

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO STREET VACATIONS AND AMENDING OLYMPIA MUNICIPAL CODE SECTION 12.16.090**

**WHEREAS**, Olympia Municipal Code (OMC) Chapter 12.16 applies to petitions to vacate public rights-of-way within the City and is intended to assure that the vacating of City streets and alleys, or portions thereof, will not be detrimental to private properties or the general welfare of the City; and

**WHEREAS**, currently, OMC Section 12.16.090 provides that any compensation due to the City for vacated rights-of-way must be based upon the appraised value of the affected property and requires an appraisal "acceptable to the City Attorney;" and

**WHEREAS**, there are times when the property at issue is so small or unique that the petitioner of a street vacation cannot find an appraiser to do the appraisal work because there are no comparables available; and

**WHEREAS**, staff has recommended that OMC Section 12.16.090 be amended to provide that another method of property valuation acceptable to the City may be used in instances where an appraisal is infeasible;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of OMC 12.16.090.** Olympia Municipal Code Section 12.16.090 is hereby amended to read as follows:

**Chapter 12.16  
STREET VACATIONS**

12.16.090 Appraisal

Compensation ~~shall~~must be based upon the appraised value of the affected rights-of-way, or, where circumstances make obtaining an appraisal infeasible, based on another determination of fair market value. An appraisal of the affected rights-of-way shall be made by an appraiser acceptable to the ~~city attorney~~City Attorney, or if the City Attorney determines that obtaining an appraisal is infeasible under the circumstances, the City Attorney may approve an alternative method for determining the fair market value of the affected rights-of-way. The cost of the appraisal ~~shall be~~or other determination of fair market value is the responsibility of the petitioner(s).

**Section 2. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerk errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by law.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

*Michael M. Young*  

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DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**