

ORDINANCE O-4321

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING TITLE 19.16 OF THE KIRKLAND MUNICIPAL CODE RELATING TO VACATIONS OF STREETS AND ACCESS EASEMENTS, FILE NO. ZON11-00020

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official; together with the report and recommendations of the Planning Director;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Municipal Code Text Amended: The specific portions of the sections of the text of the Kirkland Municipal Code are amended to read as set forth in Attachment A attached to this Ordinance and incorporated herein by this reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. This Ordinance shall be in full force and effect January 1, 2012, after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in summary form attached to the original of this Ordinance and by this reference approved by the City Council as required by law.

Section 4: A complete copy of this Ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this 6th day of September, 2011.

SIGNED IN AUTHENTICATION thereof this 6th
day of September, 2011.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

Kirkland Municipal Code

**Chapter 19.16
VACATIONS OF STREETS AND ACCESS EASEMENTS**

19.16.040 Petition for vacation brought by abutting property owners.

(1) The owners of an interest in any real estate abutting upon any street or alley, or underlying any public easement governed by this chapter, may petition the city council for vacation of the subject property.

(2) The applicant shall apply for a vacation by submitting the following:

(a) A vacation petition with supporting affidavits on forms provided by the department of planning and community development ("planning department");

(b) A legal description of the area to be vacated prepared by a licensed surveyor;

(c) For each petitioner a title report indicating ownership and providing a legal description of the property owned by the petitioner;

~~(d)~~ Five paper copies of a site map showing the subject property and showing all properties within three hundred feet of any portion of the subject property. The site maps shall be at a scale of one inch equals one hundred feet;

~~(e)~~ An eight and one half inch by eleven inch clear plastic transparency of the site map;

~~(f)~~ Address labels containing the names and addresses of the owners of all property within three hundred feet of any boundary of the subject property;

~~(g)~~ A copy of the King County assessor's map identifying the properties specified in subsection (f) of this section;

~~(h)~~ (d) The vacation application fee as established by ordinance;

~~(i)~~ (e) A signed agreement to pay the cost of an appraisal as provided for in Section 19.16.170; and

~~(j)~~ (f) Any additional information or material that the director of the planning department determines is reasonably necessary for the city council to consider the requested vacation.

(3) The petition shall be filed with the planning department, and the petition shall be signed by the owners of more than two-thirds of the property abutting on the street or alley (based on front footage), or underlying the public easement (based on square footage). (Ord. 3803 § 2 (part), 2001)

19.16.050 Council resolution for vacation. (No change)

19.16.060 Date of public hearing. (No change)

19.16.070 Vacations of streets and access easements—Public notification of hearing.

(1) Content. The director of the planning department shall prepare a public notice containing the following information:

(a) A statement that a request to vacate the subject property will be considered by the city council;

- (b) A statement of the time and place of the public hearing before the city council;
 - (c) A location description in non-legal language along with a vicinity map that identifies the subject property proposed to be vacated;
 - (d) A statement that the vacation file is available for viewing at Kirkland City Hall; and
 - (e) A statement of the right of any person to submit written comments to the city council prior to or at the public hearing and to appear before the city council at the hearing to give comments orally.
- (2) Distribution of Notice of Hearing. At least twenty calendar days before the public hearing, the director of the planning department shall distribute the public notice as follows:
- (a) A copy will be sent, by mail, to the owner of each piece of property within three hundred feet of any boundary of the subject property;
 - (b) A copy will be sent, by mail, to each resident living immediately adjacent to or on the subject property;
 - (c) A copy will be published in the official newspaper of the city, except no vicinity map shall be required;
 - (d) At least two copies will be posted in conspicuous public places in the city;
 - (e) A copy will be posted on the subject property in the manner set out in subsection (3) of this section.
- (3) Public Notice Sign. The applicant shall provide for and erect public notice signs at least twenty calendar days before the public hearing as follows:
- (a) The sign shall be designed and constructed to city standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.
 - (b) The planning department is authorized to develop the standards for the public notice signs necessary for implementation of this section.
 - (c) One sign shall be erected on the subject property. The planning department may require that additional signs be erected on or near the subject property and placed so that the signs are conspicuously visible from an improved public right-of-way not subject to the vacation request. The department of planning and community development shall approve the location of each sign.
 - ~~(d) The applicant shall post a deposit to ensure proper maintenance and removal of the signs.~~

PUBLICATION SUMMARY
OF ORDINANCE O-4321

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING TITLE 19.16 OF THE KIRKLAND MUNICIPAL CODE RELATING TO VACATIONS OF STREETS AND ACCESS EASEMENTS, FILE NO. ZON11-00020

SECTION 1. Identifies the specific amendments to the Kirkland Municipal Code.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3 Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as January 1, 2012, after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 6th day of September, 2011.

I certify that the foregoing is a summary of Ordinance O-4321 approved by the Kirkland City Council for summary publication.



City Clerk