

CITY OF MILTON, WASHINGTON

ORDINANCE NO. 1987-20

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, RELATING TO VACATION OF STREETS AND ALLEYS; AMENDING CHAPTER 12.06 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Legislature has authorized the legislative authority of cities and towns within the State of Washington to vacate streets or alleys, or any part thereof, within said municipalities, as set forth in chapter 35.79 RCW; and

WHEREAS, the City Council of the City of Milton deems it necessary and proper to amend the procedure for the handling of vacation of the streets, amend the fee to compensate the City for said vacation, authorize the city to 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, and amend the filing fee to defray the administrative cost associated with the vacation petition and related procedures;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 12.06 of the Milton Municipal Code is hereby amended to read as follows:

12.06.010 Initiation.

The owners of any interest in real estate abutting upon any street or alley within the city who may desire to vacate the street or alley, or any part thereof, may petition the council to make vacation, giving the legal description of the property to be vacated, or the council may initiate the vacation procedure by resolution. Petitions shall be filed with the clerk and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the portion of the street or alley sought to be vacated, the council, by resolution, shall fix a time when the petition will be heard by council or a committee thereof, which time

shall not be more than 60 days, or less than 20 days, after the date of passage of the resolution. (Ord. 929 § 1, 1983).

12.06.020 Notice of hearing.

Upon the passage of the resolution, the clerk shall give notice as described by RCW 35.79.020. (Ord. 929 § 2, 1983).

12.06.030 Compensation.

A. Whenever a petition is filed to vacate a street or alley or if the council initiates such vacation by resolution, the council shall require the abutting landowners to compensate the city in an amount which equals the appraised value of the area vacated; provided, that if the street or alley has been part of a dedicated public right-of-way for less than 25 years per RCW 35.79.030, the council shall require the abutting landowners to compensate the city in an amount that does not exceed one half of the appraised value of the area vacated. When the council deems it to be in the best interest of the city, all or any portion of the compensation may be waived.

B. In all instances where compensation for the vacated right-of-way is provided, an appraisal of the right-of-way proposed for vacation shall be made prior to submittal of petition. The appraisal shall be made by a licensed certified appraiser. All appraisals shall be paid for by the petitioner.

C. A copy of the appraisal of the area to be vacated shall be submitted along with the petition. The petitioner shall pay an amount equal to appraised value of the land to be vacated or one-half of the appraised value if the area to be vacated has been part of a dedicated public right-of-way for less than 25 years per RCW 35.79.030 as now enacted or hereafter amended. The city may 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. All petitioners shall pay their proportionate amount by the percentage of land they shall acquire with the street or alley vacation. Payment shall be made within 90 days of petition being received at the administration office. Upon written notice that the deposit has been made or provided for and all other conditions of the vacation have been met or provided for, the council will consider the vacation ordinance at final reading. Vacation proceedings shall be abandoned in the event that the petitioner or petitioners fail to make any compensation within the time limit as provided in this section. (Ord. 929 § 3, 1983).

12.06.040 Filing fee.

The petitioner shall pay a non-refundable filing fee to defray the administrative cost of the city handling the vacation petition in the amount of \$500.00. The city shall provide the necessary petition and other administrative forms for the vacation procedure. (Ord. 929 § 4, 1983).

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

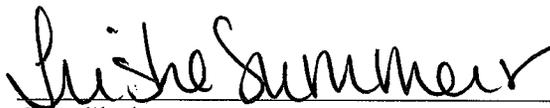
unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Passed by the Milton City Council the 15th day of June, 2020, and approved by the Mayor, the 15th day of June, 2020.



Shanna Styron Sherrell, Mayor



City Clerk

Approved as to form:

Ogden Murphy Wallace, PLLC
Office of the City Attorney

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Shanna Styron Sherrell, Mayor

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