
SENATE BILL 6095

State of Washington

57th Legislature

2001 Regular Session

By Senators Regala and McCaslin

Read first time 02/21/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to street vacations; and amending RCW 35.79.010
2 and 35.79.030.

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

4 **Sec. 1.** RCW 35.79.010 and 1965 c 7 s 35.79.010 are each amended to
5 read as follows:

6 The owners of an interest in any real estate abutting upon any
7 street or alley who may desire to vacate the street or alley, or
8 any part thereof, may petition the legislative authority to make
9 vacation, giving a description of the property to be vacated, or
10 the legislative authority may itself initiate by resolution such
11 vacation procedure. The petition or resolution shall be filed with
12 the city or town clerk, and, if the petition is signed by the
13 owners of more than two-thirds of the property abutting upon the
14 part of such street or alley sought to be vacated, the legislative
15 authority by resolution shall fix a time when the petition will be
16 heard and determined by such authority or a committee thereof, or
17 by an assigned hearing examiner, which time shall not be more than

1 sixty days nor less than twenty days after the date of the passage
2 of such resolution.

3 **Sec. 2.** RCW 35.79.030 and 1987 c 228 s 1 are each amended to read
4 as follows:

5 The hearing on ~~((such))~~ the petition may be held before the
6 legislative authority~~((r))~~ or ~~((before))~~ a committee thereof, or
7 before an assigned hearing examiner, upon the date fixed by
8 resolution or at the time ~~((said))~~ the hearing may be adjourned
9 to. If the hearing is before ~~((such))~~ a committee or an assigned
10 hearing examiner the same shall, following the hearing, report its
11 recommendation on the petition to the legislative authority, which
12 may adopt or reject the recommendation. If ~~((such))~~ the hearing
13 ~~((be))~~ is held before ~~((such))~~ a committee or an assigned hearing
14 examiner, it ~~((shall))~~ is not ~~((be))~~ necessary ~~((to hold))~~ for a
15 hearing to be held on the petition before ~~((such))~~ the legislative
16 authority. If the legislative authority determines to grant
17 ~~((said))~~ the petition or any part thereof, ~~((such))~~ the city or
18 town ~~((shall be authorized and have authority))~~ may by ordinance
19 ~~((to))~~ vacate such street, or alley, or any part thereof, and the
20 ordinance may provide that it ~~((shall))~~ does not become effective
21 until the owners of property abutting upon the street or alley, or
22 part thereof so vacated, ~~((shall))~~ compensate ~~((such))~~ the city or
23 town in an amount ~~((which does not exceed one-half the appraised~~
24 ~~value of the area so vacated, except in the event the subject~~
25 ~~property or portions thereof were acquired at public expense,~~
26 ~~compensation may be required in an amount))~~ equal to the full
27 appraised value of the vacation: PROVIDED, That such ordinance
28 may provide that the city retain an easement or the right to
29 exercise and grant easements in respect to the vacated land for
30 the construction, repair, and maintenance of public utilities and
31 services. A certified copy of such ordinance shall be recorded by
32 the clerk of the legislative authority and in the office of the
33 auditor of the county in which the vacated land is located.

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