



ABERDEEN CITY COUNCIL
September 30, 2020
6:00 PM – TELEPHONIC MEETING
COUNCIL WORKSHOP AGENDA

REAL ESTATE:

Vacation of Right of Way; Acquisition & Surplus of Property

PUBLIC CALL IN NUMBERS:

Telephone Number: (425) 585-6257

Access Code: 618-313-093 # (PLEASE INCLUDE THE # SYMBOL)

- I. CALL TO ORDER** (Council President Shaw)
- II. ROLL CALL** (Patricia Soule/City Clerk)
- III. PURPOSE** - To discuss policy direction and/or development of an ordinance to formalize the City's procedures for real estate including: vacation of City rights-of-way, and acquisition and surplus of real property.
- IV. REAL ESTATE ACTIONS AND PRACTICES**
 - a. Lisa Scott/Community Development
 - b. Rick Sangder/Public Works
- V. MAYOR'S COMMENTS**
- VI. * CITY COUNCIL COMMENT PERIOD**
- VII. NEXT STEPS**
- VIII. ADJOURN**

* Council comments and questions are expected throughout, in addition to special comment period

The City of Aberdeen does not discriminate against anyone from participation in public meetings. Requests for assistance should be made by contacting the Finance Department at: 360-537-3225, 48 hours in advance of the meeting. Thank you.

ABERDEEN CITY COUNCIL

REAL ESTATE WORKSHOP

September 30, 2020

BACKGROUND DOCUMENTS

- **List of City-owned property (2016)**
- **City Right-of-Way Vacation (AMC 12.10)**
- **MRSC Summary: Sale of Surplus City or Town Property**
- **MRSC: Definition of First-class City**
- **RCW 35.22.280 – First-class City Council Powers**
- **RCW 39.33.010 – Sale, Exchange, Transfer, Lease of Public Property**
- **Sample Documents**
 - **Bellingham – Disposition of Surplus Real Property**
 - **Bremerton – Disposition of Surplus Real Property**
 - **Vancouver – Disposition of Real Property**
 - **Richland – Sale or Lease of City Real Property**
 - **Spokane – Disposition of Surplus Real Property**
 - **Tacoma – Webpage for All Real Estate Services**
 - **Yakima – Sale, Disposition or Lease of Surplus Real Property**

CITY OF ABERDEEN PROPERTY

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
010100600001	Hwy. 12 by Best Western	City of Aberdeen/PW	200 East Market Street	5,400 Sq.Ft.. - Pump Station
010100900000	"F" between Wishkah/Heron	City of Aberdeen/Parks	200 East Market Street	42,250 Sq.Ft.. - Zelasko Park
010101400102	Gateway Mall	City of Aberdeen/PW	200 East Market Street	4,050 Sq.Ft.. - Drainage Ditch between Wal*Mart & Goodwill
010101600002	Adjacent to Rail Trestle	City of Aberdeen/PW	200 East Market Street	10,800 Sq.Ft.. - Industrial Waterline (Between Wal*Mart & Best Western)
010103300602	Market & "D" Street	City of Aberdeen/PW	200 East Market Street	257 Sq.Ft.. - Portion of Market Street ROW
010103500500	104 South "F" Street	City of Aberdeen/Abatement	200 East Market Street	10,790 Sq.Ft.. - Wirta Site (Gateway Center Property)
010103500700	500 East Wishkah	City of Aberdeen	200 East Market Street	6,500 Sq.Fr. - Selmer's Annex (Gateway Center Property)
010103500801	506 East Wishkah	City of Aberdeen	200 East Market Street	9,750 Sq.Ft.. - Pourhouse (Gateway Center Property)
010103500901	Fuller Way	City of Aberdeen	200 East Market Street	5,500 Sq.Ft.. - Property Adjacent to Pourhouse (Billboards) Gateway Center
010103600102	107South "F" Street	City of Aberdeen	200 East Market Street	7,500 Sq.Ft.. - Steambath Building (Gateway Center Property)
010103600901	416 Wishkah	City of Aberdeen	200 East Market Street	26,000 Sq.Ft.. - Old Chevron Site (Gateway Center Property)
010103900100	121 East Market	City of Aberdeen	200 East Market Street	13,000 Sq.Ft.. - Timberland Regional Library
010103900800	104 East Wishkah	City of Aberdeen	200 East Market Street	6,500 Sq.Ft.. - Parking Lot Adjacent to City Drug
010103901200	122 East Wishkah	City of Aberdeen	200 East Market Street	6,500 Sq.Ft.. - Library Parking Lot
010104400702	318 South "G" Street	City of Aberdeen	200 East Market Street	2,000 Sq.Ft.. - Property Between Mission's Storage Bldg. & Elway's
010105000101	River St./Alley/"G"/"H"	City of Aberdeen/PW	200 East Market Street	2,200 Sq.Ft.. - Property Under Chehalis River Bridge
010105000402	State Street/"H" Street	City of Aberdeen/PW	200 East Market Street	2,000 Sq.Ft.. - Road ROW Under Chehalis River Bridge
010300500800	Stewart Park	City of Aberdeen/Parks	200 East Market Street	1.8 Acres - Stewart Park
010500200801	Shamrock/Sycamore Drive	City of Aberdeen/PW	200 East Market Street	3,300 Sq.Ft.. - Vacant Property ROW
010700600104	End of "M" Street	City of Aberdeen/PW	200 East Market Street	200 Sq.Ft.. - Road ROW
010801000200	Bel-Aire	City of Aberdeen/PW	200 East Market Street	6,300 Sq.Ft.. - Bel-Air Street ROW
010900101000	Sam Benn Park	City of Aberdeen/Parks	200 East Market Street	22,100 Sq.Ft.. - Portion of Sam Benn Park
010900700000	Sam Benn Park	City of Aberdeen/Parks	200 East Market Street	2.57 Acres - Portion of Sam Benn Park
011000601100	Port Industrial Road/Division	City of Aberdeen/PW	200 East Market Street	6,990 Sq.Ft.. - Division/Port Industrial Road ROW
011001001700	700 West Market	City of Aberdeen	200 East Market Street	6,500 Sq.Ft.. - Fire Station Administration
011001001900	700 West Market	City of Aberdeen	200 East Market Street	19,500 Sq.Ft.. - Fire Station
011001201301	1st and Alder	City of Aberdeen/PW	200 East Market Street	200 Sq.Ft.. - Road ROW
011001201800	610 West 1st Street	City of Aberdeen	200 East Market Street	6,500 Sq.Ft.. - Existing House
011002300300	807 West 4th Street	City of Aberdeen	200 East Market Street	6,500 Sq.Ft.. - Abatement Property (Vacant)
012001102301	116 East Mead	City of Aberdeen/PW	200 East Market Street	600 Sq.Ft.. - Pump Station
012201201600	SW Blvd./Putnam/Mead	City of Aberdeen/Parks	200 East Market Street	6,000 Sq.Ft.. - Wetlands (A Portion of the Property Behind Pioneer Park)

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
012201900100	Putnam/Van Buren	City of Aberdeen/Parks	200 East Market Street	6,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Pioneer Park
012202001100	Vine/Van Buren	City of Aberdeen/Parks	200 East Market Street	6,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Pioneer Park
012202100300	Schley	City of Aberdeen/Parks	200 East Market Street	9,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Pioneer Park
012202101400	Schley/Farragut	City of Aberdeen/Parks	200 East Market Street	4,675 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Pioneer Park
012202102000	Farragut/Center	City of Aberdeen/Parks	200 East Market Street	9,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Pioneer Park
012202500101	Gold/Renton	City of Aberdeen/Parks	200 East Market Street	3,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012202502000	Farragut/Center	City of Aberdeen/Parks	200 East Market Street	7,150 Sq.Ft.. - City Parks Maintenance Area - Pioneer Park
012202503801	Farragut	City of Aberdeen/Parks	200 East Market Street	11,040 Sq.Ft.. - City Parks Maintenance Area (Dirt Stockpile) - Pioneer Park
012202600801	Gold	City of Aberdeen/Parks	200 East Market Street	8,398 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012202601301	Gold	City of Aberdeen/Parks	200 East Market Street	6,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012202701300	Farragut	City of Aberdeen/Parks	200 East Market Street	18,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012202701800	Farragut	City of Aberdeen/Parks	200 East Market Street	6,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012202702000	Farragut	City of Aberdeen/Parks	200 East Market Street	15,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012203500101	Regent/Gold	City of Aberdeen/Parks	200 East Market Street	11,040 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012203501301	Regent/Gold	City of Aberdeen/Parks	200 East Market Street	11,440 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012203502101	Renton/Regent	City of Aberdeen/Parks	200 East Market Street	3,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012203700100	Regent/Blakely	City of Aberdeen/Parks	200 East Market Street	18,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012203702001	Edgewood	City of Aberdeen/Parks	200 East Market Street	3,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012203702201	Regent/Edgewood	City of Aberdeen/Parks	200 East Market Street	4,456 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012203800901	Regent/Edgewood/Blakely	City of Aberdeen/Parks	200 East Market Street	9,727 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012204500201	Regent/Center/Tacoma	City of Aberdeen/Parks	200 East Market Street	9,959 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012204500901	Tacoma/Center	City of Aberdeen/Parks	200 East Market Street	3,000 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
012204501801	Blakely	City of Aberdeen/Parks	200 East Market Street	12,959 Sq.Ft.. - Wetlands (South Aberdeen) - Property Adjacent to Cosmopolis Trail
013400000100	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	13,250 Sq.Ft.. - A Portion of Morrison Riverfront Park
013400001200	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	19,600 Sq.Ft.. - A Portion of Morrison Riverfront Park
014000101302	"E" Street & 1st Street	City of Aberdeen/PW	200 East Market Street	1,968 Sq.Ft.. - First Street & "E" Street ROW
014200700500	2011 West 1st Street	City of Aberdeen/PW	200 East Market Street	37,750 Sq.Ft.. - Port Industrial Area - Property Adjacent to Railroad
014201700100	1301 Hood	City of Aberdeen/PW	200 East Market Street	8,325 Sq.Ft.. - A Portion of the City Shop Area
014400700000	12th Avenue/Arnold	City of Aberdeen/PW	200 East Market Street	82,831 Sq.Ft.. - Vacant Property Adjacent to 12th Avenue (Hillside)
014401000000	9th Avenue/10th Avenue/"E"	City of Aberdeen/PW	200 East Market Street	78,750 Sq.Ft.. - A Portion of the City's Reservoir Property
014401100000	Fairmont/Stewart	City of Aberdeen/PW	200 East Market Street	2.32 Acres - A Portion of the City's Reservoir Property
014401300000	Reservoir	City of Aberdeen/PW	200 East Market Street	4.9 Acres - A Portion of the City's Reservoir Property
014401800500	421 9th Avenue	City of Aberdeen/PW	200 East Market Street	36,000 Sq.Ft.. - A Portion of the City's Reservoir Property (Adjacent to Reservoir)
014402000500	6th Avenue/"E" Street	City of Aberdeen/PW	200 East Market Street	3,900 Sq.Ft.. - Vacant Lot (Hillside)

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
014402100800	1804 Arnold	City of Aberdeen/PW	200 East Market Street	11,015 Sq.Ft.. - A Portion of the 6th Avenue/Arnold ROW
014600800100	1401 West Huntley	City of Aberdeen/PW	200 East Market Street	10,000 Sq.Ft.. - Pump Station
015000400100	1327 East 2nd Street	City of Aberdeen/Parks	200 East Market Street	14,577 Sq.Ft.. - Cobain Land (Park)
015000401200	Market/Young	City of Aberdeen/PW	200 East Market Street	9,650 Sq.Ft.. - Vacant Property (Adjacent to Cobain Landing)
015000401700	1st Street	City of Aberdeen/PW	200 East Market Street	4,800 Sq.Ft.. - Vacant Property (Adjacent to Cobain Landing)
015000901000	Market Street	City of Aberdeen/PW	200 East Market Street	786 Sq.Ft.. - Market/Chicago Street ROW
015001001000	101 Chicago	City of Aberdeen/PW	200 East Market Street	3,450 Sq.Ft.. - Pump Station
015001202101	Randall	City of Aberdeen	200 East Market Street	720 Sq.Ft.. - Vacant Property (Adjacent to a House)
015002700001	"B" Street Lane	City of Aberdeen/PW	200 East Market Street	1,400 Sq.Ft.. - "B" Street Lane/Terrace ROW
015002700201	Terrace	City of Aberdeen/PW	200 East Market Street	9,100 Sq.Ft.. - Terrace/"B" Street Lane, Vacant Lot (Hillside)
015002700400	Terrace	City of Aberdeen/PW	200 East Market Street	11,250 Sq.Ft.. - Terrace- Vacant Lot (Hillside)
015002700700	Terrace	City of Aberdeen/PW	200 East Market Street	5,400 Sq.Ft.. - Portion of Vacant Lot 6 on Terrace (Hillside)
015002700800	Terrace	City of Aberdeen/PW	200 East Market Street	8,480 Sq.Ft.. - Vacant Lots on Terrace (Hillside)
015200001003	Friedlander	City of Aberdeen/PW	200 East Market Street	6,980 Sq.Ft.. - Vacant Property (Hillside)
016400200100	Randolf	City of Aberdeen/PW	200 East Market Street	16,692 Sq.Ft.. - Vacant Property (Hillside) off of Randolf above the Wishkah River
016400500901	Pioneer Blvd.	City of Aberdeen/PW	200 East Market Street	100 Sq.Ft.. - A Portion of the Pioneer Blvd. ROW
016400700100	Union/McClellan	City of Aberdeen/PW	200 East Market Street	97,850 Sq.Ft.. - Vacant Property (Hillside) Above the Wishkah River
016401100600	Pioneer Blvd.	City of Aberdeen/PW	200 East Market Street	5,200 Sq.Ft.. - A Portion of the Pioneer Blvd. ROW
016401200300	Pioneer Blvd.	City of Aberdeen/PW	200 East Market Street	14,600 Sq.Ft.. - A Portion of the Pioneer Blvd. ROW
016401300300	Pioneer Blvd.	City of Aberdeen/PW	200 East Market Street	6,200 Sq.Ft.. - Vacant Lot off of Pioneer Blvd. (Hillside)
016401400500	Fleet/Henry	City of Aberdeen/PW	200 East Market Street	6,020 Sq.Ft.. - Vacant Lot off of Pioneer Blvd. (Hillside)
016401500100	Union/McClellan	City of Aberdeen/PW	200 East Market Street	28,364 Sq.Ft.. - Vacant Property Above the Wishkah River (Hillside)
016401500800	Union	City of Aberdeen/PW	200 East Market Street	112,038 Sq.Ft.. - Vacant Property Above the Wishkah River (Hillside)
016600900000	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	Morrison Riverfront Park (A Small Portion of Roadway Adjacent to the Railroad)
018000100100	Valley Road	City of Aberdeen/Parks	200 East Market Street	30,537 Sq.Ft.. - Stewart Park
018200400900	1121 North "L" Street	City of Aberdeen/PW	200 East Market Street	8,970 Sq.Ft.. - Vacant Lot (Property off of Alden Where House Slid)
018603601600	Bay/Ash	City of Aberdeen/PW	200 East Market Street	5,950 Sq. Ft. - Pump Station
018603800100	Bay/Willow	City of Aberdeen/Parks	200 East Market Street	23,000 Sq.Ft.. - A Portion of West End Playfield
018603800900	Bay/Willow	City of Aberdeen/Parks	200 East Market Street	5,750 Sq.Ft.. - A Portion of West End Playfield
018603801000	Bay/Willow	City of Aberdeen/Parks	200 East Market Street	17,250 Sq.Ft.. - A Portion of West End Playfield
018603900400	Bay/Willow	City of Aberdeen/Parks	200 East Market Street	34,590 Sq.Ft.. - A Portion of West End Playfield
018604500900	Morgan	City of Aberdeen/PW	200 East Market Street	14,191 Sq.Ft.. - Rention Pond Fry Creek
018604600400	2nd Street/Willow	City of Aberdeen/Parks	200 East Market Street	15,950 Sq.Ft.. - A Portion of West End Playfield
018604700100	2nd Street/Willow	City of Aberdeen/PW	200 East Market Street	11,400 Sq.Ft.. - Rention Pond Fry Creek

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
018605300101	Morgan/Wooding	City of Aberdeen/PW	200 East Market Street	3,500 Sq.Ft.. - Rention Pond Fry Creek
018605401000	1st Street/Duffy	City of Aberdeen/PW	200 East Market Street	5,750 Sq.Ft.. - Rention Pond Fry Creek
018605500700	1st Street/Duffy	City of Aberdeen/PW	200 East Market Street	8,500 Sq.Ft.. - Rention Pond Fry Creek
018605600100	1st Street/Haight	City of Aberdeen/PW	200 East Market Street	3,550 Sq.Ft.. - Rention Pond Fry Creek
018800100100	Pioneer Park	City of Aberdeen/Parks	200 East Market Street	10,920 Sq.Ft.. - A Portion of Pioneer Park
018801200000	Pioneer Park	City of Aberdeen/Parks	200 East Market Street	900 Sq.Ft.. - A Portion of Pioneer Park
019001001100	Boone Street	City of Aberdeen/PW	200 East Market Street	11,500 Sq.Ft.. - A Portion of Donovan Slough
019001800100	Fordney/Clark	City of Aberdeen/PW	200 East Market Street	20,125 Sq.Ft.. - A Portion of Donovan Slough
019001800500	Boone/Fordney	City of Aberdeen/PW	200 East Market Street	11,500 Sq.Ft.. - A Portion of Donovan Slough
019001801200	Boone/Fordney	City of Aberdeen/PW	200 East Market Street	2,875 Sq.Ft.. - A Portion of Donovan Slough
019001900101	Boone Street	City of Aberdeen/PW	200 East Market Street	2,875 Sq.Ft.. - A Portion of Boone Street ROW
019400201502	Sargent Blvd.	City of Aberdeen/PW	200 East Market Street	1,000 Sq.Ft.. - A Portion of the ROW on Sargent Blvd.
019800003301	Lake Aberdeen	City of Aberdeen/PW	200 East Market Street	4.35 Acres - A Portion of Lake Aberdeen
020400401100	2001 Roosevelt	City of Aberdeen/PW	200 East Market Street	1,875 Sq.Ft.. - Pump Station
020400700501	Roosevelt	City of Aberdeen/PW	200 East Market Street	1,070 Sq.Ft.. - Alley ROW
021200101101	360 North Haight	City of Aberdeen/PW	200 East Market Street	750 Sq.Ft.. - Pump Station
021400200700	Scammel/Earl	City of Aberdeen/PW	200 East Market Street	15,360 Sq.Ft.. - Vacant Property Below Highlands (Hillside)
021601401000	Hayes	City of Aberdeen/PW	200 East Market Street	7,000 Sq.Ft.. - Vacant Lot (Off of Unimproved Hayes)
021602800201	Laura/Tecumseh	City of Aberdeen/PW	200 East Market Street	7,752 Sq.Ft.. - Vacant Property (Hillside)
021602800400	1420 Tecumseh	City of Aberdeen/PW	200 East Market Street	21,000 Sq.Ft.. - Pump Station
021603600000	Young	City of Aberdeen/Parks	200 East Market Street	87,900 Sq.Ft.. - A Portion of North End Park
021603700700	1506 Young	City of Aberdeen/PW	200 East Market Street	7,000 Sq.Ft.. - Pump Station
021603900401	Ranier	City of Aberdeen	200 East Market Street	6,000 Sq.Ft.. - Vacant Property
021604400000	Pioneer Blvd.	City of Aberdeen/PW	200 East Market Street	47,050 Sq.Ft.. - Vacant Property (Off of Pioneer Blvd.-Hillside)
021605300001	Young & Wishkah River	City of Aberdeen/PW	200 East Market Street	12,646 Sq.Ft.. - Vacant Property on NW Corner of Young & the Wishkah River
021801003000	Cushing	City of Aberdeen/PW	200 East Market Street	3,000 Sq.Ft.. - Vacant Property (A Portion of Miller Slough)
021801003100	Decatur/Cushing	City of Aberdeen/PW	200 East Market Street	6,000 Sq.Ft.. Vacant Property (A Portion of Miller Slough)
021801101300	Cushing	City of Aberdeen/PW	200 East Market Street	2,806 Sq.Ft.. Vacant Property (A Portion of Miller Slough)
021801102100	SW Blvd.	City of Aberdeen/PW	200 East Market Street	12,000 Sq.Ft.. Vacant Property (A Portion of Miller Slough)
021801102400	SW Blvd.	City of Aberdeen/PW	200 East Market Street	3,000 Sq.Ft.. Vacant Property (A Portion of Miller Slough)
021801102500	SW Blvd.	City of Aberdeen/PW	200 East Market Street	3,000 Sq.Ft.. Vacant Property (A Portion of Miller Slough)
021802300000	Pioneer Park	City of Aberdeen/Parks	200 East Market Street	10.64 Acres - A Portion of Pioneer Park
021802801300	Cushing	City of Aberdeen/Parks	200 East Market Street	27,000 Sq.Ft.. - Vacant Property (Across from Pioneer Park)
021803302400	Cushing	City of Aberdeen/Parks	200 East Market Street	6,000 Sq.Ft.. - Vacant Property (Across from Pioneer Park)

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
021803401100	Scott Street	City of Aberdeen	200 East Market Street	6,000 Sq.Ft.. - Vacant Property
021803701700	319 South Lawrence	City of Aberdeen/Parks	200 East Market Street	24,000 Sq.Ft.. - Pioneer Park (Batting Cage Area)
021803800101	Perry	City of Aberdeen/Parks	200 East Market Street	20,508 Sq.Ft.. - Pioneer Park (Batting Cage Area)
021803801300	Columbus/Schley	City of Aberdeen/Parks	200 East Market Street	12,000 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021803801701	Schley	City of Aberdeen/Parks	200 East Market Street	19,544 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021803900101	Perry	City of Aberdeen/Parks	200 East Market Street	2,750 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021803900400	Perry	City of Aberdeen/Parks	200 East Market Street	12,000 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021803900900	Perry	City of Aberdeen/Parks	200 East Market Street	18,000 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021803902100	Schley	City of Aberdeen/Parks	200 East Market Street	12,000 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021804001300	Perry	City of Aberdeen/Parks	200 East Market Street	36,000 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021804200800	Scott Street	City of Aberdeen/Parks	200 East Market Street	6,8009 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021804500101	Cushing	City of Aberdeen/Parks	200 East Market Street	5,819 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021804502301	Perry	City of Aberdeen/Parks	200 East Market Street	6,000 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021804600500	Perry	City of Aberdeen/Parks	200 East Market Street	6,000 Sq.Ft.. - Vacant Wetlands (South of Cosmopolis Trail)
021805501201	Perry/Crocket	City of Aberdeen/PW	200 East Market Street	250 Sq.Ft.. - Vacant Wetlands (A Portion of Donovan Slough)
021805600100	Boone Street	City of Aberdeen/PW	200 East Market Street	6,000 Sq.Ft.. - A Portion of the Boone Street ROW
021805800101	Boone Street	City of Aberdeen/Parks	200 East Market Street	18,000 - A Portion of Totem Pole Park (South Aberdeen)
021805902700	Scott Street	City of Aberdeen/PW	200 East Market Street	6,000 Sq.Ft.. - Vacant Wetlands (A Portion of Donovan Slough)
021806000700	Marion	City of Aberdeen/PW	200 East Market Street	3,000 Sq.Ft.. - Vacant Wetlands (A Portion of Donovan Slough)
021806002800	Cushing	City of Aberdeen/PW	200 East Market Street	9,000 Sq.Ft.. - Vacant Wetlands (A Portion of Donovan Slough)
021806103100	Perry	City of Aberdeen/PW	200 East Market Street	8,400 Sq.Ft.. - Vacant Wetlands (A Portion of Donovan Slough)
022201200100	Arnold	City of Aberdeen/Parks	200 East Market Street	8,950 Sq.Ft.. - Sam Benn Park
022201300100	Arnold	City of Aberdeen/Parks	200 East Market Street	32,900 Sq.Ft.. - Sam Benn Park
022201500100	Arnold/McKinley	City of Aberdeen/Parks	200 East Market Street	10,680 Sq.Ft.. - McKinley & Arnold Street (Triangle Park)
022202400201	357 North "E" Street	City of Aberdeen	200 East Market Street	8,850 Sq.Ft.. Vacant Property
023000800100	Alden Hill Area	City of Aberdeen/PW	200 East Market Street	3.24 Acres - Vacant Property (Hillside Area off of Alden)
023202100501	6th Street	City of Aberdeen/PW	200 East Market Street	1,000 Sq.Ft.. - A Portion of the ROW on 6th Street
026000301000	Henry	City of Aberdeen/PW	200 East Market Street	8,712 Sq.Ft.. - A Portion of the East Aberdeen Bluff (Hillside)
027300001100	Basich Blvd.	City of Aberdeen/PW	200 East Market Street	37,897 Sq.Ft.. - Basich Blvd. Utility Corridor
027401600000	Curtis/Front Street	City of Aberdeen/PW	200 East Market Street	19,050 Sq.Ft.. - A Portion of the Sky Sweeps Property/Southside Dike
027402000000	700 West Curtis	City of Aberdeen/Fire	200 East Market Street	10,000 Sq.Ft.. - Southside Fire Station
027602900500	King/Lawrence Streets	City of Aberdeen/PW	200 East Market Street	12,000 Sq.Ft.. - Vacant Wetland Property (A Portion of Shannon Slough)
028200401300	5th Avenue	City of Aberdeen/PW	200 East Market Street	13,000 Sq.Ft.. - Vacant Property off of 5th Avenue (Hillside)
028200700601	Arnold/Baila Way	City of Aberdeen/PW	200 East Market Street	3,250 Sq.Ft.. - A Portion of the Arnold Street ROW

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
028201200200	4th Avenue	City of Aberdeen/PW	200 East Market Street	16,250 Sq.Ft.. - Vacant Property off of 4th Avenue (Hillside)
028201300401	B Street Alley	City of Aberdeen/PW	200 East Market Street	2,500 Sq.Ft.. - Pump Station
028700400101	Anderson Drive	City of Aberdeen/PW	200 East Market Street	560 Sq.Ft.. - Vacant Property off of Anderson Drive (Hillside)
028701700001	Anderson Drive	City of Aberdeen/PW	200 East Market Street	100 Sq.Ft.. - Vacant Property off of Anderson Drive (Hillside)
028701700003	Anderson Drive	City of Aberdeen/PW	200 East Market Street	100 Sq.Ft.. - Vacant Property off of Anderson Drive (Hillside)
028800100702	Sumner Avenue	City of Aberdeen/PW	200 East Market Street	2,160 Sq.Ft.. - A Portion of the Sumner Avenue ROW
029100700101	Harriman/Farragut	City of Aberdeen/PW	200 East Market Street	2,875 Sq.Ft.. - Pump Station
029101100100	901 South Evans	City of Aberdeen/PW	200 East Market Street	6,613 Sq.Ft.. - Pump Station
029106600502	Lomax	City of Aberdeen/PW	200 East Market Street	3,062 Sq.Ft.. - A Portion of Lomax ROW
029200000501	Valley Road	City of Aberdeen/PW	200 East Market Street	3,484 Sq.Ft.. - A Portion of Valley Road ROW
029300800700	"I" & 2nd Streets	City of Aberdeen/Parks	200 East Market Street	13,000 Sq.Ft.. - Storage Building for Museum
029301000100	217 East 1st Street	City of Aberdeen	200 East Market Street	13,000 Sq.Ft.. - Police Department Parking Lot
029301000401	211 East 1st Street	City of Aberdeen	200 East Market Street	5,200 Sq.Ft.. - City Hall (Parking)
029301000501	"I" & 1st Streets	City of Aberdeen	200 East Market Street	5,000 Sq.Ft.. - City Hall (Parking)
029301000502	112 North "I" Street	City of Aberdeen	200 East Market Street	4,000 Sq.Ft.. - City Hall (Parking)
029301000503	110 North "I" Street	City of Aberdeen	200 East Market Street	4,000 Sq.Ft.. - City Hall (Parking)
029301000700	200 East Market	City of Aberdeen	200 East Market Street	19,500 Sq.Ft.. - City Hall
029301001000	210 East Market	City of Aberdeen	200 East Market Street	19,500 Sq.Ft.. - Police Station
029301300100	117 East 3rd Street	City of Aberdeen/Parks	200 East Market Street	24,050 Sq.Ft.. - Community Center Building (Museum/CCAP Offices)
029304500000	8th & "L" Streets	City of Aberdeen/Parks	200 East Market Street	9,000 Sq.Ft.. - Corner Park
029404200701	State Street	City of Aberdeen/PW	200 East Market Street	1,200 Sq.Ft.. - A Portion of the State Street ROW
029404900801	5th Street	City of Aberdeen/PW	200 East Market Street	1,350 Sq.Ft.. - A Portion of the 5th Street ROW (Off of "M" Street)
029405400000	Market Street	City of Aberdeen/PW	200 East Market Street	84,000 Sq.Ft.. - Franklin Field/Market Street Retention Pond
029407400000	1101 West Heron Street	City of Aberdeen/PW	200 East Market Street	50,560 Sq.Ft.. - City Shops/Sewer
029408600000	1101 West Heron Street	City of Aberdeen/Police	200 East Market Street	15,905 Sq.Ft... - Animal Shelter
029409500000	River/Monroe/Lincoln Streets	City of Aberdeen/PW	200 East Market Street	18,000 Sq.Ft.. - A Portion of the City Shops
029500101600	7th Street	City of Aberdeen/PW	200 East Market Street	3,550 Sq.Ft.. - A Portion of the 7th Street ROW
029503200800	Jeffries & 5th Streets	City of Aberdeen/PW	200 East Market Street	7,765 Sq.Ft.. - A Portion of the 5th Street ROW
029800200101	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	52,650 Sq.Ft.. - A Portion of Morrison Riverfront Park
029800200102	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	26,450 Sq.Ft.. - A Portion of Morrison Riverfront Park-Parking
029800300000	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	21,350 Sq.Ft.. - A Portion of Morrison Riverfront Park-Parking
029800900402	Pioneer Blvd.	City of Aberdeen/PW	200 East Market Street	6,500 Sq.Ft.. - A Portion of Pioneer Blvd. ROW
029800901200	McClellan	City of Aberdeen/PW	200 East Market Street	7,000 Sq.Ft.. - Vacant Property (Think of Me Hill, Hillside)
029801000101	Pioneer Blvd.	City of Aberdeen/PW	200 East Market Street	7,000 Sq.Ft.. - A Portion of Pioneer Blvd. ROW

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
029801001000	Pioneer Blvd.	City of Aberdeen/PW	200 East Market Street	2,600 Sq.Ft.. - A Portion of Pioneer Blvd. ROW
029801100100	Fairfield	City of Aberdeen/PW	200 East Market Street	28,000 Sq.Ft.. - Vacant Property (Off Of Fairfield-Hilly)
029900900200	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	260,530 Sq.Ft.. - A Portion of Morrison Riverfront Park
029900900801	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	121,9680 Sq.Ft.. - A Portion of Morrison Riverfront Park
029901100801	Curtis/Chehalis River	City of Aberdeen/PW	200 East Market Street	5.08 Acres - Tidelands (Property on the Chehalis River Behind the Sky Sweeps)
029901100902	US Hwy 101	City of Aberdeen/PW	200 East Market Street	12,350 Sq.Ft.. - Tidelands on the Chehalis River
029901200009	US Hwy. 12	City of Aberdeen/Parks	200 East Market Street	24,000 Sq.Ft.. - A Portion of Morrison Riverfront Park
029901300001	US Hwy. 12	City of Aberdeen/PW	200 East Market Street	7,500 Sq.Ft.. - Drainage Ditch Between Wal*Mart and Goodwill
029901300004	US Hwy. 12/Wishkah River	City of Aberdeen/PW	200 East Market Street	2,800 Sq.Ft.. - Pump Station (Best Western)
029901500100	Zelasko Park	City of Aberdeen/Parks	200 East Market Street	Tidelands Along the Wishkah River (Below Zelasko Park)
029901800402	1205 West State Street	City of Aberdeen/PW	200 East Market Street	244,807 Sq.Ft.. - Sewer Treatment Plant
029901800405	State Street	City of Aberdeen/PW	200 East Market Street	95,832 Sq.Ft.. - Sewer Treatment Plant
029901800407	State Street	City of Aberdeen/PW	200 East Market Street	174,240 Sq.Ft.. - Sewer Treatment Plant
029901900101	Front Street	City of Aberdeen/PW	200 East Market Street	15.85 Acres - Southside Dike/Trail Property (Including Tidelands)
029901900102	Front Street	City of Aberdeen/PW	200 East Market Street	5,600 Sq.Ft.. - Southside Dike/Trail Property (Including Tidelands)
029902701700	5th Avenue (Off Of)	City of Aberdeen/PW	200 East Market Street	Tidelands Along the Wishkah River (Tract 27)
029902800301	5th Avenue (Off Of)	City of Aberdeen/PW	200 East Market Street	Tidelands Along the Wishkah River (Tract 28)
029902800500	5th Avenue (Off Of)	City of Aberdeen/PW	200 East Market Street	Tidelands Along the Wishkah River (Tract 28)
029903000102	Wishkah River	City of Aberdeen/PW	200 East Market Street	Tidelands Along the Wishkah River (Tract 30)
317080623001	Lake Aberdeen	City of Aberdeen/PW	200 East Market Street	8.75 Acres - A Portion of Lake Aberdeen
317090110000	Lake Aberdeen	City of Aberdeen/PW	200 East Market Street	587.05 Acres - A Portion of Lake Aberdeen
317090323001	Tecumseh (Off Of)	City of Aberdeen/PW	200 East Market Street	City's Water Tank on "Think of Me Hill"
317090412002	Wishkah Road/Riverview Drive	City of Aberdeen/PW	200 East Market Street	Hillside off of Wishkah Rd./Riverview Dr./Bench Drive
317090421001	Valley Road	City of Aberdeen/Parks	200 East Market Street	66,211 - A Portion of Stewart Park
317090421002	Valley Road	City of Aberdeen/PW	200 East Market Street	10,018 Sq.Ft.. - A Portion of the Valley Road ROW
317090424003	Valley Road	City of Aberdeen/PW	200 East Market Street	45,840 Sq.Ft.. - A Portion of the Valley Road ROW & Hillside
317090424004	"B" Street/5th Avenue	City of Aberdeen/PW	200 East Market Street	16,150 Sq.Ft.. - Wishkah River Tidelands
317090434001	"B" Street Lane	City of Aberdeen/PW	200 East Market Street	1,800 Sq.Ft.. - A Portion of the "B" Street Lane ROW
317090511001	9th Avenue (Off Of)	City of Aberdeen/PW	200 East Market Street	62.37 Acres - A Portion of the City's Reservoir
317090514002	9th Avenue (Off Of)	City of Aberdeen/PW	200 East Market Street	7,841 Sq.Ft.. - A Portion of the 9th Avenue ROW & Reservoir
317090534005	Alden Road (Off Of)	City of Aberdeen/PW	200 East Market Street	5,900 Sq.Ft.. - Utility ROW (Hillside)
317090534010	Alden Road (Off Of)	City of Aberdeen/PW	200 East Market Street	5,900 Sq.Ft.. - Utility ROW (Hillside)
317090543001	9th & 10th Streets	City of Aberdeen/PW	200 East Market Street	19,180 Sq.Ft.. - Hillside Below Alden Road (Off Of 9th & 10th Streets)
317090543005	Alden/9th & 10th Streets	City of Aberdeen/PW	200 East Market Street	3.76 Acres - Hillside Below Alden Road (Off Of 9th & 10th Streets)

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
317090544001	Sam Benn Park	City of Aberdeen/Parks	200 East Market Street	8.94 Acres - A Portion of Sam Benn Park
317090612000	Herbig/Basich	City of Aberdeen/PW	200 East Market Street	81 Acres - Vacant Property Off Of Basich & Herbig (Up in the Hills)
317090643003	Anderson Drive	City of Aberdeen/PW	200 East Market Street	16,117 Sq.Ft.. - A Portion of the Hillside on Anderson Drive
317090834002	Port Industrial Road	City of Aberdeen/PW	200 East Market Street	8,660 Sq.Ft.. - A Portion of the Port Industrial Road ROW
317090913001	US Hwy 12	City of Aberdeen/PW	200 East Market Street	10,400 Sq.Ft.. - Industrial Water Line (Between Wal*Mart & Train Tracks)
317090942001	Hwy 105/Scott Street	City of Aberdeen/PW	200 East Market Street	38,768 Sq.Ft.. - Vacant Property (Surrounding West Scott Street Pump Station)
317090942002	930 West Scott Street	City of Aberdeen/PW	200 East Market Street	7,405 Sq.Ft.. - Pump Station
317090942003	Scott Street	City of Aberdeen/PW	200 East Market Street	12,632 Sq.Ft.. - Pump Station
317090942004	Scott Street	City of Aberdeen/PW	200 East Market Street	750 Sq.Ft.. - Vacant Property by Pump Station
317090942005	US Hwy 101 & SR105	City of Aberdeen/Parks	200 East Market Street	22,250 Sq.Ft.. - A Portion of Totem Pole Park
317090942006	US Hwy 101	City of Aberdeen/PW	200 East Market Street	15,246 Sq.Ft.. - A Portion of the Southside Dike & Trail
317091011004	Junction City Road	City of Aberdeen/PW	200 East Market Street	39,204 Sq.Ft.. - A Portion of Sargent Blvd. ROW
317091211000	Lake Aberdeen	City of Aberdeen/PW	200 East Market Street	40 Acres - A Portion of Lake Aberdeen
317091521002	Cosmopolis Trail	City of Aberdeen/Parks	200 East Market Street	4.27 Acres - Cosmopolis Trailway (Old Railroad ROW)
317091522002	Lewis Street	City of Aberdeen/PW	200 East Market Street	1.69 Acres - Unimproved Lewis Street ROW (In front of Leisure Manor)
317091621003	End of West Huntley	City of Aberdeen/PW	200 East Market Street	13,940 Sq.Ft.. - A Portion of the Southside Dike & Trail
317091621004	End of West Huntley	City of Aberdeen/PW	200 East Market Street	1.9 Acres - Tidelands (On the Waterside of the Southside Dike)
317091623002	Southside Dike & Trail	City of Aberdeen/PW	200 East Market Street	5.7 Acres - A Portion of the Southside Dike & Trail
317091733003	Southside Dike & Trail	City of Aberdeen/PW	200 East Market Street	4.9 Acres - A Portion of the Southside Dike & Trail
317091743003	Southside Dike & Trail	City of Aberdeen/PW	200 East Market Street	7.95 Acres - A Portion of the Southside Dike & Trail
317091844002	Southside Dike & Trail	City of Aberdeen/PW	200 East Market Street	1.29 Acres - A Portion of the Southside Dike & Trail
317091911002	SR105	City of Aberdeen/Parks	200 East Market Street	86.91 Acres - A Portion of the Bishop Athletic Complex (170919110020)
317091912001	Southside Trail	City of Aberdeen/PW	200 East Market Street	10.13 Acres - A Portion of the Southside Trail
317091913001	Bishop Athletic Complex	City of Aberdeen/Parks	200 East Market Street	43 Acres - A Portion of the Bishop Athletic Complex
317091913002	Bishop Athletic Complex	City of Aberdeen/Parks	200 East Market Street	2.6 Acres - A Portion of the Bishop Athletic Complex
317091914001	Bishop Athletic Complex	City of Aberdeen/Parks	200 East Market Street	4.85 Acres - A Portion of the Bishop Athletic Complex (170919140010)
317091914002	Bishop Athletic Complex	City of Aberdeen/Parks	200 East Market Street	9.5 Acres - A Portion of the Bishop Athletic Complex
317092022001	Bishop Athletic Complex	City of Aberdeen/Parks	200 East Market Street	25.4 Acres - A Portion of the Bishop Athletic Complex (170920220010)
318082813008	Wynoochee Valley Road	City of Aberdeen/PW	200 East Market Street	12.7 Acres - (Montesano-Industrial Waterline Intake)
318082832001	420 Geissler Road/Wynoochee	City of Aberdeen/PW	200 East Market Street	137.85 Acres - (Montesano-Industrial Waterline Intake)
318093331007	928 Shamrock Drive	City of Aberdeen/PW	200 East Market Street	1,225 Sq.Ft.. - Pump Station
318093332001	End of Shamrock/Valley Rd.	City of Aberdeen/PW	200 East Market Street	39.88 Acres - Vacant Property (Hillside)
318093333001	Valley Road	City of Aberdeen/Parks	200 East Market Street	38.2 Acres - A Portion of Stewart Park
010700800300	Division/5th Street	City of Aberdeen/Parks	200 East Market Street	52,008 Sq.Ft.. - A Portion of Finch Park

PARCEL NO.	SITE ADDRESS	OWNERSHIP	MAILING ADDRESS	NOTES
011002800000	Division/Sumner	City of Aberdeen/Parks	200 East Market Street	49,400 Sq.Ft.. - A Portion of Finch Playfield Spray Park
318093333001	Wishkah Road	City of Aberdeen/PW	200 East Market Street	392.55 Acres - Malinowski Dam/Municipal Water Supply/Headworks
318093333001	Wishkah Road	City of Aberdeen/PW	200 East Market Street	520 Acres - Municipal Watershed
318093333001	Wishkah Road	City of Aberdeen/PW	200 East Market Street	200 Acres - Municipal Watershed
318093333001	Wishkah Road	City of Aberdeen/PW	200 East Market Street	10 Acres - Municipal Watershed
318093333001	Wishkah Road	City of Aberdeen/PW	200 East Market Street	3.7 Acres - Municipal Watershed
318093333001	Squirrel Road	City of Aberdeen/PW	200 East Market Street	38.42 Acres - Filtration Plan (Off Of Wishkah Road)
318093333001	Squirrel Road	City of Aberdeen/PW	200 East Market Street	1.5 Acres - Filtration Plan (Off Of Wishkah Road)
318093333001	Squirrel Road	City of Aberdeen/PW	200 East Market Street	14.72 Acres - Filtration Plan (Off Of Wishkah Road)
318093333001	US Hwy 105 (Charley Creek)	City of Aberdeen/PW	200 East Market Street	78.15 Acres - Public Works Storage Yard

* ROW=Right-of-Way; PW = Public Works

** Disclaimer - I may have missed one or two properties. We went off of the County records; However, some of our Watershed and Filtration Plant properties did not show up on their records, so I did include them on this list, but again I may have missed one or two. Also some of the properties have liens on them from City Abatements. Those properties would be listed above but I may not have documented whether or not we have an abatement lien.

Chapter 12.10 PETITION FOR VACATION

Sections:

- 12.10.010** Petition for vacation.
- 12.10.020** Petition Fees.
- 12.10.030** Appraisals.
- 12.10.040** Notice of Hearing.
- 12.10.050** Protest of Council Initiated Vacation.
- 12.10.060** Hearing.
- 12.10.070** Reserved Easements.
- 12.10.080** Vacation of Waterfront Streets.
- 12.10.090** Compensation for Vacation.
- 12.10.100** Payment of Compensation for Conveyance.
- 12.10.110** Posting and Mailing Notices — Recording Ordinance.

12.10.010 Petition for vacation.



A. *Petitions authorized.* The owners of an interest in any real estate abutting upon any street desiring to vacate the street, or any part thereof, may petition the City Council to make such vacation. The term “street” when used in this chapter shall include streets, alleys, public ways, easements, and any other forms of public right of way.

B. *Elements of petition.* The vacation petition shall include the following:

1. Affidavits on forms provided by the city engineer signed by the owners of more than two-thirds of the property abutting upon the part of such street sought to be vacated (based on front footage), or underlying the public easement (based on square footage);
2. The vacation petition fee as established by ordinance;
3. Any additional information or material that the city engineer determines is reasonably necessary for the city council to consider the requested vacation, including but not limited to a legal description of the area to be vacated prepared by a licensed surveyor.

C. *Filing of petition.* The petition shall be addressed to the City Council and filed with the Finance Director together with the fee for the petition. The Finance Director shall refer the petition to the city engineer and the Public Works Committee.

D. *Review by Public Works Committee.* The committee shall confirm that the petition complies with Section 12.10.010(B) and report back to the city council with its recommendation for or against the requested vacation. The committee’s report should include recommendations on the appraisal method, compensation, reserved easements, and any findings required by Section 12.10.090 (waterfront streets). The committee in making its

recommendations should also consider criteria developed by the city engineer to evaluate the effects of the requested vacation on vested rights and the city's transportation and utility systems.

E. *Council action on petition or resolution for vacation.* Upon receipt of a Public Works Committee report verifying that the vacation has been requested by the owners of two-thirds of the abutting property, the City Council shall adopt a resolution fixing a time when the petition will be heard and determined, which time shall not be more than sixty days nor less than twenty days after the date of the passage of the resolution. Where the city council has initiated a vacation by resolution, without a petition by the owners of more than two-thirds of the abutting property, the time for the hearing may be set in the resolution initiating the vacation process.

(Ord. 6514, Added, 03/09/2011)

12.10.020 Petition Fees.



A. *Processing fee.* Every petition for the vacation of any street, or any part thereof, shall be accompanied by an initial nonrefundable payment to the City of a processing fee as established by resolution of the city council to defray the City's administrative costs. The resolution setting the fee may also provide for a partial refund of the fee if the requested vacation is denied.

B. *Appraisal fees to be paid after council recommends vacation.* After holding a public hearing, if the City Council recommends granting a vacation petition and does not waive an independent appraisal under subsection C of this section the petitioner shall deposit the estimated cost of the appraisal with the city engineer. The estimated cost shall be set forth in a schedule adopted by city council resolution. In the event that the appraisal cost is less than the amount deposited, the vacation compensation payable to the City shall be reduced by the difference between the deposit and the actual cost, or, in the alternative, such difference shall be refunded. In the event the cost of the appraisal cost is more than the amount deposited, the vacation compensation payable to the City shall be increased by the difference between the deposit and the actual cost, or in the alternative, such difference shall be separately billed and paid by the petitioners prior to the approval of the vacation.

C. *Waiver of appraisal.* The city council may waive the requirement of an independent appraisal if the cost of obtaining an appraisal would be uneconomical, due to the assessed value of the abutting property and the relative size of the area to be vacated, or due to the nature and extent of any easement reserved by the city, and the city council determines that an independent appraisal is not necessary to determine the fair market value of the area to be vacated. If an independent appraisal is waived the ordinance vacating the right-of-way shall include findings identifying the reasons for the waiver and the manner in which fair market value was determined (such as, the assessed value per square foot of the abutting property).

(Ord. 6514, Added, 03/09/2011)

12.10.030 Appraisals.



The city engineer is authorized to obtain appraisals from qualified, independent appraisers of such streets as are recommended for vacation, after the hearing by the City Council or a committee thereof, and is further authorized to obtain appraisals from qualified, independent real estate appraisers of the fair market value of the alternate right-of-way land proposed to be granted or dedicated to the City for street purposes in lieu of a cash payment in the manner contemplated by Section 12.10.090. In such instance, an additional appraisal deposit fee shall be paid for the appraisal of such parcel(s), and according to the fee and time schedule provided in Section 12.10.020. Appraisals shall take into consideration the value of any easement reserved in the vacated area by the City pursuant to Section 12.10.070.

(Ord. 6514, Added, 03/09/2011)

12.10.040 Notice of Hearing.



A. *Notice to be provided.* Upon the passage of the resolution setting a public hearing, the city engineer shall give twenty (20) days' notice of the hearing by a written notice posted in three of the most public places in the City, and a like notice in a conspicuous place on the street sought to be vacated.

B. *Elements of notice.* The said notice shall contain a statement that a petition has been filed to vacate the street described in the notice, together with a statement of the time and place fixed for the hearing of the petition. The notice will state that the City Council shall hold a public hearing on the proposed vacation in the manner required in this chapter. In addition, the notice posted on the street proposed to be vacated shall indicate that the area is a public right-of-way, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to the City Council indicating his or her objection.

C. *Notice where council initiates vacation by resolution.* In all cases where the proceeding is initiated by resolution of the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the record owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or portion thereof sought to be vacated, as shown on the rolls of the County Treasurer.

(Ord. 6514, Added, 03/09/2011)

12.10.050 Protest of Council Initiated Vacation.



If the owners of fifty percent (50%) of the abutting property file written objections to a City Council initiated vacation with the Finance Director prior to the time of the hearing, the City shall terminate the vacation proceedings.

(Ord. 6514, Added, 03/09/2011)

12.10.060 Hearing.



The hearing on a petition or resolution may be held before the City Council or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. The City Council may grant the requested vacation of the street or any part thereof by ordinance, with or without conditions, or the City Council may deny the requested vacation.

(Ord. 6514, Added, 03/09/2011)

12.10.070 Reserved Easements.



Ordinances vacating streets, or portions thereof, may contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future public utilities and services, or to protect vested rights of other property owners.

(Ord. 6514, Added, 03/09/2011)

12.10.080 Vacation of Waterfront Streets.



A. The City shall not vacate a street, or portion thereof, if the street abuts a body of fresh or salt water, unless:

1. The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, educational purposes, or other public uses; or
2. The City Council, by resolution, declares that the street is not presently being used as a street and that the street is not suitable for the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation or education; or
3. The vacation is sought by the City to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets sought to be vacated abut, had the property included in the plan not been vacated.

B. Before adopting a resolution vacating a street under subsection (A)(2) of this section, the City shall:

1. Compile an inventory of all rights-of-way within the City that abut the same body of water that is abutted by the street sought to be vacated;
2. Conduct a study to determine if the street to be vacated is suitable for use by the City for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;
3. Make a finding that the street sought to be vacated is not suitable for any of the purposes listed under (b) of this subsection, and that the vacation is in the public interest.

C. No vacation under this section shall be effective until the fair market value has been paid for the street that is vacated. Moneys received from the vacation may be used by the City only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

(Ord. 6514, Added, 03/09/2011)

12.10.090 Compensation for Vacation.



A. *Vacations initiated by petition.* Ordinances granting a petition to vacate any street which has not been acquired at public expense shall provide that the vacation shall not take effect until a sum equal to one-half (1/2) of the fair market value of the area vacated is paid to the City. Where the area vacated was acquired at public expense, or is a water front street under Section 12.10.080, the sum to be paid to the City shall be equal to the full fair market value of the area vacated.

B. *In-lieu transfers of property.* Conveyance of other property acceptable to the City may be made in lieu of the payment required by subsection (A), whether required to mitigate adverse impacts of the vacation or otherwise. When such conveyance is made for street purposes, one-half (1/2) of the fair market value of the land conveyed shall be credited to the required payment. When the conveyance is made in fee for other than street purposes, the full fair market value of the land conveyed shall be credited to the required payment. When the value of the in-lieu parcel is less than the payment required by subsection (A), the petitioner shall pay the difference to the City. When the value of the in-lieu parcel exceeds the payment required by subsection (A), the City shall pay the difference to petitioner.

C. *Vacations initiated by council resolution.* The City Council may pass an ordinance to vacate a street without requiring that the abutting property owners make payment to the City for such vacation where the vacation was initiated by city council resolution and not by a petition signed by more than two-thirds of the abutting property owners.

(Ord. 6514, Added, 03/09/2011)

12.10.100 Payment of Compensation for Conveyance.



Upon securing the appraisal of the value of the street to be vacated as provided in this chapter, or the City Council's determination of fair market value, the city engineer shall notify the petitioner of the amount of compensation, deducting therefrom any remaining appraisal fee deposit not previously refunded to the petitioner. The payment shall be delivered to the city engineer, who, upon receipt of any such payment, shall forthwith transmit the same to the Finance Director for deposit. One-half of the revenue received by the City as compensation for the area vacated shall be deposited in a fund dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the City. In the event that the petitioner has received approval of delivery of an instrument granting or dedicating to the City a parcel(s) of land in lieu of a cash payment as contemplated by Section 12.10.090(B), the city engineer, at the applicant's expense, shall obtain a policy of title insurance insuring title thereto in the City.

(Ord. 6514, Added, 03/09/2011)

12.10.110 Posting and Mailing Notices — Recording Ordinance.



Posting and mailing of the notices provided for in this chapter shall be the responsibility of the city engineer. A certified copy of the ordinance vacating a street, or any portion thereof, shall be recorded by the Finance Director with the Grays Harbor County Auditor as required by RCW 35.79.030 and a copy shall be mailed to the Grays Harbor County Assessor.

(Ord. 6514, Added, 03/09/2011)

Mobile Version

Sale of Surplus City or Town Property

This page provides an overview of state laws concerning the sale of surplus property by cities and towns in Washington State, including examples of local government codes and policies. For an overview of the statutes concerning counties, see [Sale of Surplus County Property](#).

Overview

Cities and towns frequently need to sell or convey equipment or property which is no longer needed for municipal purposes. There are relatively few statutes concerning procedures for sale of surplus property.

The basic authority to purchase and dispose of real estate and personal property is set in the following statutes:

- For first class cities, see [RCW 35.22.280\(3\)](#)
- For second class cities, see [RCW 35.23.010](#)
- For code cities, see [RCW 35A.11.010](#)
- For towns, see [RCW 35.27.010](#) and [RCW 35.27.370\(2\)](#)

Cities and towns should also be familiar with the statutes listed below.

- [RCW 39.33.010](#) – Cities, towns and counties can sell or transfer property to other governmental entities "on such terms and conditions as may be mutually agreed upon." This statute permits transfer for less than value. See [AGO 1997 No. 5](#) for how to harmonize this statute with [RCW 43.09.210](#) which requires that a local government entity receive "full value" when there is an intergovernmental transfer of property.
- [RCW 39.33.015](#) – Cities, towns, and other political subdivisions may transfer, lease, or dispose of property at low or no cost for affordable housing and related facilities for low-income and very low-income households, as defined under [RCW 43.63A.510](#), consistent with local regulations and comprehensive plans.
- [RCW 39.33.020](#) – Requires that a public hearing be held if the value of the property being surplussed exceeds \$50,000. [AGO 1997 No. 5](#) concluded that the public hearing requirement only applies to intergovernmental transfers.
- [RCW 35.94.040](#) – Requires that a public hearing be held if property (real estate or personal property) originally purchased for utility purposes is no longer needed for that use and the city desires to lease, sell or convey the property. A hearing is required regardless of the value of the property.
- [RCW 42.30.110\(1\)\(b\)](#) – Cities and towns can discuss the selection of property for purchase or lease (or the price) when public knowledge regarding such consideration would cause a likelihood of increased price.
- [RCW 42.30.110\(1\)\(c\)](#) – Cities and towns can discuss in executive session the minimum price at which it will sell a particular parcel of real estate if public knowledge regarding such consideration would cause a likelihood of decreased price. This statute enables the council to provide negotiation direction and flexibility to the person delegated to sell real estate.
- [RCW 42.56.260](#) – Exempts from public disclosure real estate appraisals obtained by the city prior to completion of a sale of the property. The statute was amended in 2015 to clarify the disclosure exemption by adding the following: "The exemptions in this section do not apply when disclosure is mandated by another statute or after the project or prospective project is abandoned or all properties that are part of the project have been purchased, sold, or leased. No appraisal may be withheld for more than three years." WORKSHOP BACKGROUND DOCUMENTS
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- [RCW 43.09.210](#) – Requires that a local government entity receive "full value" when there is an intergovernmental transfer of property. See [AGO 1997 No. 5](#) which concludes that the concept of "full value" is flexible, depending on the facts.
 - [Ch. 35.94 RCW](#) – If a city or town wishes to sell or lease a public utility, or portions of the utility, it can do so by following the procedures in this chapter. Bids are required, and the council must approve the sale by a two-thirds vote, followed by submitting the issue to the voters.
-

Practice Tips

- Prior to sale, always determine the fair market value of the item to be sold. If you sell it for less, you may be violating the "gift clause," in Article VIII, Sec. 7 of the State Constitution, which states that "No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation." But see [RCW 39.33.010](#) mentioned in the list of statutes above.
 - Hold a public hearing, if required by [RCW 39.33.020](#) or [RCW 35.94.040](#). [AGO 1997 No. 5](#) concludes that the public hearing requirement in [RCW 39.33.020](#) only applies to intergovernmental transfers of property.
 - Pass a resolution declaring the property to be surplus, and specifying how the property is to be sold, or delegating that task to a particular administrative official.
 - Proceed with sale as required by the town or city council, or in any commercially reasonable way. Sale can be by auction, private sale, sealed bid, through a broker or agent, etc.
 - City officials and certain administrative officers may be restricted from purchasing surplus property due to conflict of interest concerns. The general rule is that those who are involved in the decision to surplus property (the council) and those in charge of administering the sale (mayor, city manager, or other city officer responsible for the sale) should not purchase the property. General city employees can purchase surplus city property.
 - Consider adopting policies concerning sale of city property. For examples, see the [Policies](#) section below.
-

Examples of Ordinances and Codes

- [Bellevue Municipal Code Ch. 4.32](#)
 - [Bellingham Municipal Code Ch. 4.84](#) and [Ch. 4.86](#)
 - [Edmonds Municipal Code Ch. 3.01](#)
 - [Fife Municipal Code Ch. 1.28](#)
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Examples of Policies

- [Bainbridge Island Resolution No. 2016-18](#) (2016) – Procedures deal exclusively with sale of real property and are comprehensive
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City and Town Classification

This page provides an overview of first class and second class cities, code cities, and towns in Washington State, as well as a comparison of powers between the different classes.

Overview

City and town governments in Washington are classified according to their population at the time of organization (usually incorporation) or reorganization. There are four classification types: first class city, second class city, code city, and towns, all of which have different powers under state law. One city in Washington (Waitsburg) remains unclassified.

In addition, each city selects a mayor-council or council-manager form of government that determines its governance structure.

To see the classification and form of government of any city or town, use MRSC's Washington City and Town Profiles.

First Class Cities

A first class city is a city with a population of 10,000 or more at the time of organization or reorganization that has adopted a charter (RCW 35.01.010). There are 10 first class cities in Washington, with four operating under council-manager and six under mayor-council.

Second Class Cities

A second class city is a city with a population over 1,500 at the time of organization or reorganization that does not have a charter and does not operate as a code city under the Optional Municipal Code (RCW 35.01.020). There are five second class cities in Washington, all operating under the mayor-council form.

Towns

A town has a population of less than 1,500 at the time of its organization and does not operate under the Optional Municipal Code (RCW 35.01.040). There are 68 towns in Washington, all operating under the mayor-council form.

No new towns may be formed. In 1994, the state legislature increased the population threshold required for incorporation from 300 to 1,500 (RCW 35.02.010). Since an area cannot incorporate unless it has 1,500 inhabitants, and since a town by definition must organize with less than 1,500 inhabitants, it is no longer possible to incorporate as a town.

Sale of Surplus City or Town Property

This page provides an overview of state laws concerning the sale of surplus property by cities and towns in Washington State, including examples of local government codes and policies. For an overview of the statutes concerning counties, see [Sale of Surplus County Property](#).

Overview

Cities and towns frequently need to sell or convey equipment or property which is no longer needed for municipal purposes. There are relatively few statutes concerning procedures for sale of surplus property.

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- City officials and certain administrative officers may be restricted from purchasing surplus property due to conflict of interest concerns. The general rule is that those who are involved in the decision to surplus property (the council) and those in charge of administering the sale (mayor, city manager, or other city officer responsible for the sale) should not purchase the property. General city employees can purchase surplus city property.
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Last Modified: December 17, 2019

RCW 35.22.280

Specific powers enumerated.

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his or her heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to

locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof. Whenever the words "public markets" are used in this chapter, and the public market is managed in whole or in part by a public corporation created by a city, the words shall be construed to include all real or personal property located in a district or area designated by a city as a public market and traditionally devoted to providing farmers, crafts vendors and other merchants with retail space to market their wares to the public. Property located in such a district or area need not be exclusively or primarily used for such traditional public market retail activities and may include property used for other public purposes including, but not limited to, the provision of human services and low-income or moderate-income housing;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same. However, no license shall be granted to continue for longer than one year from the date thereof. A city may not require a business to be licensed based solely upon registration under or compliance with the streamlined sales and use tax agreement;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for three hundred sixty-four days, or both such fine and imprisonment. The punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties, but no act which is a state crime may be made a civil violation;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

[2011 c 96 § 25; 2009 c 549 § 2046; 2008 c 129 § 1; 1993 c 83 § 4; 1990 c 189 § 3; 1986 c 278 § 3; 1984 c 258 § 802; 1977 ex.s. c 316 § 20; 1971 ex.s. c 16 § 1; 1965 ex.s. c 116 § 2; 1965 c 7 § 35.22.280. Prior: 1890 p 218 § 5; RRS § 8966.]

NOTES:

Findings—Intent—2011 c 96: See note following RCW 9A.20.021.

Effective date—1993 c 83: See note following RCW 35.21.163.

Severability—1986 c 278: See note following RCW 36.01.010.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Severability—1977 ex.s. c 316: See note following RCW 70.48.020.

RCW 35.22.280**Specific powers enumerated.**

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- (3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;
- (4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;
- (5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;
- (6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;
- (7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;
- (8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;
- (9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;
- (10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;
- (11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his or her heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;
- (12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;
- (13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;
- (14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;
- (15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;
- (16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof. Whenever the words "public markets" are used in this chapter, and the public market is managed in whole or in part by a public corporation created by a city, the words shall be construed to include all real or personal property located in a district or area designated by a city as a public market and traditionally devoted to providing farmers, crafts vendors and other merchants with retail space to market their wares to the public. Property located in such a district or area need not be exclusively or primarily used for such traditional public market retail activities and may include property used for other public purposes including, but not limited to, the provision of human services and low-income or moderate-income housing;
- (17) To erect and establish hospitals and pesthouses, and to control and regulate the same;
- (18) To provide for establishing and maintaining reform schools for juvenile offenders;
- (19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;
- (20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;
- (21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;
- (22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;
- (23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be

put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same. However, no license shall be granted to continue for longer than one year from the date thereof. A city may not require a business to be licensed based solely upon registration under or compliance with the streamlined sales and use tax agreement;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for three hundred sixty-four days, or both such fine and imprisonment. The punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties, but no act which is a state crime may be made a civil violation;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

[2011 c 96 § 25; 2009 c 549 § 2046; 2008 c 129 § 1; 1993 c 83 § 4; 1990 c 189 § 3; 1986 c 278 § 3; 1984 c 258 § 802; 1977 ex.s. c 316 § 20; 1971 ex.s. c 16 § 1; 1965 ex.s. c 116 § 2; 1965 c 7 § 35.22.280. Prior: 1890 p 218 § 5; RRS § 8966.]

NOTES:

Findings—Intent—2011 c 96: See note following RCW [9A.20.021](#).

Effective date—1993 c 83: See note following RCW [35.21.163](#).

Severability—1986 c 278: See note following RCW [36.01.010](#).

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW [3.30.010](#).

Severability—1977 ex.s. c 316: See note following RCW [70.48.020](#).

RCW 39.33.010**Sale, exchange, transfer, lease of public property authorized—Section deemed alternative.**

(1) The state or any municipality or any political subdivision thereof, may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to the state or any municipality or any political subdivision thereof, or the federal government, or a federally recognized Indian tribe, on such terms and conditions as may be mutually agreed upon by the proper authorities of the state and/or the subdivisions concerned. In addition, the state, or any municipality or any political subdivision thereof, may sell, transfer, exchange, lease, or otherwise dispose of personal property, except weapons, to a foreign entity.

(2) This section shall be deemed to provide an alternative method for the doing of the things authorized herein, and shall not be construed as imposing any additional condition upon the exercise of any other powers vested in the state, municipalities or political subdivisions.

(3) No intergovernmental transfer, lease, or other disposition of property made pursuant to any other provision of law prior to May 23, 1972, shall be construed to be invalid solely because the parties thereto did not comply with the procedures of this section.

[2011 c 259 § 1; 2003 c 303 § 1; 1981 c 96 § 1; 1973 c 109 § 1; 1972 ex.s. c 95 § 1; 1953 c 133 § 1.]

NOTES:

Effective date—2003 c 303: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 14, 2003]." [2003 c 303 § 2.]

Exchange of county tax title lands with other governmental agencies: Chapter 36.35 RCW.

[Municipal Code](#) → [Title 4, Revenue and Finance](#) →

Chapter 4.84 DISPOSITION OF SURPLUS REAL PROPERTY



Sections:

- 4.84.010 Policy and procedures for disposition of city-owned real property.
- 4.84.015 *Repealed.*
- 4.84.020 Sale procedure.
- 4.84.030 Intergovernmental transfers.
- 4.84.040 *Repealed.*
- 4.84.060 *Repealed.*
- 4.84.070 *Repealed.*

4.84.010 Policy and procedures for disposition of city-owned real property.

A. *Policy.* The city council declares that it is in the public interest for real property held by the city to be returned to the tax rolls, if it is not needed for some present or future municipal use and if it can be sold for a reasonable return. It is therefore the policy of the city to dispose of all real property in which the city holds a fee interest, where such property is surplus to its current or future needs, and where such disposition would afford the city a reasonable return from the transaction. For purposes of this chapter, "reasonable return" means sale at the market value as determined by the real estate review committee (the "committee") (see BMC 4.84.020(A)). For purposes of this chapter, "surplus property" means both real property for which the city has no current or future need, as well as real property which, if disposed of, would be put to a higher or better use for the community at large.

B. *Real Estate Review Committee.* A real estate review committee is hereby established which shall advise the city council with respect to the disposal of real property owned by the city. The committee shall be composed of:

1. The finance director;
2. The city attorney or designee; and
3. The department head or administration representative most directly affected by the property transaction.

C. *Surplus Property Declaration Process.* Whether due to a specific request to purchase city

owned real property or otherwise, real property owned by the city may be declared surplus by the city council after the following procedures have been completed:

1. The committee shall prepare a written report (the "report"), which may include any or all of the following information, as applicable, for each parcel under consideration ("subject parcel"):
 - a. Description of the subject parcel's size and its general location;
 - b. Description of the circumstances under which the subject parcel was obtained;
 - c. Description of what funds were used to initially acquire the subject parcel;
 - d. Recommendation as to which fund the proceeds from its sale should be credited;
 - e. Description of what municipal use the subject parcel has been put to in the past, if any, and what use, if any, for which it might be held;
 - f. Recommendation as to whether the subject parcel should be disposed of or retained;
 - g. Appraised value of the subject parcel;
 - h. Whether further appraisal before sale is recommended and the type of appraisal required (see BMC 4.84.020(A)(2));
 - i. Whether the subject parcel is only usable by abutting owners or is of general marketability;
 - j. Whether special consideration ought to be given to some other public agency that has a use for the subject parcel;
 - k. Whether the subject parcel should be sold at auction, by sealed bid or by negotiation;
 - l. Whether the subject parcel should be designated for the special disposition process; and
 - m. Recommendation as to whether any special covenants or restrictions should be imposed in conjunction with sale of the subject parcel.
2. A public hearing shall be held to consider the surplus declaration of the subject parcel. Notice of said hearing shall be published in the city's official newspaper and mailed to all property owners within 300 feet of the subject parcel not less than 10 days nor more than 25 days prior to the hearing.

D. *Council Determinations.* Following council's review of the report, and conclusion of the public hearing, the council shall determine whether the subject parcel shall be declared surplus. Upon making a declaration of surplus, the council shall also make the following determinations:

1. Whether the subject parcel should be sold by sealed bid, at auction, or through negotiated sale, which may be completed through a request for proposals, a request for qualifications, multiple listing service or any other process;
2. Whether the subject parcel should be sold through the special disposition process;
3. Whether special covenants or restrictions should be imposed as a condition of the sale; and
4. Whether a further appraisal is necessary in setting the minimum acceptable price, in accordance with BMC 4.84.020(A).

E. *Special Disposition.* In cases where the public interest in a reasonable public benefit by the public benefit, due to factors such as (by way of illustration and not limitation) the

unique character or development potential of a given property, the city council may designate such property for disposal by special disposition, including disposal at less than fair market value (without limitation) sale by any of the methods set forth herein. [Ord. 2016-07-021 § 1; Ord. 2009-01-002; Ord. 2003-11-072].

4.84.015

Real estate review committee established.



Repealed by Ord. 2016-07-021.

4.84.020

Sale procedure.



The following procedures and requirements shall apply to property sold as surplus by the city:

A. *Determination of Value/Minimum Acceptable Price.*

1. If the city has sufficient and acceptable information regarding the valuation of the subject property, as determined by the committee, no appraisal shall be required unless some other reason indicates that such should be obtained.
2. If the committee determines that no sufficient and acceptable valuation information is available, the committee shall choose one of the following three types of appraisals to be conducted by an appraiser:
 - a. Limited opinion of value;
 - b. Short form appraisal report; or
 - c. Full narrative appraisal report.

All interested parties shall be notified and advised of the cost of obtaining an appraisal. The party that becomes obligated to purchase the subject parcel, whether by sealed bid, auction or negotiated sale, shall be obligated to reimburse the city 50 percent of the cost of the appraisal no later than at closing.

3. Whether surplus property is to be disposed of by sealed bid, auction or negotiated sale, interested parties shall be advised that the minimum acceptable price shall be equivalent to the value determined by the sufficient and acceptable appraisal plus reimbursement of 50 percent of the cost of obtaining said appraisal (as required by subsection (A)(2) of this section).

B. *Processes/Earnest Money/Time to Closing.*

1. *Disposition by Sealed Bid.* The successful bidder will be required to deposit in the form of cashier's check to the city finance director or in any other immediately available funds in an amount acceptable to the city, but no less than \$5,000. Such deposit accompanying the successful bid shall be deposited into escrow until closing on the purchase of the subject parcel and payment of the remaining amount of the purchase price shall be made within 30 days or at execution of a purchase and sale agreement, but no later than 60 days. In the event the purchaser is unable to pay the remaining amount within the required time, the earnest money deposit shall become nonrefundable and may be retained by the city as liquidated damages and not as a penalty, since the calculation of actual damages due to time lost, transaction expenses, etc., will be difficult, if not impossible, to accurately calculate (such damages, as just defined, being referenced hereafter as "liquidated damages"); provided, however, that the purchaser may, at his option, deposit an additional amount acceptable to the city, but no less than \$5,000, as an extension fee (hereinafter

"extension fee"), in which case his time to make full payment shall be extended for one additional 60-day period. In the event full payment is not made by the conclusion of the additional 60-day period, an additional \$3,000 may be retained by the city from the extension fee as liquidated damages relevant to the additional lost time and expense. The remainder of the extension fee shall be returned to the purchaser. The city council reserves the right to waive any irregularities in the bid process.

2. *Disposition by Auction.* Where property is sold at auction, the prevailing bidder must immediately tender a cash deposit or certified check for deposit into escrow as earnest money to the city finance director in an amount acceptable to the city, but no less than \$5,000. Payment of the remaining amount of the purchase price shall be made within 30 days. In the event the purchaser is unable to pay the remaining amount within the required time, the earnest money deposit shall become nonrefundable and may be retained by the city as liquidated damages; provided, however, that the purchaser may, at

his option, deposit an additional amount acceptable to the city, but no less than \$5,000, as an extension fee, in which case his time to make full payment shall be extended for one additional 60-day period. In the event full payment is not made by the conclusion of the additional 60-day period, an additional \$3,000 may be retained by the city from the extension fee as liquidated damages relevant to the additional lost time and expense. The remainder of the extension fee shall be returned to the purchaser.

3. *Disposition by Negotiated Sale.* Where property is sold by negotiated sale, the city and the prospective purchaser shall enter into a purchase and sale agreement which will detail, among other issues, the earnest money to be deposited for the subject parcel.

C. *Notification of Sale of Surplus Property.* In the event the subject parcel is to be disposed of by sealed bid or by auction, the following notification procedures shall be followed:

1. A notice of the city's intent to dispose of the subject parcel shall be conspicuously posted on the property no less than two weeks prior to the date set to commence accepting bids or the date set for the auction.
2. A similar notice shall be posted on the bulletin board at City Hall.
3. Notice shall be published in the city's official newspaper no less than once each week in two consecutive weeks preceding acceptance of sealed bids or the public auction. All notices shall include a description of the subject parcel, the procedure by which the subject parcel is to be disposed of, any earnest money deposits which must be made (in accordance with subsections (B)(1) through (3) of this section) and the minimum price that will be accepted.

D. *Form of Conveyance.* All conveyances shall be made by quitclaim deed.

E. *Closing Costs.* All closing costs, exclusive of deed preparation, shall be borne by the purchaser including, but not limited to, survey work, title insurance if desired, recordation costs, escrow fees if applicable, and the costs set forth in subsection (A)(3) of this section. If the property disposition is by negotiated sale, then all closing costs, excepting the cost of the appraisal, shall be negotiated between the parties. [Ord. 2016-07-021 § 1; Ord. 2003-11-072. Formerly 4.48.030].

4.84.030

Intergovernmental transfers.



Intergovernmental transfers of real property shall be made in accordance with Chapter 39.33 RCW, RCW 43.09.210 and/or any other applicable statutes. [Ord. 2016-07-021 § 1; Ord. 2003-11-072. Formerly 4.84.050].

4.84.040

Sale to abutting owners.

Repealed by Ord. 2016-07-021.

4.84.060 Annual review of city real estate holdings.



Repealed by Ord. 2016-07-021.

4.84.070 Special disposition process.



Repealed by Ord. 2016-07-021.

The Bellingham Municipal Code is current through Ordinance 2020-03-009, passed March 23, 2020.

Disclaimer: The City Clerk Representative has the official version of the Bellingham Municipal Code. Users should contact the City Clerk Representative for ordinances passed subsequent to the ordinance cited above.

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BREMERTON

**Chapter 2.78
REAL PROPERTY TRANSACTIONS**

Sections:

- 2.78.010 PURCHASES AND SALES.
- 2.78.020 LEASES.
- 2.78.030 RIGHT-OF-WAY ACQUISITIONS.
- 2.78.040 UTILITY PROPERTY - SURPLUSING.
- 2.78.050 PARKS PROPERTY.
- 2.78.060 INTERGOVERNMENTAL SALES AND LEASES.
- 2.78.070 RELOCATION.

2.78.010 PURCHASES AND SALES.

(a) Except as otherwise provided in this chapter, the City Council shall approve all purchases of real property and shall surplus as appropriate and approve all sales of real property by the City.

(b) When disposing of real property, the City may list the property with a real estate broker, negotiate directly with a prospective purchaser or utilize any other appropriate means to sell the property.

(c) If the City determines that the real property has value only to an abutting owner of land because of the size, shape, topography, feature or restriction of the property, the City shall notify the abutting owner that the property is for sale to allow them an opportunity to submit an offer to purchase the property and/or to match any offer presented.

(d) Subject to the provisions of this chapter, all real property purchases and sales shall be pursuant to terms and conditions as approved by the City Council, except as provided in subsection (e) of this section.

(e) The purchase or sale of real property including easements and the granting or acquisitions of rights-of-way with a purchase or sale cost which does not exceed ten thousand dollars (\$10,000) may be approved by the Mayor or designee and shall not require City Council approval. (Ord. 5379 §1 (part), 2019; Ord. 4893 §1, 2004)

2.78.020 LEASES.

The leasing of real property by or to the City for a term which, including options, does not exceed two (2) years and rent or lease payments which do not exceed ten thousand dollars (\$10,000) per year may be approved by the Mayor or designee and shall not require City Council approval. (Ord. 5379 §1 (part), 2019; Ord. 4893 §1, 2004)

2.78.030 RIGHT-OF-WAY ACQUISITIONS.

City Council approval of project budgets or condemnation proceedings for right-of-way, easement or other land acquisitions for street or road development or improvements shall constitute City Council approval for the purpose of BMC 2.78.010. (Ord. 5379 §1 (part), 2019; Ord. 4893 §1, 2004)

2.78.040 UTILITY PROPERTY - SURPLUSING.

Prior to the sale or lease of City public utility real property, the City Council shall, by resolution, surplus and authorize the sale or lease of said property following a public hearing pursuant to the provisions of RCW 35.94.040. (Ord. 5379 §1 (part), 2019; Ord. 4893 §1, 2004)

2.78.050 PARKS PROPERTY.

The sale or lease of parks property as designated in BMC 13.12.020 shall be subject to the provisions of the Parks Protection Code, Chapter 13.12 BMC. (Ord. 5379 §1 (part), 2019; Ord. 4893 §1, 2004)

2.78.060 INTERGOVERNMENTAL SALES AND LEASES.

Prior to the sale or lease of surplus City property having an estimated value of more than fifty thousand dollars (\$50,000) to another governmental entity, the City Council shall hold a hearing following notice pursuant to the provisions of RCW 39.33.020. (Ord. 5379 §1 (part), 2019; Ord. 4893 §1, 2004)

2.78.070 RELOCATION.

Pursuant to RCW 8.26.010(2), the City hereby elects not to comply with the provisions of RCW 8.26.035 through 8.26.115 regarding moving and related expenses when acquiring property in connection with a program or project not receiving federal financial assistance. (Ord. 5379 §1 (part), 2019; Ord. 4893 §1, 2004)

Mobile Version

City of Vancouver

Department: Purchasing

Authorized by: Lloyd Tyler, CFO

Effective date: April 6, 2009

**Supersedes: Surplus Policy dated
August 11, 2004**

Policy: Surplus Personal Property Disposal - Policy and Procedures

Purpose

The purpose of this policy is to establish an efficient and effective method for disposal of its surplus personal property. The City has statutory authority to dispose of property under RCW 35.22.280(3) and VMC 2.10.040. This policy directs the timely, efficient, cost-effective and safe disposition of surplus personal property in a manner consistent with the best interest of the City.

References

Article VIII, Section 7 of the Washington State Constitution – prohibiting gifts of public property.

RCW 35.22.280(3) – powers of first class cities

RCW 39.33.010 – Intergovernmental property transfers

RCW 39.33-020 – Disposal of Surplus Property – Hearing Notice

RCW 43.09.210 – Local government accounting – Separate accounts for each fund or activity – Exemption for agency surplus property.

AGO 1997, No. 5 – receiving full value for surplus property

RCW 43.23.020 – restricts Mayor, Councilmembers and city staff who oversee surplus of property from purchasing surplus property.

City Charter Section 11.07 – Personal interest.

VMC 2.10.040(4) Transfer of surplus, obsolete or unused supplies, material or equipment

Policy

Surplus personal property with commercial value will be disposed of in a cost effective and efficient manner that achieves the highest net resale proceeds for the City of Vancouver. This policy does not address the surplus of real property.

Surplus property with little or no commercial value or for the disposal and sales efforts are judged more costly than estimated net proceeds, may be transferred, donated, or eventually

disposed of through salvage contracts or other cost effective and efficient means. Items that are broken, unusable or have no commercial, salvage or donation value may be declared as “trash” and efficiently and safely disposed of as such.

City officials (per RCW 42.23.020), the Procurement Services Manager, the requesting employee in the department, the Requesting departments manager and/or supervisor signing the request form and the Procurement Specialist processing the request and their immediate family are restricted from purchasing the surplus items due to conflict of interest concerns. (See: City Charter Section 11.07). Generally, city employees may bid on and/or purchase surplus City property under the same rules as the general public, unless they are a party listed above. Violations by parties listed above that are restricted from purchasing surplus City property can result in disciplinary action up to and including termination.

Definitions

Surplus – Any City personal property and/or asset that is no longer needed now or in the foreseeable future or that is no longer of value or use to the City. This includes items purchased by the City and found items.

Estimated Surplus Value – The estimated amount of money an interested party will be willing to pay the City for the property. This can be determined through an estimate, an official appraisal, an offer from another agency, Kelly blue book value or other sources available to the responsible department.

Eligible Purchaser – Any public entity, non-profit organization, private organization or the general public is eligible to purchase surplus products unless otherwise noted in this policy.

Procedure

The City department responsible for property it wishes to have declared surplus shall complete the surplus request form including a complete description of the item, location, condition and estimated fair market value. The employee requesting that the item be declared surplus and his/her supervisor/manger must sign the completed form before sending it to the Procurement Department.

Once the form is submitted to Procurement, the requesting department will coordinate the notification to other City departments via *The Vine* and/or the Administrative Communications Team (ACT) email distribution list. Internal City departments will be given the first priority in using the surplus items. If the item is no longer of value to the City the item may be disposed of in the following methods:

- Sell or transfer to another governmental agency, subject to the public notice and hearing requirements of RCW 39.33.020 for items with a value in excess of \$50,000
- Auction items on the City’s Surplus Auction web page (item valued under \$100, under \$250 for a group of like items).
- Auction the item on eBay, live auction or publicsurlus.com. The originating department will be responsible for all costs associated with this option, and must provide budget

numbers for this purpose. Procurement Services will coordinate the auction if eBay or publicsurplus.com is used.

- Sell the item through a sealed-bid process.
- Trade the item in for new replacement equipment.
- Send the item to the State surplus program.
- Dispose as scrap metal - – see below.
- Donate the item to a non-profit that serves or benefits the low income persons or persons with disabilities. The organization must complete a donation form and must provide their mission statement, and proof of their non-profit status and confirmation that they do not discriminate in provision of services on the basis of any basis prohibited by Chapter 49.60 RCW, prior to receiving the donated items.
- Properly discard the item if the item is broken, unusable, and/or hazardous. Documentation and pictures must be provided for an item to be disposed of.

Discarding the item(s) being surplus is the last option to be used unless the item is broken, unusable or has no commercial, salvage or donation value and/or the department and Procurement have exhausted all other options for disposal.

Once an item has been declared surplus and the means by which it will be disposed of have been determined, the Department and/or Procurement must complete a Surplus Confirmation Form. The individual responsible for discarding, scrapping or transferring the item shall sign and attest under penalty of perjury to the manner of disposition and forward the form to the Procurement Services Manager for signature.

If the item is sold or transferred, the receiving individual or party must sign an “As-Is/Where-Is” Statement and/or Liability Waiver. If the Department is responsible for the pick up or transfer of the item, it must obtain the signature of the individual or party receiving the item on the form and forward the form to Procurement for its files.

If the item is sold the proceeds will be deposited into the fund that accounts for the asset within 24 hours of the transaction. Checks for surplus items are to be made payable to the City of Vancouver.

Vehicles

For vehicles being surplus, the requesting department shall attach to the surplus request form a printout from Kelly Blue Book with the estimated value of the vehicle. If the item is being surplus on eBay or publicsurplus.com, Procurement services will set the starting bid price at half of Kelly Blue Book value unless the department indicates otherwise.

City logos and other markings identifying vehicles as city property shall be removed prior to sale.

Scrap Metal

Surplus metal items must be itemized on the scrap metal worksheet. The information provided shall include the weight of the items. The scrap metal worksheet shall be submitted to Procurement when the scrap load is picked up from the recycling company. Procurement will match the worksheet to the weight slips provided by the recycling company after pick up.

If a scale is not available for weighing scrap metal, a complete description of the items shall be written on the form and two employees are required to sign the form to verify disposal into the scrap metal bin.

Seizure Items (RCW 69.50.505)

The Police department will manage and maintain a list of seizure items sent to be surplus via propertyroom.com. The list shall be submitted to Procurement quarterly. Before sending the form to Procurement, the Police Chief (or designee) shall sign the form.

For seizure vehicles the Police Department shall submit a surplus request form with a complete description of the vehicle. Procurement will maintain the form and provide the police department with the signed title to be sent to propertyroom.com.



Municipal Code → Title 3, Finance →

Chapter 3.30
DISPOSITION OF CITY-OWNED SURPLUS REAL PROPERTY



Sections:

- 3.30.010 Purpose.
- 3.30.020 Applicability.
- 3.30.030 Definitions.
- 3.30.040 Surplus Property Review.
- 3.30.050 City Council Determination of Surplus Status.
- 3.30.060 Preparation of Proposal for Disposition.
- 3.30.070 City Council Review of Proposal for Disposition.
- 3.30.080 Sale Procedures.
- 3.30.090 Severability - Construction.

3.30.010
Purpose.



The purpose of this chapter is to establish a predictable and functional uniform policy and procedure governing disposition of real property that is surplus to the needs of the City and where such disposition provides the City a reasonable return. Nothing in this chapter shall be read to limit the legislative discretion of the City Council to control City-owned real property, or to require the City to dispose of City-owned real property or to limit the power of the City of Vancouver to dispose of City-owned real property as the interests of the City may require. (Ord. M-3923 §2, 2009)

3.30.020
Applicability.



- A. This Chapter applies to disposition of real property that is surplus to the needs of the City, as defined herein.
- B. This Chapter does not apply to real property that is subject to disposition under other specific ordinances and statutes, namely:
 1. Vacation of streets, alleys, and public ways that are subject to street vacation procedures under VMC Sections 3.08.030 and 3.08.040, and RCW Chapter 35.79.
 2. Disposition of property used or acquired for public utility purposes that are subject to lease, sale or conveyance under RCW Chapter 35.94.
 3. Intragovernmental or intergovernmental transfers that are subject to RCW Chapter 39.33, RCW 43.09.210; RCW 47.12.063 or other applicable statutes. (PAGE 47 of 72 09/25/2020)

3.30.030
Definitions.



For purposes of this chapter, the following definitions shall apply.

“Appraised value” means a determination of the fair market value of the Subject Parcel, as determined by a sufficient and acceptable appraisal performed by a licensed appraiser using a commercially reasonable method of appraisal.

“Assessed value” means the dollar amount assigned by the Clark County Assessor as the valuation of the Subject Parcel of land and improvements for taxation purposes.

“Fair market value” means the price that a willing buyer would pay to a willing seller for the purchase of property in an open and competitive market.

“Public interest” means factors to be considered in determining whether to dispose of a Subject Parcel for less than appraised value, including but not limited to whether such disposition permits higher and better use of the Subject Parcel for the community at large; the economic value of the Subject Parcel; the economic value of the proposed disposition; the potential of the Subject Parcel for use in coordinated development in relationship to other economic development activity; the social impacts of the proposed disposition; whether the public need for the funds in the amount of the appraised value is outweighed by the public benefit of disposition for a lesser amount; the unique character of the Subject Parcel; or the development potential of the Subject Parcel.

“Reasonable return” means cash; or real property; or improvements; or construction of improvements conducted pursuant to RCW Title 39 and all other applicable public contracting rules and laws; or some combination thereof, provided to the City in exchange for City-owned surplus real property, that is either: 1) a monetary value equal to the surplus property’s appraised value as defined in this chapter; or 2) a monetary value that is less than the appraised value, when based upon a finding by the City Council that disposition of the surplus property for less than its appraised value is in the public interest as defined herein and as determined by the City Council acting in its legislative capacity.

“Subject Parcel” means City-owned real property under consideration for disposition as surplus real property.

“Surplus real property” means City-owned real property for which there is no reasonably identifiable current or future public need. (Ord. M-3923 §4, 2009)

3.30.040
Surplus Property Review.



A. *Process.* Real property owned by the City is subject to disposition as surplus property after:

1. Completion of the surplus property review procedures as set forth in this section; and
2. Approval of disposition by the City Council as set forth in Sections 6 and 8 of this ordinance.

B. *Initiation.* A surplus property review may be initiated by:

1. A specific request to purchase City owned real property; or

2. A recommendation made as a result of a property review by City staff.

C. *Report.* The City of Vancouver Property Services Manager or designee shall prepare a written surplus property report which shall include the following information, as applicable, for each parcel under consideration ("Subject Parcel"):

1. Description and map of the Subject Parcel's size and its general location;
2. Description of the circumstances under which the Subject Parcel was obtained;
3. Identification of any deed restrictions on disposition of the Subject Parcel;
4. Description of what funds were used to initially acquire the Subject Parcel;
5. Recommendation as to which fund the proceeds from its sale should be credited;
6. Description of what municipal use the Subject Parcel has been put to in the past, and what current and future municipal use for which it might be held;
7. Recommendation as to whether the Subject Parcel should be disposed of or retained; and
8. If it is determined that the Subject Parcel should be disposed of, whether the Subject Parcel should be sold by sealed bid, at auction, through negotiated sale, by a public request for proposals, or by another specifically recommended process.
9. A recommendation as to whether single or multiple parcels of property having an estimated value individually or in the aggregate of twenty five thousand dollars (\$25,000) or less be disposed of without going through the disposition process required by section 8 upon approval by Council as part of the determination of surplus status required by section 6. (Ord. M-3923 §5, 2009)

3.30.050



City Council Determination of Surplus Status.

A. *Public Hearing.* A public hearing shall be held before the City Council to consider the surplus status of the Subject Parcel and whether the Subject Parcel should be disposed of or retained.

B. *Notice of Public Hearing.* Notice of public hearing shall be provided not less than ten (10) days nor more than twenty-five (25) days prior to the hearing. This notice shall identify the property using a description that can be easily understood by the public and shall describe the current use of the lands involved. The notice shall be:

1. Published in a newspaper of general circulation in the City; and
2. Mailed to the party or successor of the party from whom the Subject Parcel was acquired, if the Subject Parcel was acquired by the city through eminent domain; and
3. Mailed to all owners and residents of record of property, as shown on the most recent property tax assessment roll, located within 500' of the Subject Parcel; and
4. Mailed to any City-recognized neighborhood association chair whose boundaries include the Subject Property; and
5. Mailed to any person who has previously requested, in writing, to receive a copy of such public hearing notice.
6. Affixed to a sign placed in a conspicuous location on the Subject Property.

C. *City Council Determination.* Following Council's review of the surplus property report and conclusion of the public hearing, the Council shall determine by resolution:

1. Whether the Subject Parcel shall be declared surplus;
2. Whether the Subject Parcel shall be retained or disposed of; and
3. If the Subject Parcel is to be disposed of, the method(s) of such disposition
4. Whether the Subject Parcel or Parcels with an individual or aggregate value of twenty five thousand dollars (\$25,000) or less be disposed of by the Property Services Manager upon a finding by the City Council that such disposition would be cost effective and in the best interests of the city and that compliance with section 8 is not required. (Ord. M-3923 §6, 2009)

3.30.060

Preparation of Proposal for Disposition.



A. If the subject property is declared surplus, the City of Vancouver Property Services Manager or designee shall prepare a proposal for disposition of the property in a commercially reasonable manner and in compliance with the adopted resolution.

B. The Subject Parcel shall be marketed by the City of Vancouver Property Services Manager or designee using resources common to the marketing of such property, including but not limited to installing signs, distributing offering information to local real estate firms, and publishing offering information in a newspaper of general circulation in the City.

C. The Property Services Manager or designee shall be authorized to negotiate with prospective purchasers.

D. The Property Services Manager or designee shall prepare a written proposal for disposition of the Subject Parcel, which shall include the following information, as applicable, for each Subject Parcel:

1. Assessed value of the Subject Parcel;
2. Appraised value as determined by a sufficient and acceptable appraisal performed by a licensed appraiser using a commercially reasonable method of appraisal or by a market opinion or other commercially reasonable method of valuation from a licensed real estate professional or other qualified person when such a method would be more cost effective depending on the size, nature, estimated value and current market conditions of the Subject Parcel;
3. Explanation as to reasons for selection of appraisal or other method;
4. Whether further appraisal or review appraisal before sale is recommended;
5. Whether the Subject Parcel is only usable by abutting owners or is of general marketability;
6. Whether the Subject Parcel can only be put to its highest and best use when aggregated with an abutter's property because of its size, shape, topography or other restriction, and a recommendation as to whether the Subject Parcel should be negotiated for sale to the abutter, provided that the abutter is willing to purchase for the appraised value of the Subject Parcel; or if more than one qualifying abutter expresses interest in purchasing the Subject Parcel, a recommendation as to whether the City should solicit sealed bids from all abutters;
7. Whether special consideration should be given to some other public agency that has a use for the Subject Parcel;

8. Whether the Subject Parcel should be sold by some specifically-recommended process other than that specified in the resolution;
9. Whether any special covenants or restrictions should be imposed in conjunction with sale of the Subject Parcel;
10. The potential for disposition of the Subject Parcel for exchange of value other than cash, and the value of any real property, improvements or construction of improvements proposed for exchange;
11. Whether it is in the public interest, as defined in this ordinance, to dispose of the Subject Parcel for an amount less than its appraised value;
12. Whether good cause has been shown for City payment of any costs associated with sale of the Subject Parcel;
13. Whether good cause has been shown for conveyance of the Subject Parcel by instrument other than quitclaim deed.

E. *Committee Review.* A real estate review committee shall review the proposal for disposition and shall provide a final staff recommendation to the City Council with respect to the disposition of the Subject Parcel. The Committee shall be composed of the Property Services Manager or designee; the Finance Director or designee; the City Attorney or designee; and the department head or representative most directly affected by the property transaction. (Ord. M-3923 §7, 2009)

3.30.070



City Council Review of Proposal for Disposition.

- A. *Public Hearing.* A public hearing shall be held before the City Council to consider the proposal for disposition of the Subject Parcel.
- B. *Notice of Public Hearing.* Notice of public hearing shall be provided not less than ten (10) days nor more than twenty-five (25) days prior to the hearing. This notice shall identify the property using a description that can be easily understood by the public and shall describe the current use of the lands involved. The notice shall be:
 1. Published in a newspaper of general circulation in the City; and
 2. Mailed to the party or successor of the party from whom the Subject Parcel was acquired, if such party can be identified; and
 3. Mailed to all owners and residents of record of property, as shown on the most recent property tax assessment roll, located within 500' of the Subject Parcel; and
 4. Mailed to any City-recognized neighborhood association chair whose boundaries include the Subject Property; and
 5. Mailed to any person who has previously requested, in writing, to receive a copy of such public hearing notice; and
 6. Affixed to a sign placed on a conspicuous location on the Subject Property.
- C. *City Council Determination.* Following Council's review of the proposal for disposition and conclusion of the public hearing, the Council shall determine by resolution whether the Subject Parcel shall be disposed of as proposed. When applicable, the Council shall also make the following determinations:
 1. Whether a further appraisal or review appraisal is necessary in setting the minimum acceptable price;

2. Whether the Subject Parcel should be disposed of in exchange for a monetary value that is less than the appraised value, based upon a finding by the City Council that disposition of the surplus property for less than its appraised value is in the public interest as determined by the City Council acting in its legislative capacity;
3. Whether the Subject Parcel should be sold by some other specifically-recommended process;
4. Whether special covenants or restrictions should be imposed as a condition of the sale;
5. Whether good cause has been shown for City payment of any costs associated with sale of the Subject Parcel;
6. Whether good cause has been shown for conveyance of the Subject Parcel by instrument other than quitclaim deed. (Ord. M-3923 §8, 2009)

3.30.080



Sale Procedures.

- A. Sales of parcels shall be handled through independent escrow and all costs, including any appraisal fees and closing costs, exclusive of deed preparation, shall be borne by the purchaser, unless otherwise agreed by the City for good cause shown.
- B. All conveyances executed by the City shall be made by quitclaim deed, unless otherwise agreed by the City for good cause shown. (Ord. M-3923 §9, 2009)

3.30.090



Severability - Construction.

- A. 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.
- B. If the provisions of this ordinance are found to be inconsistent with other provisions of the Vancouver Municipal Code, this ordinance is deemed to control. (Ord. M-3923 §10, 2009)

The Vancouver Municipal Code is current through Ordinance M-4294, passed April 29, 2020.

Disclaimer: The city clerk's office has the official version of the Vancouver Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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RICHLAND
Chapter 3.06
SALE OR LEASE OF CITY REAL PROPERTY

Sections:

3.06.010 Purpose – Policy – Objectives.

3.06.020 Authority.

3.06.030 Declaration of surplus.

3.06.040 Sale or lease procedures.

3.06.050 Conveyance procedures.

3.06.060 Exceptions.

3.06.010 Purpose – Policy – Objectives.

A. Purpose. The purpose of this chapter is to establish policies and procedures regarding the surplus and the sale or lease of certain real property owned or otherwise controlled by the city.

B. Policy. It shall be the policy of the city to consider sale or lease of real property owned or controlled by the city when such property is determined to be surplus to the needs of the city, and where it is demonstrated to the satisfaction of the city council that sale or lease will best serve the public interest. For purposes of this chapter, the public interest will best be served when a transaction accomplishes one or more of the objectives listed in subsection (C) of this section.

C. Objectives. The purpose and policies of this chapter are intended to accomplish the following basic objectives, which should be achieved in a balanced manner to ensure that none are over-emphasized to the detriment of the others:

1. Stimulate the development of the city's economic base to provide employment opportunities and tax revenues for the city and other local taxing entities;
2. Meet the financial obligations resulting from prior property transactions of the city;
3. Provide capital for economic development purposes, for parkland operations (planning, acquisition, design, construction and maintenance and operation), and such other purposes as the council determines are necessary and appropriate; and

4. Provide a source of general revenue to the city over and above the tax yields from such real property. [Ord. 24-84].

3.06.020 Authority.

Whenever it is determined by the city council that it is in the best interest of the city that real property owned by the city should be sold or leased, the council may authorize the sale or lease and conveyance of such real property, upon any terms and conditions which it deems appropriate. In taking such action, the council may reserve, sell or lease mineral or other resources on any such real property separate and apart from the land in the same manner and upon the same terms and conditions as provided for in this chapter. [Ord. 24-84].

3.06.030 Declaration of surplus.

Prior to the sale or lease of any city-owned real property, the city council shall determine that the property is excess to the present and future municipal needs of the city.

A. In making such a determination, the council shall utilize the following criteria:

1. Conformance with the city's comprehensive plan as provided in RMC Title 23;
2. Recommendations from the economic development board and the physical planning commission, and, as deemed appropriate and requested by the council, recommendations from other city boards and commissions such as the utility advisory board and the parks and recreation commission;
3. Input from the public at a duly advertised public hearing;
4. Recommendations within the 1973 report prepared for the council by the land sale/lease policy committee entitled, "Proposed Policy for the Sale or Lease of Excessed City Owned Property," and adopted as a guideline by council by resolution (No. 64-84); and
5. Other forms of input determined appropriate or desirable by the council.

B. If the council determines the property to be no longer necessary for present and future municipal use, it may declare by resolution the property to be surplus. Upon making such declaration of surplus, the council may also make the following determinations:

1. Whether the parcel should be sold or leased;
2. Whether special consideration should be given to abutting land owners;

3. Whether special covenants or restrictions should be placed on the real property as a condition of sale or lease;
4. Whether the parcel should be sold or leased by sealed bid;
5. What formality of appraisal is necessary to set the minimum acceptable price to achieve reasonable value.

C. Upon declaration of surplus by the council, the city manager or designee shall undertake disposal of the parcel(s) in accordance with the council's directives. [Ord. 24-84].

3.06.040 Sale or lease procedures.

Sale or lease procedures may be initiated following one of two events: a determination by the city council that economic indicators favor sale or lease or upon specific request by a firm or individual to lease or purchase city property. In determining which process to utilize, the council shall give consideration to the findings and recommendation of the economic development board.

A. Sealed Bid Process. If the council requires the real property to be sold or leased upon competitive bids, the following procedures shall be utilized:

1. The city clerk shall give notice that the city will invite bids for purchase or lease of the property by one publication in the official newspaper of the city, posting in a conspicuous place in the City Hall and on the subject real property, and/or such other notification or advertising determined to be appropriate. The publication and posting shall be at least 10 calendar days before the final date for submitting bids;
2. Publication and posting for bids shall particularly describe the property or portion thereof proposed to be sold or leased, shall designate the place and the time of the bids to be opened, and shall set forth any terms and minimum price, if any, established by the council;
3. Bids shall be opened in public at the time and place stated; and
4. The council may reject any and all bids, or the bid for any one or more of the parcels included in the advertisement for bids, and reserves the right to waive any irregularities in the bid process.

B. Negotiation Process. The council may determine that property should be sold or leased through negotiations, either as a result of a specific request, or as a result of city-initiated advertising or other solicitation. In either event, sale or lease consideration shall proceed as follows:

1. All requests shall be directed to the city manager or his designee;

2. The city manager or his designee shall schedule the request for review and consideration by the economic development board, along with a report discussing the following:

- a. Status of the surplus property;
- b. Whether the property should be considered for public bid offerings;
- c. Whether, and for what reason(s), sale or lease would be advantageous to the city; and
- d. Any other special considerations which apply to and which will aid the board in considering the request;

3. The economic development board shall review the request and make findings, based on the policy and objectives and the criteria provided in this chapter, for the council's consideration;

4. The council shall act on the request, with due consideration to the findings and recommendation of the economic development board and, as appropriate, other boards, commissions, or individuals. [Ord. 24-84].

3.06.050 Conveyance procedures.

Upon receipt of an acceptable bid or negotiated offer for sale or lease of city real property, the city manager or his designee shall submit a report and recommendation to the city council for action. The council shall proceed as follows:

A. The council may solicit additional information it deems necessary and appropriate, including input from the public at a duly advertised public hearing, prior to taking action to accept or reject any sale or lease offer.

B. Upon determination of an acceptable bid or offer, the council shall authorize the city manager to cause the necessary instruments to be prepared and executed.

C. Copies of such instruments shall be filed with the Benton County assessor's office by the city clerk.

D. The title to any sold city real property shall not be transferred until the purchase price therefor has been fully paid and any applicable terms or conditions have been fully satisfied.

E. The net receipts from sold city real property, not designated for other purposes, shall be deposited into the capital improvement fund. [Ord. 24-84; Ord. 41-93].

3.06.060 Exceptions.

This chapter shall not apply to the following dispositions of real property:

- A. When selling to another governmental agency, in which event the transfer is approved by the court as provided by law; and
- B. When provisions of the RCW impose conditions for the disposition of municipal property, those laws shall be treated as limited exceptions to this chapter. Exceptions include, but are not limited to, the following as they may from time to time be amended:
 - 1. RCW 35.21.660 through 35.21.680 and 35.31.725 through 35.31.755 relating to transfers to corporations charter by the city;
 - 2. Chapter 35.94 RCW relating to surplus utility property; and
 - 3. Chapters 39.33 and 39.34 RCW relating to intergovernmental transactions.
- C. Sale of properties that have been acquired by the city by means of foreclosures of real estate sales contracts or for nonpayment of LID or other assessments and whether by deed in lieu of foreclosure or by judgment of foreclosure and attendant sheriff's deed. [Ord. 24-84].

The Richland Municipal Code is current through Ordinance 22-20, passed August 4, 2020.

Disclaimer: The City Clerk's office has the official version of the Richland Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

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Title 12 Public Ways and Property

Chapter 12.10 Disposition of Surplus Real Property

Section 12.10.005 Definitions

- A. "Affordable housing" has the same definition as that stated in RCW 43.63A.510(4) (a), namely, residential housing that is rented or owned by a person who qualifies as a very low-income, low-income, or moderate-income household or who is from a special needs population, and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the household's monthly income.
- B. "Public benefit" means affordable housing for low-income and very low-income households as defined in RCW 39.33.015(8)(a), and related facilities that support the goals of affordable housing development in providing economic and social stability for low-income persons.

Date Passed: Thursday, October 25, 2018

Effective Date: Wednesday, November 28, 2018

ORD C35680 Section 1

Section 12.10.010 Purpose and Intent

As authorized by, and pursuant to Article 8, Section 7 of the Washington State Constitution, which generally prohibits the City from gifting money or property to private individuals or corporations, RCW 35.22.280(3), chapters 35.94 and 39.33 RCW, sections 37 and 48 of the City Charter, and this chapter 12.10, SMC, the City Council intends that this chapter govern the determination of surplus and the disposition of all surplus City property, regardless of type, size, location, or department of origin, except for property managed and controlled by the Park Board pursuant to Article V of the City Charter and the Library Board pursuant to Chapter 27.12 RCW.

Date Passed: Monday, December 5, 2016

Effective Date: Wednesday, January 18, 2017

ORD C35459 Section 1

Section 12.10.020 Review of City Real Property

- A. The Asset Management Department shall, on an annual basis, review all City-owned, real property and determine which, if any, real property parcels are appropriate for disposition as surplus. In making this initial determination, Asset Management will communicate with all City departments to verify whether any of them currently use, or in the near future will use, underutilized City real property within a reasonable timeframe.
- B. In addition to the annual review by Asset management, the Mayor and City department heads may request that specific properties be evaluated for surplus disposition at any time. This review may also be initiated by Asset Management upon the receipt of an unsolicited purchase offer.
- C. Any disposition of City real property requires City Council approval as provided in this chapter.

Date Passed: Monday, December 5, 2016

Effective Date: Wednesday, January 18, 2017

ORD C35459 Section 1

Section 12.10.030 Real Estate Review Committee; Report.

- A. Upon determining that no City department is using, or will use, an identified parcel of land within a reasonable timeframe, the Real Estate Review Committee ("RERC") shall review the subject property and prepare a written recommendation to the Mayor as to whether a particular parcel should be declared surplus and, if so, the method of disposition. The RERC shall meet on an as-needed basis, and shall include the following members or their designees:
 1. Asset Management Director,
 2. City Administrator,
 3. Finance Director,
 4. City Attorney,
 5. City Department or Division Head most directly affected by the surplus and disposition, if applicable,
 6. The two City Council Members who represent the district where the subject property is located, and
 7. Director of Neighborhood Services
- B. The RERC report shall include at least the following information regarding the subject property:
 1. A description of subject parcel's size, zoning, existing improvements, condition of improvements, ingress/egress, neighborhood planning, environmental condition (findings of environmental reports), and other salient observations.

2. A description of the acquisition and development history of property, including when was the property originally acquired by the City, the source of funds for acquisition, the source of funds for subsequent improvements, how the property is currently used or was used most recently, and the City department(s) involved, etc.
3. A written comment from the City's Community, Housing, and Human Services ("CHHS") Department as to whether the property is suitable for affordable housing development, including a description of the factors supporting the conclusions contained in the written comment. Such factors shall include, without limitation, location, approximate lot size, proximity to services, and access to transit.
4. The report should identify the City department or fund (e.g., revenue, general, special) which is most logically and/or economically linked to the property. In addition, the report should address the repayment of bonds, grants, or other financing instruments used to acquire the property or which have used the property as security.
5. Before a recommendation for surplus and disposition is made, the RERC shall announce to all City departments and the City Council that the subject property is being evaluated for surplus. If a City department expresses interest in using the property, that department must present a written explanation to the RERC, for inclusion in its recommendation report, of the interested department's interest, its intended use, timeline, and operational and financial rationale for maintaining City ownership of the property for use by the interested department.
6. The RERC's report must describe the efforts made by the RERC to obtain input from and consultation with elected officials, City staff, neighborhood councils, and other groups that may have developed ideas on re-purposing the subject property in alignment with City strategic goals.
7. The RERC report must also include an estimate of the subject property's market value. This can be accomplished by the use of a Member of Appraisal Institute ("MAI") /state certified appraisal, tax assessment, market comparables, and/or a City staff opinion of market value.
8. The RERC report should include any recommended covenants, conditions, or restrictions that the City should place on the subject property before disposed. Examples include access easements, air rights for adjacent property owners, purchase option or right of first refusal for City to reacquire property at a future date, among others.
9. The RERC report should recommend the preferred disposition method from among those listed in SMC 12.10.040. The methods are not mutually exclusive and some properties may require a mixture of the methods.

Date Passed: Monday, October 15, 2018

Effective Date: Wednesday, November 28, 2018

ORD C35680 Section 2

Section 12.10.040 Allowable Methods of Property Disposition

A. Surplus City real property may be disposed of using any of the following methods:

1. Direct Sale. Using City legal staff, third party title/escrow companies, and third party reports such as appraisals and environmental studies, the City may sell property directly to another party. This approach does not require the services of a professional listing broker or the additional considerations of a special disposition. Typical examples for which this method are most well-suited include:
 - a. Remnants, defined as: 1) small parcels of land, usually smaller than 2,000 square feet, 2) irregular shapes, and 3) are unlikely to support any stand-alone development. Remnants are often the leftover parcels from right of way dedications and developments. The most likely buyer of a remnant property will be an abutting property owner.
 - b. Unsolicited offers the City receives from public or private parties on city-owned real estate properties that have not been surplused or are not actively being marketed for sale.
 - c. Sales to Public Development Authorities or Limited Redevelopment Authorities, provided that such sales comply with Chapter 39.33, RCW.
 - d. Sales to non-profit or for-profit affordable housing providers, provided that such sales comply with Chapter 39.33, RCW.
2. Listing with Real Estate Broker. In order to generate the greatest return on the sale of a property, subject to applicable procurement laws, the City may contract with a professional commercial real estate broker who specializes in commercial or residential properties for broker listing in some cases. Broker listings are ideally suited for land parcels and improved properties in established neighborhoods for which (1) the anticipated use of the subject properties will be similar to their present uses, and (2) future development of the subject parcel is expected to conform to the well-established land uses prevalent in the subject property's vicinity.
3. Land Swaps. The City may also, as specifically authorized by chapter 39.33, RCW, dispose of real property via a land swap with another public entity, such as a school district, county, the federal government, or other municipal corporation.
4. Special Dispositions. Some City-owned real property may merit the use of a special disposition method because they can provide benefits that far exceed the limitations of monetary market value. Special disposition of these properties can further the objectives and goals of the City and can actually be a catalyst for economic development, affordable housing, and expansion of community services. All special dispositions should be reviewed for compliance with RCW 39.33 and Article VIII, Section 7 of the Washington State Constitution, which generally prohibits gifting of City property.
 - a. Key characteristics qualifying a property for special disposition status include the following:
 - i. Properties that have a nexus with a Public Development Authority, such as where the property is within the geographic area of a

- public development authority (PDA), or where a PDA has expressed specific interest in the subject property.
- ii. Properties within City-designated targeted investment areas or a neighborhood where redevelopment is a focus of revitalization efforts.
 - iii. Properties with characteristics desirable when providing affordable housing units including access to transit, employment centers, healthcare facilities, schools, and the presence of other relevant factors as identified by the CHHS Department. The property's current land use and zoning designations shall not be considered prohibitive to providing affordable housing units.
 - iv. Properties for which there is strong community interest, as expressed by neighborhood councils, local businesses, schools, and other community organizations.
 - v. Properties which may, if the use is changed from the current use, create a substantial impact on neighboring property owners.
 - vi. The needs of multiple stakeholders, including those mentioned above, may necessitate the use of a disposition method other than a listing or direct sale.
 - vii. The City may use a special disposition method where the City anticipates that a likely buyer will request a zoning change, a street dedication, a right of way vacation, or zoning changes.
 - viii. Special disposition methods may be appropriate where the City retains requires property rights after the sale of the property, such as access easements, air rights, purchase options, and other conditions not already addressed elsewhere.
 - ix. The RERC report may contain a recommendation for the use of a special disposition method for reasons other than those listed above, based on the specific circumstances.
- b. Prior to finalizing a report which recommends a special disposition method, the RERC shall hold a public hearing regarding the subject property. The RERC will issue a notice of public hearing no sooner than 10 days and no more than 25 days prior to the hearing. Notice will be sent to all property owners within 1,000 feet of the subject property and officers of the applicable neighborhood council. The RERC shall incorporate the public hearing comments in its recommendation report.
 - c. The primary means for performing a special disposition is a City-issued Request for Proposal ("RFP"). The RERC will develop the RFP criteria as part of any recommendation report which recommends disposition via a special disposition process. The criteria used in evaluating responses to the RFP will be enumerated and weighted on a property-specific basis. For instance, the RFP criteria on a residential parcel in one area of the City may vary significantly from that on an industrial property in

another area.

i. Some RFP criteria may be:

- A. Compatibility with adopted neighborhood plan
- B. Compliance with the City of Spokane's Comprehensive Plan
- C. Potential number of affordable housing units which the property can provide, the income level(s) potentially served by such affordable housing development, and the proposer's experience or capacity in developing and managing affordable housing.
- D. Job creation potential
- E. New tax base expansion or creation potential
- F. Ultimate range of purchase price and earnest money
- G. Relevant purchase contract conditions
- H. Experience and capability of the buyer
- I. Timeline for completing the project and/or project phases, as applicable

d. The RFP process may use a direct sale closing process or it may become part of the listing requirements with a licensed broker. Alternatively, the RERC may recommend a long term lease. The RERC report shall contain a recommendation concerning the method of disposition.

Date Passed: Monday, October 15, 2018

Effective Date: Wednesday, November 28, 2018

ORD C35680 Section 3

Section 12.10.050 Council Action on Disposition

A. Upon receiving the RERC report and the Mayor's recommendation, the City Council shall undertake consideration of the recommendation to designate the property surplus and, if so, whether and how to dispose of the property.

B. With respect to property which is the subject of a RERC report, the Council may:

1. accept the recommendations as presented, pass a resolution determining the subject property to be surplus pursuant to SMC 07.06.040, and pass a resolution authorizing the City to dispose of the property as set forth in the RERC recommendation report.
2. modify the RERC report recommendations, declare the property surplus by resolution pursuant to SMC 07.06.040, and pass a resolution authorizing the

City to dispose of the property as set forth in the modified RERC recommendations.

3. return the recommendations to the RERC for further analysis and consideration of specific facts or criteria identified by the City Council.
4. Designate the subject property for long term lease; or,
5. take no action on the recommendation.

Date Passed: Monday, December 5, 2016

Effective Date: Saturday, January 28, 2017

ORD C35459 Section 1

Section 12.10.060 Surplus Property for Affordable Housing Requirements

- A. The City desires to maximize the number of affordable housing units developed at or below 80 percent of Area Median Income (AMI).
- B. Pursuant to RCW 39.33, the City of Spokane may dispose of surplus property, may transfer, lease, or use other methods of disposal of such property for public benefit.
- C. Disposition of City surplus real property for affordable housing may be made to a public, private, or nongovernmental body on mutually agreeable terms and conditions, including a no-cost transfer, subject to and consistent with Washington Constitution article VIII, section 7, RCW 39.33, and this chapter.
- D. Affordable housing units created through the disposition of public property under this section may be guaranteed upon request by the City of Spokane by a notation made on a recorded deed or other property conveyance instrument which includes both a covenant or other requirement that the property shall be used for affordable housing and appropriate remedies that apply if the recipient of the property fails or ceases to use it for affordable housing.

Date Passed: Monday, October 15, 2018

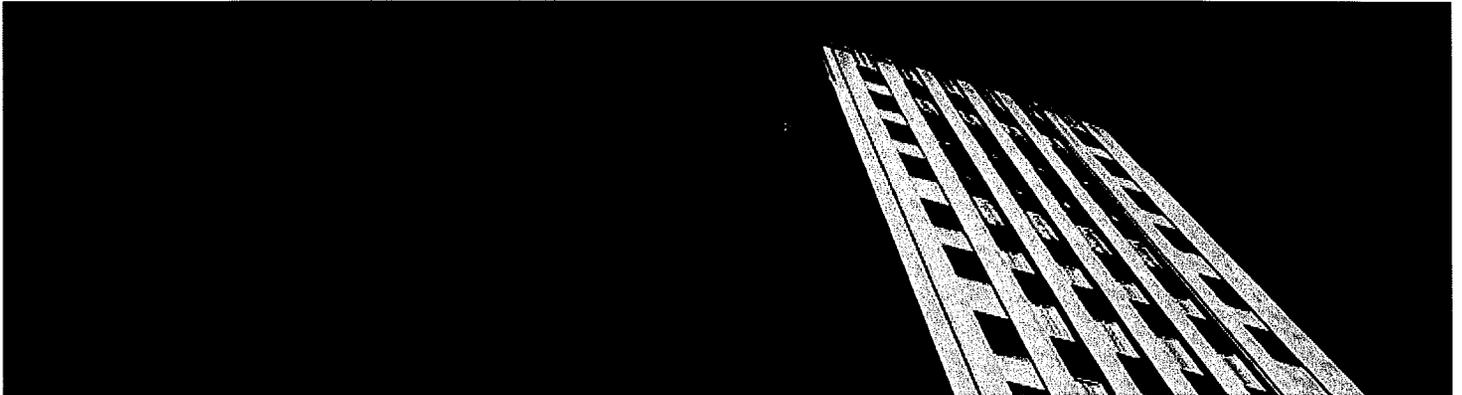
Effective Date: Wednesday, November 28, 2018

ORD C35680 Section 4



City of Tacoma

W A S H I N G T O N



Real Property Services

The Real Property Services section is devoted to the acquisition, management, and disposal of real estate property inventory and utility rights of way, and management of the City's property rights. Real Property Services supplies a variety of services and assistance to internal departments, as well as public and private entities. The section is comprised of two groups:

Tacoma Public Utilities staff is responsible for the property and property rights of Tacoma Power, Tacoma Water, and Tacoma Rail.

City of Tacoma, Real Property Services staff is responsible for all other City of Tacoma properties and property rights, such as, street rights-of-way, sanitary sewer and storm drainage.

The section's staff is comprised of individuals experienced in a variety of real estate specialties. The following is a summary of Real Property Services functions:

Acquire Rights of Way and Real Estate

Acquire rights of way and real estate required for transportation, utility, railroad, open space, public safety and other municipal needs.

Acquire Easements

Acquire easements for power, communications, water, sanitary and storm sewer improvements in connection with City projects, the platting and development of land, and to perfect rights for existing utilities.

Manage Uses of Rights of Way and Parcels of Real Estate

For rights of way and parcels of real estate owned or controlled by the City and Tacoma Public Utilities we will process requests for:

- Easements
- Leases
- Right-of-Way Use permits
- Licenses

- Agreements that allow compatible secondary uses of City-owned real property and rights-of-way and issue accordingly

[Download the Land Use permit application](#) for TPU properties.

Process Street Vacation Petitions

Represent the City at public hearings.

[Download the Street Vacation petition application.](#)

Dispose of Properties

Dispose of properties that are excess to the needs of City and Tacoma Public Utilities departments. [Visit the Real property surplus listings page](#) to view currently listed items. [View additional Surplus Properties](#) at the City of Tacoma, Tacoma School District, Pierce County and Metro Parks.

Act as Custodian of Real Estate Transaction Documents

For real estate documents we will act as custodian for deeds, easements, leases, franchises and permits. Manage data related to these documents. Research and provide information and expertise about real property matters to both internal and external customers.

Contact Information

Our main office is located in the Tacoma Municipal Building.

Real Property Services
747 Market Street
Tacoma, WA 98402

Phone: (253) 591-5249

[Real Property Services Contacts](#)

[Print This Page](#)

YAKIMA

Chapter 1.79

SALE, DISPOSITION OR LEASE OF SURPLUS REAL PROPERTY FOR AFFORDABLE HOUSING

Sections:

1.79.010 Policy regarding disposition of city surplus real property for affordable housing pursuant to RCW 39.33.015.

1.79.020 Definitions.

1.79.030 Surplus real property resolution.

1.79.040 Disposition procedure.

1.79.050 Limitation of chapter.

1.79.010 Policy regarding disposition of city surplus real property for affordable housing pursuant to RCW 39.33.015.

It is the policy of the city that surplus real property may be disposed of for affordable housing purposes as authorized under RCW 39.33.015 when the city council finds that affordable housing is needed within the city and the disposition of the property for affordable housing is in the best interest of the city and its residents.

Further, although it is acknowledged that all forms of affordable housing are important, the city's priority is to provide affordable multifamily units when possible. (Ord. 2020-011 § 1 (part), 2020).

1.79.020 Definitions.

The definitions in RCW 39.33.015 as now existing and as amended are hereby adopted. (Ord. 2020-011 § 1 (part), 2020).

1.79.030 Surplus real property resolution.

A. The city council shall adopt a resolution which clearly states that the property is considered surplus to the city's needs and that the property shall be disposed of for a public benefit purpose pursuant to RCW 39.33.015.

B. The resolution shall contain the following information:

1. A description of the property parcel size, general location, legal description and Yakima County assessor's tax parcel number;

2. A description of the circumstances under which the property was obtained;
3. A statement identifying the fund account to which proceeds from its sale, if any, should be credited;
4. A summary of the history of municipal use, if any, or uses for which it might be held;
5. Assessor's value of the property;
6. A description of how the property should be disposed;
7. A summary of the easements, covenants or deed restrictions that will be imposed on the property as part of the disposition; and
8. A determination of the minimum sale or lease price, or if the sale or lease is for no cost, a statement that indicates such.

C. No appraisal or valuation information is necessary.

D. In the event that after surplus the city council determines that the property will not be disposed of pursuant to RCW 39.33.015, the surplus resolution shall be rescinded and the property will go through the normal surplus procedures. (Ord. 2020-011 § 1 (part), 2020).

1.79.040 Disposition procedure.

A. Disposition of surplus real property for public benefit purposes of providing affordable housing may be at no cost, a long-term lease, or an amount determined appropriate by the city, even if that amount is less than the appraised, assessed or fair market value of the property.

B. Disposition of surplus real property may be by direct negotiation with a nonprofit, 501(c)(3) or similar entity that provides affordable housing for city residents.

C. In the alternative, if the city council deems it appropriate, disposition of surplus real property may be accomplished through an RFP procedure, sealed bid, or auction.

D. In all cases, the deed, lease or other instrument transferring or conveying the property shall include a covenant or other requirement that the property shall be used for a public benefit purpose and remedies that apply in the event the recipient of the property fails to use the property for the designated public benefit purpose or ceases to use the property for such purpose.

E. Recipients of surplus real property shall pay all costs of the transfer, including, but not limited to, appraisal costs, title fees, excise tax and recording fees. (Ord. 2020-011 § 1 (part), 2020).

1.79.050 Limitation of chapter.

This chapter is not applicable to surplus, sale, transfer, disposition or lease of city real property for purposes other than affordable housing pursuant to RCW 39.33.015. (Ord. 2020-011 § 1 (part), 2020).

The Yakima Municipal Code is current through Ordinance 2020-022, passed August 18, 2020.

Disclaimer: The city clerk's office has the official version of the Yakima Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[Click here to view recently enacted ordinances not yet codified.](#)

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City Telephone: (509) 575-6037

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