

CITY OF SEATTLE
ORDINANCE 126507
COUNCIL BILL 120227

AN ORDINANCE related to street vacations; amending Section 15.62.090 of the Seattle Municipal Code to exempt publicly funded affordable housing projects from compensating the City for vacations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.62.090 of the Seattle Municipal Code, last amended by Ordinance 121661, is amended as follows:

15.62.090 Compensation for vacation ((:))

A. Ordinances vacating any street or alley or part thereof shall not be passed by the City Council until a sum equal to one-half (~~((1/2))~~) of the appraised value of the area vacated is paid to the City; ((:)) provided, that if the street or alley has been a part of a dedicated public right-of-way for (~~((twenty-five))~~) 25 years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated. In certain circumstances, provision of other valuable consideration acceptable to the City may be made in lieu (~~((of))~~) of up to one-half (~~((1/2))~~) of the payment; provided, that such consideration shall not be acceptable if it is required for the street vacation, it is considered a public benefit to meet the public benefit requirements of the street vacation, or it is required by other regulatory action. Acceptable consideration shall be quantified in dollars, which shall then be credited to the required payment.

B. City, State, and federal agencies shall be exempt from such payment, but shall pay to the City all costs incurred by the City in processing the vacation request.

C. Petitioners shall be exempt from such payment if before passing the ordinance vacating a street or alley, the project receives public funding or federal low-income housing tax

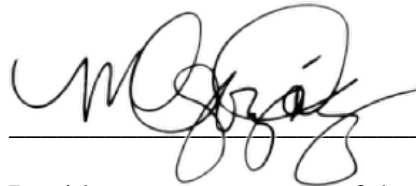
1 credits and is subject to a regulatory agreement, covenant, or other legal instrument recorded on
2 the property title and enforceable by The City of Seattle, Washington State Housing Finance
3 Commission, State of Washington, King County, U.S. Department of Housing and Urban
4 Development, or other similar entity as approved by the Director of Housing that restricts at least
5 40 percent of the project's units at rent and income levels consistent with the City's Housing
6 Funding Policies as adopted by Ordinance 125308 and subsequently amended. Petitioners
7 exempt from compensating the City for the value of the right-of-way under this subsection
8 15.62.090 C shall pay to the City all costs incurred by the City in processing the vacation
9 request.

10 D. As contemplated by RCW 35.79.035(3), notwithstanding the provisions of subsections
11 15.62.090.B or 15.62.090.C, the full market value shall be paid upon vacation of streets abutting
12 upon bodies of water.

13 ~~((B))~~ E. Conveyance of other property acceptable to the City may be made in lieu of the
14 payment required by subsection 15.62.090.A or 15.62.090.D, whether required to mitigate
15 adverse impacts of the vacation or otherwise. The full appraised value of the land conveyed shall
16 be credited to the required payment. When the value of the in-lieu parcel is less than the payment
17 required by subsection 15.62.090.A or 15.62.090.D, the petitioner shall pay the difference to the
18 City. When the value of the in-lieu parcel exceeds the payment required by subsection
19 15.62.090.A or 15.62.090.D, the City shall pay the difference to the petitioner.

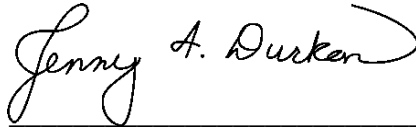
1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 13th day of December, 2021,
5 and signed by me in open session in authentication of its passage this 13th day of
6 December, 2021.

7 

8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 15th day of December, 2021.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 15th day of December, 2021.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)