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SENATE BILL 5045

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State of Washington

54th Legislature

1995 Regular Session

By Senators Haugen and Winsley

Read first time 01/09/95. Referred to Committee on Government Operations.

1 AN ACT Relating to the vacation by a city or town of streets  
2 abutting bodies of water; and amending RCW 35.79.035.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.79.035 and 1987 c 228 s 2 are each amended to read  
5 as follows:

6 (1) A city or town shall not vacate a street or alley if any  
7 portion of the street or alley abuts a body of fresh or salt water  
8 unless:

9 (a) The vacation is sought to enable the city or town to acquire  
10 the property for port purposes, beach or water access purposes, boat  
11 moorage or launching sites, park, public view, recreation, or  
12 educational purposes, or other public uses;

13 (b) The vacation is sought by a public port district to enable the  
14 port district to acquire the property for port purposes;

15 (c) The city or town, by resolution of its legislative authority,  
16 declares that the street or alley is not presently being used as a  
17 street or alley and that the street or alley is not suitable for any of  
18 the following purposes: Port, beach or water access, boat moorage,  
19 launching sites, park, public view, recreation, or education; or

1       (~~(e)~~) (d) The vacation is sought to enable a city or town to  
2 implement a plan, adopted by resolution or ordinance, that provides  
3 comparable or improved public access to the same shoreline area to  
4 which the streets or alleys sought to be vacated abut, had the  
5 properties included in the plan not been vacated.

6       (2) Before adopting a resolution vacating a street or alley under  
7 subsection (~~(1)(b)~~) (1)(c) of this section, the city or town shall:

8       (a) Compile an inventory of all rights of way within the city or  
9 town that abut the same body of water that is abutted by the street or  
10 alley sought to be vacated;

11       (b) Conduct a study to determine if the street or alley to be  
12 vacated is suitable for use by the city or town for any of the  
13 following purposes: Port, boat moorage, launching sites, beach or  
14 water access, park, public view, recreation, or education;

15       (c) Hold a public hearing on the proposed vacation in the manner  
16 required by this chapter, where in addition to the normal requirements  
17 for publishing notice, notice of the public hearing is posted  
18 conspicuously on the street or alley sought to be vacated, which posted  
19 notice indicates that the area is public access, it is proposed to be  
20 vacated, and that anyone objecting to the proposed vacation should  
21 attend the public hearing or send a letter to a particular official  
22 indicating his or her objection; and

23       (d) Make a finding that the street or alley sought to be vacated is  
24 not suitable for any of the purposes listed under (b) of this  
25 subsection, and that the vacation is in the public interest.

26       (3) No vacation shall be effective until the fair market value has  
27 been paid for the street or alley that is vacated. Moneys received  
28 from the vacation may be used by the city or town only for acquiring  
29 additional beach or water access, acquiring additional public view  
30 sites to a body of water, or acquiring additional moorage or launching  
31 sites.

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