next regular meeting and recommendation for or against.

Section 6. The hearing on such petition may be held before the Kent City Council or before a committee thereof.
upon the date fixed by resolution or at the time said hearing may be adjourned too. If the hearing is before a committee the same shall, following the hearing, report its recommendation on the petition to the Kent City Council, which may adopt or reject the recommendation. If such hearing be held before such a committee, it shall not be necessary to hold a hearing on the petition before the City Council. If the City Council determines to grant said petition or any part thereof, it shall be authorized and have authority by ordinance to vacate such street or alley or any part thereof; provided that such ordinance may provide that the City retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services.

Section 7. If any street or alley within the city limits of the City of Kent is vacated by the Kent City Council, the property within the limits so vacated shall belong to the abutting property owners 1/2 to each.

Section 8. No vested rights shall be affected by the provisions of this ordinance.

Section 9. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

Attest:

CHARLES BRIDGES, City Clerk

Approved as to Form:

JOHN B. BERREITER, City Attorney

Passed the 20 day of July, 1964.
Approved the 21 day of July, 1964.
Published the 22 day of July, 1964.