RESOLUTION NO. 023-14

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON ESTABLISHING A STREET/ALLEY VACATION POLICY AND FEES

WHEREAS, RCW 35.79 sets forth statutory provisions for street vacations, and

WHEREAS, the City Council is the guardian of all public property and has an obligation to review each request to vacate public right-of-way, and

WHEREAS, it is the desire of the City Council to establish policies setting consistent basic standards which will serve as a guide for property owners, city staff and elected officials, now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD DOES HEREBY RESOLVE:

THAT the following is hereby adopted as the City of Port Orchard

STREET/ALLEY VACATION POLICY

It is the policy of the City of Port Orchard to grant vacation of street/alley right-of-way when it is determined that such property is not needed presently or in the future for public access including vehicular, pedestrian and/or visual access.

SECTION 1. A Petition to Vacate shall be submitted to the City Clerk's Office. City staff shall review petition prior to acceptance to confirm all information, fees, and attachments are included.

SECTION 2. The accepted petition shall be transmitted to the Public Property Committee and the City Engineer for administrative review and recommendation. Each proposed vacation shall be considered on its own merit; however, the Review Standards contained herein (Section 4) shall be used as base review criteria.

SECTION 3. After administrative review, the Clerk's Office shall prepare a draft resolution for Council consideration setting date and time for a Public Hearing on the Petition to Vacate. Such Public Hearing shall not be more than sixty (60) days and not less than twenty (20) days after date of passage of such Resolution.

SECTION 4. REVIEW STANDARDS. The following are standards, which shall constitute the base for the review of each petition to vacate. The review process shall not be limited by these delineated standards. Other factors may be considered which are unique to a specific action.
(1) The right-of-way must be determined to have no foreseeable or possible public use.

(2) State law (R.C.W. 35.79) "No city or town shall be authorized to have authority to vacate such street, or alley, or any parts thereof if any portion thereof abuts on a body of salt or fresh water unless such vacation be sought to enable the city, town, port district, or state to acquire the property for port purposes, boat moorage, or launching sites, recreational, viewpoint, park, or educational purposes, or other public uses. This provision shall not apply to industrial zoned property."

(3) The removal of public access does not adversely affect access to other property(s). No vacation will be allowed if such action land locks any existing parcel, lot of record, or tract.

(4) The vacation of the property does not adversely affect utilities such as water, sewer, storm, electric and others.

(5) The enlarging of property area does not create potential or actual land uses that are inconsistent with city growth plans and goals.

(6) The City receives the fullest monetary amount allowed by law.

(7) The petition should contain the approval of all the abutting property owners and proof of ownership must accompany the petition.

(8) There has been a public hearing as set forth by RCW 35.79, with adjacent property owners receiving notification.

SECTION 5. FEES: All actions to petition for vacation of public right-of-way shall be subject the following fees:

(1) Application Fee: The application fee to submit a Petition to Vacate Public Right-of-Way shall be $100.00. This is a non-refundable fee and shall be paid by the petitioner. In the event the administrative cost to process a Petition to Vacate exceeds $100.00, the petitioner will be assessed additional fees.

(2) Compensation for vacated property: The petition to vacate public right-of-way shall be for the full-appraised value of the land. The appraisal must be included with the petition. The City reserves the right to accept or reject the submitted appraisal. If the Petition is denied the City will refund the petitioner.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of said passage this 26th day of August 2014.

ATTEST: ____________________________
Brandy Rinehart, CMC, City Clerk

[Signature]

CITY OF PORT ORCHARD
CORPORATE SEAL
SEPTEMBER 1990
STATE OF WASHINGTON

[Seal]