

PROCEDURE FOR VACATIONS OF STREETS OR ALLEYS

1. Give copy of petition and copy of RCW 35.79 to requester.
2. When petition gotten back, check for correct:
 - a) legal description, (map helps)
 - b) signatures of two thirds of owners.
3. Set up on Council agenda to set hearing date by resolution. Make sure petitioners will be there to represent their petition.
4. Do resolution. Make copies for Council.
5. At Council set hearing by resolution for longer than 20 days but no later than 60 days from that Council date.
6.
 - a) Do a hearing notice for the vacation.
 - b) Give the petitioners a copy of the notice.
 - d) Take or fax, 659-0842, a copy of the notice to the Journal to publish.
 - e) Place notices in three places around town, Courthouse, Post Office, City Hall.

This has to be done no later than 20 days before the hearing date council meeting.

7. If the resolution or petition is granted, an ordinance to vacate the property is done. A copy of the legal description is sent to the Assessor's Office for assessed value of the land.
8. Place ordinance on Council agenda.
9. The ordinance shall not be effective until the petitioners have paid not more than one half of the price of the appraised value of the vacated land. (RCW 35.79.030)
10. The ordinance shall be published after the payment of vacation and publication of notices has been made. Then copies (3) of the ordinance shall be given to the County Auditor's office and a copy to each of the petitioners. (RCW 35.79.030)

Petitioners will be responsible for all publication costs for notices and ordinance.

Per Resolution 96-12 dated 8/4/96.

committee of seven members, six of whom shall be appointed by the executive committee of the Association of Washington Cities to hold office at its pleasure and the seventh to be the state aid engineer. The members to be appointed by the executive committee of the Association of Washington Cities shall be restricted to the membership of the association or to those holding office and/or performing the function of chief engineer in any of the several municipalities in the state. [1984 c 7 § 24; 1965 c 7 § 35.78.020. Prior: 1949 c 164 § 2; Rem. Supp. 1949 § 9300-2.]

Severability—1984 c 7: See note following RCW 47.01.141.

35.78.030 Committee to adopt uniform design standards. The design standards committee shall from time to time adopt uniform design standards for major arterial and secondary arterial streets. [1965 c 7 § 35.78.030. Prior: 1949 c 164 § 3; Rem. Supp. 1949 § 9300-3.]

35.78.040 Design standards must be followed by municipalities—Approval of deviations. The governing body of the several municipalities shall apply the uniform design standards adopted under RCW 35.78.030 to all new construction on major arterial and secondary arterial streets and to reconstruction of old such streets as far as practicable. No deviation from the design standards as to such streets may be made without approval of the state aid engineer. [1984 c 7 § 25; 1965 c 7 § 35.78.040. Prior: 1949 c 164 § 4; Rem. Supp. 1949 § 9300-4.]

Severability—1984 c 7: See note following RCW 47.01.141.

Chapter 35.79

STREETS—VACATION

Sections

- 35.79.010 Petition by owners—Fixing time for hearing.
- 35.79.020 Notice of hearing—Objections prior to hearing.
- 35.79.030 Hearing—Ordinance of vacation.
- 35.79.035 Limitations on vacations of streets abutting bodies of water—Procedure.
- 35.79.040 Title to vacated street or alley.
- 35.79.050 Vested rights not affected.

35.79.010 Petition by owners—Fixing time for hearing. The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.

[1965 c 7 § 35.79.010. Prior: 1957 c 156 § 2; 1901 c 84 § 1, part; RRS § 9297, part.]

35.79.020 Notice of hearing—Objections prior to hearing. Upon the passage of the resolution the city or town clerk shall give twenty days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city or town and a like notice in a conspicuous place on the street or alley sought to be vacated. The said notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the city or town council or similar legislative authority without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown: PROVIDED, That if fifty percent of the abutting property owners file written objection to the proposed vacation with the clerk, prior to the time of hearing, the city shall be prohibited from proceeding with the resolution. [1965 c 7 § 35.79.020. Prior: 1957 c 156 § 3; 1901 c 84 § 1, part; RRS § 9297, part.]

35.79.030 Hearing—Ordinance of vacation. The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated, except in the event the subject property or portions thereof were acquired at public expense, compensation may be required in an amount equal to the full appraised value of the vacation: PROVIDED, That such ordinance may provide that the city 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. A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located. [1987 c 228 § 1; 1985 c 254 § 1; 1969 c 28 § 4. Prior: 1967 ex.s. c 129 § 1; 1967 c 123 § 1; 1965 c 7 § 35.79.030; prior: 1957 c 156 § 4; 1949 c 14 § 1; 1901 c 84 § 2; Rem. Supp. 1949 § 9298.]

35.79.035 Limitations on vacations of streets abutting bodies of water—Procedure. (1) A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

(a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

(b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or

(c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

(2) Before adopting a resolution vacating a street or alley under subsection (1)(b) of this section, the city or town shall:

(a) Compile an inventory of all rights of way within the city or town that abut the same body of water that is abutted by the street or alley sought to be vacated;

(b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city or town for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

(c) Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and

(d) Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (b) of this subsection, and that the vacation is in the public interest.

(3) No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city or town only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites. [1987 c 228 § 2.]

35.79.040 Title to vacated street or alley. If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each. [1967 c 7 § 35.79.040. Prior: 1901 c 84 § 3; RRS § 9299.]

35.79.050 Vested rights not affected. No vested rights shall be affected by the provisions of this chapter. [1965 c 7 § 35.79.050. Prior: 1901 c 84 § 4; RRS § 9300.]

Chapter 35.80

UNFIT DWELLINGS, BUILDINGS, AND STRUCTURES

Sections

35.80.010	Declaration of purpose.
35.80.020	Definitions.
35.80.030	Permissible ordinances—Appeal.
35.80.040	Discrimination prohibited.

35.80.010 Declaration of purpose. It is hereby found that there exist, in the various municipalities and counties of the state, dwellings which are unfit for human habitation, and buildings, structures, and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of such municipalities and counties.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this law is hereby declared to be a matter of local legislative determination. [1989 c 133 § 1; 1969 ex.s. c 127 § 1; 1967 c 111 § 1; 1965 c 7 § 35.80.010. Prior: 1959 c 82 § 1.]

35.80.020 Definitions. The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Board" shall mean the improvement board as provided for in RCW 35.80.030(1)(a);

(2) "Local governing body" shall mean the council, board, commission, or other legislative body charged with governing the municipality or county;

(3) "Municipality" shall mean any city, town or county in the state;

(4) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality or county relating to health, fire, building regulation, or other activities concerning dwellings, buildings, structures, or premises in the municipality or county. [1989 c 133 § 2; 1969 ex.s. c 127 § 2; 1967 c 111 § 2; 1965 c 7 § 35.80.020. Prior: 1959 c 82 § 2.]

35.80.030 Permissible ordinances—Appeal. (1) Whenever the local governing body of a municipality finds that one or more conditions of the character described in RCW 35.80.010 exist within its territorial limits, said governing body may adopt ordinances relating to such dwellings, buildings, structures, or premises. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified herein. Said board or officer may be an existing municipal board or officer in the municipality, or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by said ordinance.

PETITION FOR VACATION OF (STREET) (ALLEY)

TO THE HONORABLE COUNCIL OF THE CITY OF RITZVILLE:

.Comes now the undersigned petitioners and, pursuant to RCW 35.79, respectfully show:

I

The undersigned petitioners request that the following described street and/or alley in the City of Ritzville, Adams County, Washington, be vacated pursuant to RCW 35.79.

(legal description) _____

II

Each of the undersigned petitioners own interest in real property abutting the above described area.

III

Of more than two-thirds of the names of the owners of property abutting on said area are as follows:

WHEREFORE, petitioners pray that proceedings be held for vacation of said street and/or alley in the manner prescribed by RCW 35.79.

**NOTICE OF HEARING
BEFORE THE CITY OF RITZVILLE COUNCIL**

TO: The Citizens of the City of Ritzville

YOU ARE HEREBY NOTIFIED that **LIST PETITIONERS** has filed a petition for vacation of **street or alley**. The legal description of which is as follows:

Corner of Fir and Division - 104 E Fir
Greene & Prouty's First Addition
Block 41
Lots 4 & 5

A hearing has been set before the City of Ritzville Council at the Ritzville City Hall, North 209 Adams, Ritzville, Washington for the hour of _____ pm on the _____ day of _____, 19_____, at which time any citizen of the City of Ritzville may appear to give oral or written testimony with respect to the proposed vacation.

SIGNED this _____ day of _____, 19_____.

S. P. Barrett
Clerk/Treasurer
City of Ritzville

For publication _____

RESOLUTION NUMBER _____

IN RE: VACATION OF THAT PORTION OF legal description TO THE CITY OF RITZVILLE, WASHINGTON.

WHEREAS, a petition has been filed with the Clerk of the City of Ritzville requesting the vacation of that portion of legal description to the City of Ritzville, Washington.

WHEREAS, said petition was signed by the owners (list) of more than two-thirds of the property abutting on said street or alley(pick one) to be vacated, and

WHEREAS, it is necessary to fix a time for the hearing on the same, which shall be more than twenty (20) days but less than sixty (60) days from the date of filing the petition, now, therefore,

BE IT HEREBY RESOLVED by the City Council of the City of Ritzville, Adams County, Washington, as follows:

1. That a hearing on said petition for vacation be set for date & time at the City of Ritzville Council Chambers, North 209 Adams, Ritzville, WA.
2. That the City Clerk give twenty (20) days notice of pendency of said petition and hearing by a written notice posted in three (3) of the most public places in the said town, and a like notice in a conspicuous place on the street or alley(pick one) to be vacated.

PASSED by unanimous vote of the City Council of the City of Ritzville this _____ day of _____, 19____.

Councilmember

Councilmember

Councilmember

Kirk D. Danekas
Mayor

Councilmember

ATTEST:

Councilmember

S.P. Barrett
City Clerk/Treasurer

Councilmember

APPROVED AS TO FORM:

Councilmember

Kenneth D. Carpenter
City Attorney

Notices posted as per requirements: _____ (signature)



JERRY CROSSLER
Adams County Assessor
210 West Broadway
Ritzville, Washington 99169
Telephone (509) 659-0090-209

July 25, 1996

City of Ritzville
Attn: S. P. Barrett, Clerk/Treasurer
209 North Adams
Ritzville, WA 99169

RE: Proposed Vacations

Dear Sue:

The property in Block 65 & 69 of Greene & Proutys 2nd is assessed for 1996 based on the following rates:

Lots under 100' deep at	\$ 70	per front foot
Lots 100-126' deep at	\$100	per front foot
Lots in excess of 126'	\$115	per front foot

The simplest way to estimate the value would be to assume that these parcels are part of a 50x126' lot (most common in that area). A 50' x 126' lot would be valued at \$5,000 (50' x \$100/FF).

The 50' deep street is 40% of 126'	$\$5,000 \times 40\% =$	\$2,000
The 12' deep alley is 9.5% of 126'	$\$5,000 \times 9.5\% =$	\$ 500 (rounded)

Sincerely yours,

Mrs. Connie Kline
Admin. Assistant

CLK/hs

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF RITZVILLE VACATING THAT PORTION OF LEGAL DESCRIPTION

The City Council of the City of Ritzville does ordain as follows:

SECTION 1: Purpose. The purpose of this Ordinance is to vacate legal description.

SECTION 2: That the owners, list of owners, of abutting property have petitioned for the vacation of said street or alley and that notice has been given as required by law.

SECTION 3: That the legal description , is hereby vacated and the City of Ritzville does hereby and forever relinquish any and all claims of right, title and interest to the same, and the whole thereof, saving and reserving to the City of Ritzville, an easement to go upon said property vacated to build, repair and maintain any public utilities and services thereon, and subject further to any easements, restrictions and rights-of-way for utilities on said property which may now exist thereon.

SECTION 4: That there is hereby released to the owners, list owners, of the private property abutting thereon all of the right, title and interest of the City of Ritzville, in and to said property as is by the laws of the State of Washington in such cases made and provided, subject to the conditions and restrictions hereinbefore set forth, SUBJECT TO the payment of \$_____ .

SECTION 5: Except as otherwise stated herein, this ordinance shall be in full force and effect five (5) days after passage and publication as proved by law.

READ in open meeting;

PASSED by unanimous vote of the Council present; and

ORDERED PUBLISHED this _____ day of _____ 1996.

KIRK DANEKAS, MAYOR

ATTEST:

APPROVED AS TO FORM:

S. P. BARRETT
CITY CLERK-TREASURER

KENNETH D. CARPENTER
CITY ATTORNEY

July 23, 1996

Jerry Crossler, Assessor
Adams County
210 West Broadway
Ritzville, WA

Dear Mr. Crossler:

We have two properties that have requested to be vacated. That has been granted by the City Council on July 16, 1996. Could we please have an assessed value for the land? One is a portion of a street and the other is a portion of an alley. I have enclosed the legal descriptions.

If there are any questions, please give a call.

Sincerely,

CITY OF RITZVILLE

S. P. Barrett
Clerk/Treasurer

cc: file
enclosure