

**ORDINANCE NO. 924**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STREET VACATIONS, ALLOWING THE CITY TO CHARGE THE FULL FAIR MARKET VALUE FOR VACATION OF STREETS, ALLEYS OR PUBLIC PLACES THAT HAVE BEEN PART OF A DEDICATED PUBLIC RIGHT-OF-WAY FOR TWENTY-FIVE YEARS OR MORE, CONSISTENT WITH RCW 35.79.030; AMENDING GIG HARBOR MUNICIPAL CODE SECTION 12.14.018(A).**

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WHEREAS, state law provides the authority for the City's vacation of City streets; and

WHEREAS, RCW 35.79.030 was recently amended to allow cities to collect the full fair market value of a street from the abutting property owners in a street vacation, if the subject property was part of a dedicated public right-of-way for twenty-five years or more; and

WHEREAS, the City needs to amend Gig Harbor Municipal Code Section 12.14.018(A) to be consistent with RCW 35.79.030; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Subsection A of Section 12.14.018 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**12.14.018. Compensation for vacation.**

A. Payment for Vacation. Ordinances vacating any street, alley or public place ~~which has not been acquired at public expense~~ shall not be passed by the city council until the owners of the property abutting upon the street, alley or public place so vacated, shall compensate the city in the amount required by this subsection. For those streets, alleys or public places that have not been acquired at public expense and which have not been part of a dedicated public right-of-way for twenty-five (25) years or more, the property owners shall compensate the city in an amount ~~sum~~ equal to one-half of the fair market value, as shown in the appraisal, of the area vacated. Is paid to the city. For those streets, alleys or public places that have been acquired at public expense or which have been part of a dedicated public right-of-way for twenty-five (25) years or more, the property owners shall compensate the city in an

amount equal to the full fair market value of the area vacated, as shown in the appraisal. Where the area vacated was acquired at public expense, the sum to be paid to the city shall be equal to the full fair market value, as shown in the appraisal, of the area vacated.— As contemplated by GHMC 12.14.014, the full fair market value, as shown in the appraisal, shall be paid upon vacation of streets abutting upon bodies of water.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 27th day of January, 2003.

CITY OF GIG HARBOR

  
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GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By:   
\_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 1/8/03  
PASSED BY THE CITY COUNCIL: 1/27/03  
PUBLISHED: 3/5/03  
EFFECTIVE DATE: 3/10/03  
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