
A RESOLUTION ADOPTING A POLICY REGARDING THE PAYMENT AND USE OF
RIGHT OF WAY VACATION FEES

WHEREAS, in accordance with state law, Resolution No. 1732 provides that the City may charge the abutting property owners up to 100% of the appraised value of the vacated area if the right-of-way has been dedicated for 25 years or more, and up to 50% of the appraised value if the right of way has been dedicated for less than 25 years; and

WHEREAS, in order to facilitate public purposes, such as affordable housing, the City wishes to offset the cost of low income housing development; and

WHEREAS, nevertheless, RCW 35.79.030 requires that at least one-half of the revenue received by the City as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview as follows:

Section 1. The City Council of Longview adopts the policy contained in the attached Exhibit A to address the payment and use of alley right of way vacation fees.

PASSED by the City Council of Longview, Washington, and approved by its Mayor this 14th day of February, 2018.

Mayor

ATTEST:

City Clerk

OPTION A

RESOLUTION NO. 2290 - EXHIBIT A

POLICY REGARDING RIGHT OF WAY VACATIONS AND THE COLLECTION AND USE OF VACATION FEES

In accordance with state law, Resolution No. 1732 provides that the City may charge abutting property owners up to 100% of the appraised value of the vacated area if the right-of-way has been dedicated for 25 years or more, and up to 50% of the appraised value if the right of way has been dedicated for less than 25 years.

In lieu of a formal appraisal, staff may use the assessed land value of the abutting properties, or some other suitable method, to develop right of way vacation fee recommendations.

When, during the public hearing on the request to vacate an alley right of way, evidence is presented that the granting of the vacation is necessary to develop low income housing, the City may provide that up to one half of the vacation fees charged by the City be set aside to assist in offsetting the cost of the relocation of existing City-owned utilities located in the vacated right of way. To ensure that the set aside vacation fees are used for the intended public purpose, the applicant(s) for the right of way vacation shall record appropriate restrictive covenants on the adjoining property to guarantee the use of such set aside vacation fees advances the identified public purpose.

Alternatively, the City Council may choose to charge a vacation fee less than the maximum allowed by state law and Resolution No. 1732. To ensure the cost savings received by the applicant(s) are applied to complete the low income housing development, appropriate written agreements, guarantees, and/or restrictive covenants recorded on the adjoining property, may be required.

RCW 35.79.030 requires that at least one-half of the revenue received by the City as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city.

In those instances where granting of a vacation request would result in a dead end alley, potentially causing disruption to the public and remaining residents, in addition to retention of a public utility easement, a public access easement shall be retained by the City until such time as an alternate means of access and egress is provided.

The City may approve the proposed vacation contingent upon such other conditions as are necessary to serve the general public.