

ORDINANCE NO. 450

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, VACATING A 5-FOOT STRIP OF PROPERTY CONSTITUTING THE NORTH 5 FEET OF LOT 65, BLOCK 2, SOUNDVIEW ADDITION, DEDICATED AS A WALKWAY AND LYING WEST OF SOUNDVIEW DRIVE IN SECTION 16, TOWNSHIP 20, RANGE 2E.

WHEREAS, the City Council of the City of University Place has the legislative authority to vacate public right-of-way, pursuant to RCW 35.79.010; and

WHEREAS, the City Council adopted Resolution No. 483 on April 18, 2005, that initiated the process to vacate a 5-foot strip of right-of-way lying west of Soundview Drive and set a public hearing of this matter for July 11, 2005; and

WHEREAS, twenty days written notice of the time, place and purpose of the hearing on said roadway vacation was posted in three of the most public places in the City and like notices were posted in conspicuous places at the proposed right-of-way vacation site; and

WHEREAS, notice of the public hearing was published in the City's official newspaper; and

WHEREAS, fifteen days advance written notice of the hearing was mailed to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon that part of the right-of-way sought to be vacated, as shown on the rolls of the County Treasurer and to the owners of properties which lie within 300 feet beyond the right-of-way to be vacated, measuring in both directions from the area to be vacated; and

WHEREAS, the City Clerk did not receive written objections from fifty percent of the property owners abutting upon that part of the right-of-way sought to be vacated prior to the time of the public hearing; and

WHEREAS, a public hearing was conducted by the City Council on July 11, 2005, when Council Members heard testimony, deliberated on this matter, and then voted to pass this Ordinance granting the right-of-way vacation; and

WHEREAS, the City Council finds it is in the public interest to vacate the 5-foot wide strip of right-of-way, constituting the north 5 feet of Lot 65, Block 2, Soundview Addition, lying west of Soundview Drive, legally described in Section 1 below; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Vacation of Right-of-Way. The 5-foot strip of right-of-way lying west of Soundview Drive West in University Place, Washington, legally described below, is hereby vacated:

LEGAL DESCRIPTION

THE NORTH 5 FEET OF LOT 65, BLOCK 2, SOUNDVIEW ADDITION, PIERCE COUNTY, ACCORDING TO PLAT RECORDED IN BOOK 12 OF PLATS, PAGE 18, RECORDS OF PIERCE COUNTY AUDITOR.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

Section 2. Compensation for Vacation. The City of University Place will be compensated for this right-of-way vacation in an amount equal to one half the appraised value of the area vacated pursuant to University Place Municipal Code 13.15.110.

Section 3. Authorizing the Community Development Director to Execute All Necessary Documents and Approve all Utility Easements to Effectuate the Partial Street Vacation. The Community Development Director is authorized to execute all necessary documents to effectuate the right-of-way vacation; provided that (1) a Quit Claim Deed for the vacated right-of-way has been recorded with the Pierce County Auditor; and (2) receipt of compensation for the right-of-way vacation is a condition precedent to the Community Development Director's obligation to deliver a Quit Claim Deed for the vacated right-of-way.

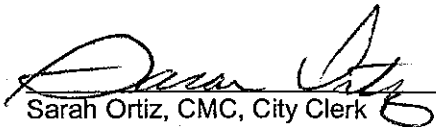
Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after such publication.

PASSED BY THE CITY COUNCIL ON THE 11TH DAY OF JULY 2005.


Ken Grassi, Mayor

ATTEST:


Sarah Ortiz, CMC, City Clerk

APPROVED AS TO FORM:


Janean Polkinghorn, City Attorney

Published: July 14, 2005
Effective Date: July 19, 2005