

# Ordinance No. 00377

## ORDINANCE NO. 377

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 12.20 of the Lakewood Municipal Code, specifically amending section 12.20.160, relating to compensation for vacation of public right of way

WHEREAS, under state law and parallel sections of the Lakewood Municipal Code, citizens owning property abutting City streets or alleys may petition the City to vacate public right of ways for the use and possession of said citizens; and,

WHEREAS, when citizens petitioned for the vacation of public rights of way, local legislative bodies formerly were allowed to require compensation of no more than one-half of the appraised value of the land sought to be vacated; and,

WHEREAS, Revised Code of Washington chapter 35.79 has been amended to allow local legislative bodies the ability to assess up to the full appraised value of any area vacated if the street or alley has been part of a dedicated public right of way for twenty-five years or more or if the subject property or portions thereof were acquired at public expense; and,

WHEREAS, to align itself with the current status of state law and to allow the City to maximize the amount of compensation it can require for vacated public property;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** That section 12.20.160 of the Lakewood Municipal Code be amended, and is to read as follows:

### 12.20.160 (Compensation for Vacation)

A. ~~Where a vacation has been initiated by petition, the owners of the property abutting the area vacated shall pay to the City, prior to the effective date of the ordinance vacating the area, a sum equal to one-half of the appraised value of the area vacated plus the full cost of physical closure and road repairs as required by the City Manager or designee. If the property sought to be vacated, however, has been part of a dedicated public right-of-way, whether open or unopened for twenty-five (25) years or more, or if the property or portions thereof were acquired at public expense, the City may require the petitioner(s) to pay compensation in an amount that does not exceed the full appraised value of the area vacated.; provided, that w-Where the vacation was initiated by the City or was required by the City as a condition of a permit or approval, the owners of the property abutting the area vacated shall not be required to compensate the City. pay such sum and provided further that where the area vacated was acquired at public expense, the owners of the property abutting the area vacated shall pay to the City a sum equal to the full appraised value of the area to be vacated.~~

B. ~~Conveyance of other property acceptable to the City may be made in lieu of the required payment, whether required to mitigate adverse impacts of the vacation or otherwise. When the conveyance is made for street purposes, one-half of the fair market value of the land conveyed shall be credited to the required payment. When the conveyance is made in fee for purposes other than street purposes, the full appraised value of the land conveyed shall be credited to the required payment.~~

C. ~~When the value of the in-lieu parcel is less than the required payment, the petitioners shall pay the difference to the City. When the value of the in-lieu parcel exceeds the required payment, the City shall pay the difference to the petitioners.~~

D. ~~One-half of the revenue received by the City as compensation for vacated public property shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation projects within the~~

City.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the ordinance summary.

ADOPTED by the City Council this 21<sup>st</sup> day of March, 2005.

CITY OF LAKEWOOD

Attest:

\_\_\_\_\_  
Douglas G. Richardson, Mayor

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Alice M. Bush, CMC/AE, City Clerk

Approved as to Form:

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Heidi Wachter, City Attorney