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ENGROSSED HOUSE BILL 1223

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Fitzgibbon, Green, Darneille, Jinkins, Ladenburg,  
and Takko

Read first time 01/17/11. Referred to Committee on Local Government.

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 The hearing on such petition may be held before the legislative  
7 authority, ~~((or))~~ before a committee thereof, or before a hearing  
8 examiner, upon the date fixed by resolution or at the time ~~((said))~~ the  
9 hearing may be adjourned to. If the hearing is before ~~((such))~~ a  
10 committee the same shall, following the hearing, report its  
11 recommendation on the petition to the legislative authority which may  
12 adopt or reject the recommendation. If ~~((such))~~ the hearing ~~((be))~~ is  
13 held before ~~((such))~~ a committee it shall not be necessary to hold a  
14 hearing on the petition before ~~((such))~~ the legislative authority. If  
15 the hearing is before a hearing examiner, the hearing examiner shall,  
16 following the hearing, report its recommendation on the petition to the  
17 legislative authority, which may adopt or reject the recommendation:  
18 PROVIDED, That the hearing examiner must include in its report to the  
19 legislative authority an explanation of the facts and reasoning

1 underlying a recommendation to deny a petition. If a hearing is held  
2 before a hearing examiner, it shall not be necessary to hold a hearing  
3 on the petition before the legislative authority. If the legislative  
4 authority determines to grant (~~said~~) the petition or any part  
5 thereof, such city or town shall be authorized and have authority by  
6 ordinance to vacate such street, or alley, or any part thereof, and the  
7 ordinance may provide that it shall not become effective until the  
8 owners of property abutting upon the street or alley, or part thereof  
9 so vacated, shall compensate such city or town in an amount which does  
10 not exceed one-half the appraised value of the area so vacated. If the  
11 street or alley has been part of a dedicated public right-of-way for  
12 twenty-five years or more, or if the subject property or portions  
13 thereof were acquired at public expense, the city or town may require  
14 the owners of the property abutting the street or alley to compensate  
15 the city or town in an amount that does not exceed the full appraised  
16 value of the area vacated. The ordinance may provide that the city  
17 retain an easement or the right to exercise and grant easements in  
18 respect to the vacated land for the construction, repair, and  
19 maintenance of public utilities and services. A certified copy of such  
20 ordinance shall be recorded by the clerk of the legislative authority  
21 and in the office of the auditor of the county in which the vacated  
22 land is located. One-half of the revenue received by the city or town  
23 as compensation for the area vacated must be dedicated to the  
24 acquisition, improvement, development, and related maintenance of  
25 public open space or transportation capital projects within the city or  
26 town.

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