

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATIONS OF STREETS, ALLEYS, AND EASEMENTS, AND AMENDING PROCEDURES FOR VACATION OF STREETS, ALLEYS, AND EASEMENTS, AND AMENDING ORDINANCE NO. 2488.

WHEREAS, this Ordinance is exempt from the State Environmental Policies Act under WAC 197-10-170(11) and (21).

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

Section 1 Section 18 of Ordinance 2488 is amended to read as follows:

Section 18. Final Decision

1. General. Following the public hearing, the City Council, shall by motion approved by a majority of the entire membership in a roll call vote, ~~make a final decision that~~ either--

- a. ~~Grants the vacation and either~~
Adopt an Ordinance granting the Vacation; or
- b. ~~Denies the vacation~~
Adopt a motion denying the Vacation; or
- c. Adopt a Resolution of Intent to Vacate stating that City Council will, by Ordinance, grant the Vacation if the applicant meets specified conditions within 90 days. The City may require the following as conditions:

(1) Either--

- (a) ~~A~~accepts monetary compensation to be paid to the City in the amount of up to 1/2 the fair market value for the street, alley, or part thereof to be vacated; or
- (2) (b) ~~A~~accepts the grant of a substitute public right-of-way which has value as an access way at least equal to the vacated street, alley, or part thereof; or
- (3) (c) ~~A~~accepts any combination of 1-(a) and 2-(b) above totaling but not more than 1/2 the fair market value of the street or alley, or part thereof to be vacated.

OR

- (4) (2) ~~A~~accepts a grant of an easement to the City in exchange for the easement vacated; or

(5) Accepts no compensation or grant in exchange for the vacated easement; or

If the appellant complies with the conditions imposed in the Resolution of Intent to Vacate within 90 days, the City Council shall adopt an Ordinance granting the vacation.

2. Additional Requirement. -- Subsequent to passage of an Ordinance vacating a street, alley, or part thereof the applicant shall deposit with the City Clerk any moneys or dedications required by City Council for compensation for the vacation, and any documents for reservation made under Section 5 of this Ordinance. -- The City Clerk must receive these before the Director of Administration and Finance signs the Ordinance and before the Ordinance is recorded with the King County Department of Elections and Records.

2. Findings required. As part of each Ordinance granting a Vacation, motion denying a vacation, or Resolution of Intent to Vacate, the City Council shall adopt findings and conclusions to support its decision.

3. Distribution. Within 5 work days of City Council's decision, or after the City receives any required compensation, or reservations, whichever is later, the Planning Director shall mail a copy of the Notice of Decision to the applicant.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance 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 force and take effect five (5) days from and after its passage by the City Council and publication as required by law.

PASSED BY MAJORITY VOTE OF THE KIRKLAND CITY COUNCIL IN REGULAR, OPEN MEETING this 21 day of June, 1982.

SIGNED IN AUTHENTICATION thereof this 21 day of June, 1982.

Doris Cooper
MAYOR Pro-Tem

ATTEST:

Ray Johnson
Director of Administration and Finance
(ex officio City Clerk)

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 23 day of JUNE, 1982 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

APPROVED AS TO FORM:

Ray Johnson
City Attorney

Janice G. Lewis
Clerk