ORDINANCE NO. 4203

AN ORDINANCE of the City Council of the City of Kent, Washington, enacting a new chapter 3.12 to the Kent City Code entitled “Surplus of Real Property,” to establish a public participation process before deciding to sell, transfer or exchange city-owned real property.

REQUITALS

A. With few exceptions, no law in Washington establishes any process or restriction on Kent, a non-charter code city, from disposing of real property.

B. Recently, the city arranged to sell a public park. The city held no public meetings and conducted no specific public outreach before arranging to sell the park. When the community became aware of the sale, a number of persons protested the sale, so the city cancelled the sale.

C. The city council appreciates that the real property it owns is held in trust for the community. Our local government exists to serve this community, and the community should be made aware of pending property sales and have an opportunity to comment on the sale.

D. It is appropriate to establish, by ordinance, a process to establish community outreach and comment before the city council determines that significant parcels of real property should be listed as

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surplus to the city’s needs and offered for sale, exchange, or transfer to a private party.

E. Because the city council and staff have already conducted an extensive public outreach process for the city’s Par 3 golf course property at the Riverbend Golf Complex, that particular property need not be subject to the processes established in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. Title 3 of the Kent City Code, entitled “Revenue and Finance,” is hereby amended to add a new chapter 3.12 entitled “Surplus of Real Property,” as follows:

Sec. 3.12.010 Consideration for surplus. When city administration or the city council recommends one or more parcels of real property to be declared as surplus to the city’s needs, and the city council determines that the city should consider the property for surplus, the council and staff must comply with this process before listing or selling the property, subject only to the exceptions listed in this policy.

Sec. 3.12.020 Properties affected. This policy applies to the sale, transfer, or exchange of the following properties:

A. Properties that were received or obtained for a specific public purpose; or

B. Properties that constitute at least one legal lot (unless subject to KCC 3.12.030), below; or
C. Properties that are owned in fee.

**Sec. 3.12.030 Exempt properties and property interests.** Because of their size, configuration, or character, these properties are exempt from this process:

A. Property owned by any of the city’s utilities, to any statutory street or alley vacation, or to other surplus process when state law provides a separate process to surplus those properties; or

B. Partial or remnant properties, such as strips purchased for road widening purposes, areas conveyed as a result of lot line adjustments or boundary disputes, or partial or full lots remaining and unused after project completion; or

C. Easements, licenses, and other subordinate interests in real property.

**Sec. 3.12.040 Public meeting.** When the council determines that specific property or properties should be considered for surplus, the city must hold at least one informational public meeting and receive public comment at one of the following venues:

A. Council committee meeting;
B. Council workshop;
C. Regular council meeting;
D. Special council meeting; or
E. A community forum at a location that is more convenient to the neighborhood potentially affected by the proposed surplus.
Sec. 3.12.050 Notice. Prior to holding any meeting as provided for in KCC 3.12.040, the city must provide the following notice:

A. Post notice at all main site entrances at least 20 days prior to the first public meeting. The notice should be easily visible and verbiage should be clear, succinct, and legible; and

B. Publish notice at least one time in a newspaper of general circulation at least 20 days prior to the public meeting. The notice should be clear, conspicuous and brief, describing, at a minimum, the property's location by street address or other appropriate location descriptor and stating that the property is being considered for surplus; and

C. Mail notice at least 20 days prior to the public meeting to all property owners of record as listed by the King County Assessor’s Office whose property is located within 1,000 feet of the site proposed for surplus; and

D. Post notice on the city’s website in a location intended to provide notice of public meetings or public events at least 20 days prior to the public meeting.

Sec. 3.12.060 Meeting requirements. At the meeting the city will:

A. Allow members of the public to gain information and speak in support or opposition to the proposal.

1. Depending upon the number of persons wishing to speak, councilmembers can limit the amount of time given to each speaker or terminate or continue the meeting depending upon the time available to address the proposed sale.
2. If held at a community forum, an “open house” informational meeting is allowed, so that individual staff members can answer individual questions.

B. Allow members of the public to submit written statements for council consideration.

C. After the meeting, the city council may continue the meeting, hold additional meetings or community forums, or conclude the process. If the council continues the meeting or holds additional meetings, notice of the continuation or new meeting(s) or forum(s) will be posted on the city’s website. No other notice is required.

D. All persons who submit written documents at the meeting, who speak at the meeting and provide their mailing address, or who otherwise request in writing to be parties of record for the proposed surplus will be added to the mailing list for further communications and notices on the subject.

Sec. 3.12.070 Surplus decision by resolution. Once all meetings are completed, the city council may surplus the property by resolution.

Sec. 3.12.080 Valuation by appraisal. The city may order appraisals, re-appraisals, or peer review appraisals at any time before or during the surplus process, as needed.

Sec. 3.12.090 Procedural compliance with other regulatory requirements. If other regulatory requirements require notice or meetings while the property is under consideration for surplus, the city
may combine those notice and meeting or hearing requirements with the notice and meeting requirements in this surplus policy.

**SECTION 2.** – **Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 3.** – **Corrections by City Clerk or Code Reviser.** Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 4.** – **Effective Date.** This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

\[Signature\]
SUZETTE COOKE, MAYOR

ATTEST:

\[Signature\]
RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:

\[Signature\]
TOM BRUBAKER, CITY ATTORNEY
PASSED: 17th day of May, 2016.

APPROVED: 17th day of May, 2016.

PUBLISHED: 20th day of May, 2016.

I hereby certify that this is a true copy of Ordinance No. 4203 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
RONALD F. MOORE, CITY CLERK

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