
SUBSTITUTE SENATE BILL 5137

State of Washington

62nd Legislature

2011 Regular Session

By Senate Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Pridemore, Swecker, and Regala)

READ FIRST TIME 02/15/11.

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 If a hearing is held before a hearing examiner, it shall not be
19 necessary to hold a hearing on the petition before the legislative

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

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