Ordinance No. 2333

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amended by Ord. 3634 (Sec. 6.09.060)
ORDINANCE NO. 2333

AN ORDINANCE relating to street or alley vacation; establishing classes of streets or alleys and compensation which may be required for vacation.

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

Section 1. For the purposes of this ordinance, all streets or alleys within the City of Kent are hereby declared to be within one of four classes:

A CLASS. All City of Kent streets or alleys acquired at monetary cost to the City are hereby classified A Class streets or alleys.

B CLASS. All City of Kent streets or alleys acquired at no monetary cost to the City and for which expenditures of funds have been made in the improvement or maintenance of same are hereby classified B Class streets or alleys.

C CLASS. All City of Kent streets or alleys for which no public funds have been expended in the acquisition, improvement or maintenance of same are hereby classified C Class streets or alleys.

D CLASS. All City of Kent streets or alleys originally dedicated or otherwise conveyed to the City by the present petitioner for the vacation of said streets or alleys for which no public expenditures have been made in the acquisition, improvement or maintenance of same, or Any other streets or alleys not included within Classes A, B or C above are hereby classified D Class streets or alleys.

Section 2. The amount of compensation if required herein shall be determined by the Council according to the following criteria:

1. Vacation of all city streets or alleys included in Classes A and B if granted shall require compensation at one-half the full appraised value of the vacated street or
alley as of the effective date of the vacation, which amount, for the purposes of this Ordinance, may be determined by the Engineering Division of the Public Works Department; provided, that the Council shall have authority to accept real property of equal value in lieu of cash compensation where the value of the street or alley to be vacated is not more than the value of the real property to be acquired by such exchange.

2. Vacation of all City streets or alleys included in Class C if granted may require compensation at one-half the full appraised value of the vacated street or alley as of the effective date of the vacation, which amount, for the purposes of this Ordinance, may be determined by the Engineering Division of the Public Works Department; provided, that the Council shall have authority to accept real property of equal value in lieu of cash compensation where the value of the street or alley to be vacated is not more than the value of the real property to be acquired by such exchange.

3. Vacation of all city streets or alleys included in Class D if granted may require compensation based on the administrative costs of the vacation.

4. When a street or alley is vacated for a governmental agency, and compensation is required, compensation shall be based on the administrative costs of the vacation and may, in the discretion of the Council, be based on original cost of acquisition.

Section 3. When determining the value of the vacated street or alley the Engineering Division may require an appraisal to be performed. The cost of said appraisal shall be paid by the petitioner and monies, therefore, shall be deposited with the City prior to the City authorizing an appraisal to be prepared.

Section 4. Condition Precedent. The compensation determined to be paid shall be a condition precedent to the passage of the specific ordinance pertaining to such vacated street or alley and shall be paid to the City of Kent by petitioner within ninety (90) days of the City Council passage of the motion directing the City Attorney to prepare the specific vacation ordinance. In the event of failure of the petitioner to pay such sum within ninety (90) days, the petition for vacation shall be denied.
Section 5. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 18th day of ___, 1982
APPROVED the 19th day of ___, 1982
PUBLISHED the 22nd day of ___, 1982

I hereby certify that this is a true copy of Ordinance No. 2333, 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