

## ORDINANCE NO. 3910

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PORTIONS OF CHAPTER 20.70 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE WHICH CLARIFY THE TYPES OF EASEMENTS THAT MAY BE RETAINED DURING A STREET VACATION AND ADDS CLARIFYING LANGUAGE WITH REGARD TO THE APPLICANT OF A STREET VACATION PROCESS.

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WHEREAS, in response to a citizen request the City Council tasked the Planning Board with considering an amendment to Chapter 20.70 of the Edmonds Community Development Code entitled “Street Vacations” add language with regard to the types of easements that may be retained during a street vacation and clarifying language with regard to the applicant of a street vacation; and

WHEREAS, after a public hearing held on November 14, 2012 the Planning Board forwarded a recommendation to the City Council regarding a proposed amendment to street vacation requirements which clarify the types of easements that may be retained during a street vacation and adding clarifying language with regard to the applicant of a street vacation process; and

WHEREAS, the proposed amendments are consistent with RCW 35.79.030 Hearing – Ordinance of vacation, and

WHEREAS, after a considering the Planning Board’s recommendation at a public hearing held on February 5, 2013 the City Council finds the proposed amendment in the public interest; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to Section 20.70.030 City easement rights for public utilities and services. Section 20.70.030 of the Edmonds Community Development Code, entitled “City easement rights for public utilities and services,” is hereby amended to read as follows (new text is shown in underline):

**20.70.030 City easement rights for public utilities and services.**

In vacating a street, alley, or easement, the city council may reserve for the city any easements or the right to exercise and grant any easements for construction, repair and maintenance of public utilities and services.

Section 2. Amendment to Section 20.70.050 Initiation of proceedings. Section 20.70.050 of the Edmonds Community Development Code, entitled “Initiation of proceedings,” is hereby amended to read as follows (new text is shown in underline):

**20.70.050 Initiation of proceedings.**

A vacation may be initiated by:

- A. City council; or
- B. Petition of the owners of more than two-thirds of property abutting the portion of the street or alley to be vacated or, in the case of an easement, two-thirds of property underlying the portion of the easement to be vacated.
- C. Hereafter within this chapter, where the term “applicant” is used, if the City did not initiate the vacation, applicant shall refer to the petitioning owner(s) of property abutting upon the street or alley, or part thereof, subject to the vacation request.

Section 3. Amendment to Section 20.70.140 Final decision. Section 20.70.140 of the Edmonds Community Development Code, entitled “Final decision,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

**20.70.140 Final decision.**

- A. Generally. Following the public hearing, the city council shall, by motion approved by a majority of the entire membership in a roll call vote, either:
  - 1. Adopt an ordinance granting the vacation; or
  - 2. Adopt a motion denying the vacation; or
  - 3. Adopt a resolution of intent to vacate stating that the city council will, by ordinance, grant the vacation if the ~~applicant~~ owner(s) of property abutting upon

the street or alley, or part thereof so vacated, meets specific conditions within 90 days. The city may require the following as conditions:

a. Either:

- i. Monetary compensation to be paid to the city in the amount of up to one-half the fair market value for the street, alley, or part thereof to be vacated unless acquired at “public expense”, then full appraised value shall be paid; or
- ii. 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
- iii. Any combination of paragraphs A(3)(a)(i) and A(3)(a)(ii) of this section totaling but not more than one-half the fair market value of the street, alley, or part thereof to be vacated.

OR

b. A grant of an easement to the city in exchange for the easement vacated.

If the ~~applicant~~ abutting property owner(s) complies with conditions imposed in the resolution of intent to vacate within 90 days, the city council shall adopt an ordinance granting the vacation.

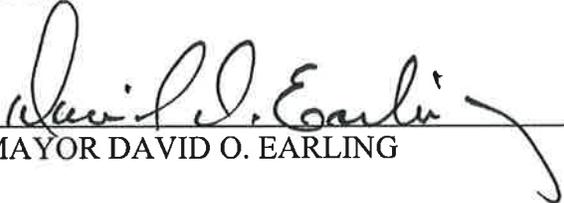
B. Findings Required. As part of each ordinance granting a vacation, motion denying a vacation, or resolution of intent to vacate, the city council shall adopt findings and conclusions to support its decision.

C. Distribution. Within five working days of the city council decision, the planning manager shall mail a copy of the notice of decision to the applicant and all persons who submit a written or oral testimony at the city council’s hearing.

Section 4. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

  
MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:

  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
JEFF TARADAY

FILED WITH THE CITY CLERK:	02-01-2013
PASSED BY THE CITY COUNCIL:	02-05-2013
PUBLISHED:	02-10-2013
EFFECTIVE DATE:	02-15-2013
ORDINANCE NO. <u>3910</u>	

**SUMMARY OF ORDINANCE NO. 3910**

of the City of Edmonds, Washington

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On the 5<sup>th</sup> day of February, 2013, the City Council of the City of Edmonds, passed Ordinance No. 3910. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PORTIONS OF CHAPTER 20.70 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE WHICH CLARIFY THE TYPES OF EASEMENTS THAT MAY BE RETAINED DURING A STREET VACATION AND ADDS CLARIFYING LANGUAGE WITH REGARD TO THE APPLICANT OF A STREET VACATION PROCESS.

The full text of this Ordinance will be mailed upon request.

DATED this 6<sup>th</sup> day of February, 2013.



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CITY CLERK, SANDRA S. CHASE

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

} S.S.

**SUMMARY OF ORDINANCE NO. 3910**  
of the City of Edmonds, Washington  
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AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PORTIONS OF CHAPTER 20.70 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE WHICH CLARIFY THE TYPES OF EASEMENTS THAT MAY BE RETAINED DURING A STREET VACATION AND ADDS CLARIFYING LANGUAGE WITH REGARD TO THE APPLICANT OF A STREET VACATION PROCESS.  
The full text of this Ordinance will be mailed upon request.  
DATED this 6th day of February, 2013.  
CITY CLERK, SANDRA S. CHASE  
Published: February 10, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3910

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

February 10, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period,

*Karen E. Ziemer*

Principal Clerk

Subscribed and sworn to before me this

11th

day of February, 2013

*Diana L. Hendrix*

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

