Ordinance No. 1934

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amended by Ord. 3634 (Sec. 6.09.030)
ORDINANCE NO. 1934

AN ORDINANCE of the City of Kent, Washington, creating a street vacation procedure and repealing Ordinances 1256 and 1495 of the City of Kent.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. INITIATION OF PROCEEDING - FEE. The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the City Council to make such vacation, giving a description of the property to be vacated, or the Council may itself initiate by resolution such vacation procedure. The petition is signed by the owners of more than two-thirds (2/3) of the property abutting upon the part of such street or alley sought to be vacated and is accompanied by a fee of ONE HUNDRED and FIFTY (150) DOLLARS and the Council by resolution shall fix a time when the petition shall be heard and determined by them, which time shall not be more than sixty (60) days nor less than twenty (20) days after the date of the passage of such resolution.

Section 2. NOTICE OF HEARING - OBJECTIONS PRIOR TO HEARING. 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 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 for the hearing of the petition. The City Clerk shall also direct a copy of the notice and of the resolution to the City Planning Director who shall solicit comments from city departments, from utility companies and from such others as he believes to have a special interest in the vacation. If the proceeding is initiated by resolution of the City Council without a petition having been signed by the owners of more than two-thirds (2/3) 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 Assessor, directed to the address thereon shown. PROVIDED, that if the owners of fifty (50) percent of the property abutting upon the part of such street or alley sought to be vacated file written objection to the proposed vacation with the Clerk, prior to the time of hearing, the City shall not proceed with the resolution.

Section 3. HEARING - ORDINANCE OF VACATION. The hearing on such petition or resolution shall be held before the City Council upon the date fixed by resolution or at the time to which said hearing may be adjourned. The City Planning Director shall report his findings at the hearing. If the City Council determines to grant said petition or any part thereof, they shall by ordinance vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of the property abutting upon the street or alley, or part thereof so vacated, shall compensate the City in an amount which does not exceed one-half (1/2) the appraised value of the area so vacated. 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. PROVIDED FURTHER, that the City shall not vacate such street, or alley, or any parts thereof if any portion thereof abuts on a body of water unless such vacation be sought to enable the City, 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 proviso shall not apply to industrial zoned property. A certified copy of such ordinance shall be recorded by the City Clerk and in the office of the King County Auditor. The one hundred fifty dollar (150) fee shall not be refundable whether or not the petition is granted.

Section 4. TITLE TO VACATED STREET OR ALLEY. If any street or alley is vacated by the City Council, the property within the limits so vacated shall belong to the abutting property owners, one-half (1/2) to each.
Section 5. VESTED RIGHTS NOT AFFECTED. No vested rights shall be affected by these provisions.

Section 6. Ordinances 1256 and 1495 of the City of Kent are hereby repealed.

Section 7. 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:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the _____ day of June, 1975.

APPROVED the _____ day of June, 1975.

PUBLISHED the _____ day of June, 1975.

I hereby certify that this is a true copy of Ordinance No. 1934, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK