
SENATE BILL 5137

State of Washington

62nd Legislature

2011 Regular Session

By Senators Pridemore, Swecker, and Regala

Read first time 01/14/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to hearings for street vacations; and amending RCW
2 35.79.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.79.030 and 2002 c 55 s 1 are each amended to read
5 as follows:

6 (1) The hearing on such petition may be held before the legislative
7 authority, or before a committee thereof upon the date fixed by
8 resolution or at the time said hearing may be adjourned to. If the
9 hearing is before such a committee the same shall, following the
10 hearing, report its recommendation on the petition to the legislative
11 authority which may adopt or reject the recommendation. If such
12 hearing be held before such a committee it shall not be necessary to
13 hold a hearing on the petition before such legislative authority. If
14 the legislative authority determines to grant said petition or any part
15 thereof, such city or town shall be authorized and have authority by
16 ordinance to vacate such street, or alley, or any part thereof, and the
17 ordinance may provide that it shall not become effective until the
18 owners of property abutting upon the street or alley, or part thereof
19 so vacated, shall compensate such city or town in an amount which does

1 not exceed one-half the appraised value of the area so vacated. If the
2 street or alley has been part of a dedicated public right-of-way for
3 twenty-five years or more, or if the subject property or portions
4 thereof were acquired at public expense, the city or town may require
5 the owners of the property abutting the street or alley to compensate
6 the city or town in an amount that does not exceed the full appraised
7 value of the area vacated. The ordinance may provide that the city
8 retain an easement or the right to exercise and grant easements in
9 respect to the vacated land for the construction, repair, and
10 maintenance of public utilities and services. A certified copy of such
11 ordinance shall be recorded by the clerk of the legislative authority
12 and in the office of the auditor of the county in which the vacated
13 land is located. One-half of the revenue received by the city or town
14 as compensation for the area vacated must be dedicated to the
15 acquisition, improvement, development, and related maintenance of
16 public open space or transportation capital projects within the city or
17 town.

18 (2) As an alternative, the legislative authority may appoint a
19 hearing officer to conduct a public hearing to take testimony and
20 evidence relating to the proposed vacation. Following the hearing, the
21 hearing officer shall prepare a record of the proceedings and a
22 recommendation to the legislative authority concerning the proposed
23 vacation. Their decision shall be made at a regular or special public
24 meeting of the legislative authority.

--- END ---