

Chapter 35.86 RCW
OFF-STREET PARKING FACILITIES

Sections

- 35.86.010 Space and facilities authorized.
- 35.86.020 Financing.
- 35.86.030 Acquisition and disposition of real property.
- 35.86.040 Operation—Leasing.
- 35.86.045 Operation of parking facilities by cities prohibited, exception—Bid requirements and procedure.
- 35.86.050 Procedure to establish—Plan, surveys, hearings.
- 35.86.060 Maximum parking fee schedule.
- 35.86.080 Leasing for store space in lieu of undesirable off-street parking facility.
- 35.86.910 Chapter prevails over inconsistent laws.

RCW 35.86.010 Space and facilities authorized. Cities of the first and second classes are authorized to provide off-street parking space and facilities located on land dedicated for park or civic center purposes, or on other municipally-owned land where the primary purpose of such off-street parking facility is to provide parking for persons who use such park or civic center facilities. In addition a city may own other off-street parking facilities and operate them in accordance with RCW 35.86A.120. [1997 c 361 s 16; 1975 1st ex.s. c 221 s 1; 1967 ex.s. c 144 s 13; 1965 c 7 s 35.86.010. Prior: 1961 c 186 s 1; 1959 c 302 s 1.]

Severability—1975 1st ex.s. c 221: "If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 221 s 5.]

Severability—1967 ex.s. c 144: See note following RCW 36.900.030.

Off-street parking space and facilities in towns: RCW 35.27.550 through 35.27.600.

Public parks in or beneath off-street parking space or facilities—Revenue bond financing—Special funds—Use of off-street and on-street parking revenues: RCW 35.41.010.

RCW 35.86.020 Financing. In order to provide for off-street parking space and/or facilities, such cities are authorized, in addition to the powers already possessed by them for financing public improvements, to finance their acquisition and construction through the issuance and sale of revenue bonds or general obligation bonds or both. Any bonds issued by such cities pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state.

In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35 RCW as now or hereafter amended.

Such cities may authorize and finance the economic and physical surveys and plans, acquisition and construction, for off-street parking spaces and facilities, and the maintenance and management of such off-street parking spaces and facilities either within their general budget or by issuing revenue bonds or general obligation bonds or both.

General obligation bonds issued hereunder may additionally be made payable from any otherwise unpledged revenue, fees or charges which may be derived from the ownership, operation, lease or license of off-street parking space or facilities or which may be derived from the license of on-street parking space.

Such cities may, in addition to utilizing the pledging revenues from off-street parking spaces and facilities, utilize and pledge revenues from on-street parking meters in exercising any of the powers provided by this chapter, including the financing of economic and physical surveys and plans, acquisition, and construction, for off-street parking facilities, the maintenance and management thereof, and for the payment of debt service of revenue bonds issued therefor.

In the event revenue bonds are issued, such cities are authorized to make such covenants pertaining to the continued maintenance of on-street and/or off-street parking spaces and facilities and the fixing of rates and charges for the use thereof as are deemed necessary to effectuate the sale of such revenue bonds. [1969 ex.s. c 204 s 14; 1967 ex.s. c 144 s 14; 1965 c 7 s 35.86.020. Prior: 1961 c 186 s 2; 1959 c 302 s 2.]

Severability—1969 ex.s. c 204: See note following RCW 35.86A.010.

Severability—1967 ex.s. c 144: See note following RCW 36.900.030.

*Public parks in or beneath off-street parking space or facilities—
Revenue bond financing—Special funds—Use of off-street and on-
street parking revenues: RCW 35.41.010.*

RCW 35.86.030 Acquisition and disposition of real property. (1)
Such cities are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance.

(2) Such property or any fraction or fractions thereof may be sold, transferred, exchanged, leased, or otherwise disposed of by the city when one or more of the following conditions have been satisfied:

(a) When its legislative body has determined by ordinance such property or fraction or fractions thereof is no longer necessary for off-street parking purposes;

(b) When all bonds or financing contracts issued for the acquisition or construction have been paid in full. The proceeds from the sale, transfer, exchange, or lease of the property may be applied to the remaining balance of the bonds or financing contract in order

to satisfy the requirement that the property bonds or financing contract be paid in full; or

(c) When the properties within any local improvement district created for the acquisition or construction of the off-street parking facilities are no longer subject to any assessment for such purpose.

(3) If the legislative body determines that all or a portion of the property that is being disposed of in accordance with subsection (2) of this section was acquired through condemnation or eminent domain, the former owner has the right to repurchase as described in this subsection. For the purposes of this subsection, "former owner" means the person or entity from whom the legislative body acquired title. At least ninety days prior to the date on which the property is intended to be sold by the legislative body, the legislative body must mail notice of the planned sale to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the legislative body with a forwarding address. If the former owner of the property's last known address, or forwarding address if the forwarding address has been provided, is no longer the former owner of the property's address, the right of repurchase is extinguished. If the former owner notifies the legislative body within thirty days of the date of the notice that the former owner intends to repurchase the property, the legislative body shall proceed with the sale of the property to the former owner for fair market value and shall not list the property for sale to other owners. If the former owner does not provide timely written notice to the legislative body of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within six months of the date of notice that the former owner intends to repurchase the property, the right of repurchase is extinguished. [2019 c 254 s 1; 1965 c 7 s 35.86.030. Prior: 1961 c 186 s 3; 1959 c 302 s 3.]

Eminent domain by cities: Chapter 8.12 RCW.

RCW 35.86.040 Operation—Leasing. Such cities are authorized to establish the method of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation. [1975 1st ex.s. c 221 s 2; 1969 ex.s. c 204 s 13; 1965 c 7 s 35.86.040. Prior: 1959 c 302 s 4.]

Severability—1975 1st ex.s. c 221: See note following RCW 35.86.010.

Severability—1969 ex.s. c 204: See note following RCW 35.86A.010.

RCW 35.86.045 Operation of parking facilities by cities prohibited, exception—Bid requirements and procedure. See RCW 35.86A.120.

RCW 35.86.050 Procedure to establish—Plan, surveys, hearings. In the establishment of off-street parking space and/or facilities, cities shall proceed with the development of the plan therefor by making such economic and physical surveys as are necessary, shall

prepare comprehensive plans therefor, and shall hold a public hearing thereon prior to the adoption of any ordinances relating to the leasing or acquisition of property and providing for the financing thereof for this purpose. [1965 c 7 s 35.86.050. Prior: 1959 c 302 s 5.]

RCW 35.86.060 Maximum parking fee schedule. The lease referred to in RCW 35.86.040 shall specify a schedule of maximum parking fees which the operator may charge. This maximum parking fee schedule may be modified from time to time by agreement of the city and the operator. [1965 c 7 s 35.86.060. Prior: 1959 c 302 s 6.]

RCW 35.86.080 Leasing for store space in lieu of undesirable off-street parking facility. Cities are expressly authorized to lease space which would otherwise be wasted in an off-street parking facility for store space, both for the enhancement of civic beauty and aesthetic values and for revenue which such leasing can provide. [1965 c 7 s 35.86.080. Prior: 1961 c 186 s 4.]

RCW 35.86.910 Chapter prevails over inconsistent laws. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling. [1965 c 7 s 35.86.910. Prior: 1959 c 302 s 9.]