

ORDINANCE NO. 237

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 13.05 OF THE UNIVERSITY PLACE MUNICIPAL CODE BY AMENDING SECTION 13.05.060, TO REQUIRE AN EXACT LEGAL DESCRIPTION OF THE AREA TO BE VACATED, AND BY AMENDING SECTIONS 13.05.120, AND 13.05.130, PAYMENT OF COMPENSATION OF CONVEYANCE, TO CORRECT SUBSECTION REFERENCES.

WHEREAS, on May 4, 1997, the City Council adopted the City of University Place Public Works Standards; and

WHEREAS, since adoption of the Public Works Standards, several necessary changes have become apparent; and

WHEREAS, on December 14, 1998, the City Council met to discuss the issue further; and,

WHEREAS, on February 2, 1999, the City Council held a second public hearing to hear and duly consider testimony and adopted the Amendment to Title 13, Chapter 05 (Street and Alley Vacation Procedures) of the University Place Municipal Code; and

WHEREAS, on June 7, 1999, the City Council held a public hearing to hear and duly consider testimony.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amending Section 13.05.060, Section 13.05.060, Survey, vicinity map, plat map, and legal description, of Title 13, Public Works Standards, is amended to read as follows:

13.05.060 Survey, vicinity map, plat map and legal description.

A. Every petition shall be accompanied by:

1. A survey containing an exact legal description of the portion of road to be vacated prepared and sealed by a professional land surveyor, registered in the State of Washington ;as determined by the Director of Public Works;
2. A vicinity map showing the general area of the proposed vacation;
3. A plat map prepared and sealed by a professional land surveyor, registered in the State of Washington, indicating the specific parcels abutting the proposed street or alley to be vacated;
4. The name and address of all property owners for properties which lie within three hundred feet of the street or alley to be vacated.

B. Flagging which indicates the boundaries of the street or alley shall be installed when the survey is conducted.

Section 2. Amending Section 13.05.120(B) Section 13.05.120(B), Appraisals, is amended to read as follows:

B. The director shall use the appraisal having the highest value for the area vacated. The director of public works shall determine the fair market value or full appraisal value of the real property proposed to be granted or dedicated to the city in lieu of cash payment under UPMC 13.05.450-110 in accordance with the appraisal procedure in subsection (A) of this section.

Section 3. Amending Section 13.05.130. Section 13.05.130, Payment of compensation of conveyance is amended to read as follows.

13.05.130 Payment of compensation of conveyance.

After determining the appraisal of the value of the street or alley to be vacated, pursuant to UPMC 13.05.460 ~~120~~, the director of public works shall notify the representatives of the petitioners of the amount of compensation. The payment shall be delivered to the director who, upon receipt of the payment, shall transmit it to the city finance department for deposit in the street fund and shall make a written report of the payment to the city council. If the petitioner has been authorized to deliver an instrument granting or dedicating to the city a parcel or parcels of land in lieu of cash payment, as contemplated in UPMC 13.05.430 ~~110~~, the director, at the petitioner's expense, may obtain either a policy of title insurance insuring title of the property in the city, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate, shall transmit it to the city council.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JUNE 7, 1999




Debbie Klosowski, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: June 10, 1999
Effective Date: June 15, 1999