

ORDINANCE NO. 1418

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to streets and compensation payments for vacation of public rights-of-way, and amending DMMC 12.12.060.

WHEREAS, Ordinance No. 1007 was passed by Council on February 11, 1993, re-establishing procedures for street vacations, and

WHEREAS, the City Council finds it in the best interest of the City to amend the manner in which compensation is paid for the vacation of public rights-of-way within the City; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 12.12.060 and section 6 of Ordinance No. 1007 are each amended to read as follows:

Condition precedent. Payment of compensation is a condition precedent to the final vacation of any City right-of-way and shall be paid to the City by responsible parties within ninety (90) days of receipt of the request for compensation prepared by the City, unless otherwise approved by the City Council or waived in accordance with DMMC 12.12.050(2)(e). In the event of the failure of the responsible parties to pay such sum within ninety (90) days, unless otherwise allowed by the City Council, the petition of vacation shall be denied except that if a right-of-way proposed for vacation is bordered by more than one parcel of property and if the owners of some, but not all, of those parcels want to have those portions abutting their properties vacated and are willing to pay their prorated share of the required compensation, the public works director may so modify the vacation request.

Sec. 2. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

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Sec. 3. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 29th day of November, 2007 and signed in authentication thereof this 29th day of November, 2007.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: December 7, 2007

Effective Date: December 28, 2007

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1418, Adopted November 29, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to streets and compensation payments for vacation of public rights-of-way, and amends DMMC 12.12.060.

The full text of the ordinance will be mailed without cost upon request.

Denis Staab
City Clerk

Published: December 7, 2007