

HB 1223 - H AMD

By Representative Fitzgibbon

ADOPTED AS AMENDED 03/07/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 35.79.030 and 2002 c 55 s 1 are each amended to read
4 as follows:

5 The hearing on such petition may be held before the legislative
6 authority, ~~((or))~~ before a committee thereof, or before a hearing
7 examiner, upon the date fixed by resolution or at the time ~~((said))~~ the
8 hearing may be adjourned to. If the hearing is before ~~((such))~~ a
9 committee the same shall, following the hearing, report its
10 recommendation on the petition to the legislative authority which may
11 adopt or reject the recommendation. If ~~((such))~~ the hearing ~~((be))~~ is
12 held before ~~((such))~~ a committee it shall not be necessary to hold a
13 hearing on the petition before ~~((such))~~ the legislative authority. If
14 the hearing is before a hearing examiner, the hearing examiner shall,
15 following the hearing, report its recommendation on the petition to the
16 legislative authority, which may adopt or reject the recommendation.
17 If a hearing is held before a hearing examiner, it shall not be
18 necessary to hold a hearing on the petition before the legislative
19 authority. If the legislative authority determines to grant ~~((said))~~
20 the petition or any part thereof, such city or town shall be authorized
21 and have authority by ordinance to vacate such street, or alley, or any
22 part thereof, and the ordinance may provide that it shall not become
23 effective until the owners of property abutting upon the street or
24 alley, or part thereof so vacated, shall compensate such city or town
25 in an amount which does not exceed one-half the appraised value of the
26 area so vacated. If the street or alley has been part of a dedicated
27 public right-of-way for twenty-five years or more, or if the subject
28 property or portions thereof were acquired at public expense, the city
29 or town may require the owners of the property abutting the street or
30 alley to compensate the city or town in an amount that does not exceed

1 the full appraised value of the area vacated. The ordinance may
2 provide that the city retain an easement or the right to exercise and
3 grant easements in respect to the vacated land for the construction,
4 repair, and maintenance of public utilities and services. A certified
5 copy of such ordinance shall be recorded by the clerk of the
6 legislative authority and in the office of the auditor of the county in
7 which the vacated land is located. One-half of the revenue received by
8 the city or town as compensation for the area vacated must be dedicated
9 to the acquisition, improvement, development, and related maintenance
10 of public open space or transportation capital projects within the city
11 or town."

12 Correct the title.

EFFECT: Substitutes "hearing examiner" for "hearing officer,"
making use of the term "hearing examiner" consistent throughout.
Incorporates the provision for the appointment of a hearing examiner to
conduct street vacation hearings within the existing section rather
than within a new and separate subsection.

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