

ORDINANCE NO. 385

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, VACATING APPROXIMATELY 208 SQUARE FEET OF THAT PORTION OF RIGHT-OF-WAY OF SOUNDVIEW DRIVE WEST AND BROOKSIDE WAY WEST LYING NORTH OF TAX PARCEL NO. 7720001372 TO COLEMAN AND LILIA FANNIN, THE ABUTTING PROPERTY OWNERS

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

WHEREAS, the City Council adopted Resolution No. 386 on March 17, 2003, that initiated the process to vacate approximately 1,688 square feet of that portion of right-of-way of Soundview Drive West and Brookside Way west lying North of Tax Parcel No. 7720001372 and set a public hearing of this matter for May 5, 2003; 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 hearings 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 May 5, 2003, when Council Members heard testimony, deliberated on this matter, and requested that the Fannin's revise their request such that it minimized the area requested for vacation; and

WHEREAS, the Fannin's have revised their request in conformance with the Council request; and

WHEREAS, the City Council finds it is in the public interest to vacate approximately 208 square feet of that portion of right-of-way of Soundview Drive West and Brookside Way West lying North of Tax Parcel No. 7720001372, 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 Street Right-of-Way. The portion of right-of-way of Soundview Drive West and Brookside Way west lying North of Tax Parcel No. 7720001372 in University Place, Washington, legally described below, is hereby vacated:

LEGAL DESCRIPTION

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THAT PORTION OF THE INTERSECTION OF SOUNDVIEW DRIVE AND BROOKSIDE WAY, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 27, BLOCK 5, SOUNDVIEW ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS AT PAGE 18 RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH 24°31'00" EAST, ALONG THE WEST LINE OF SAID LOT 27 AND THE EAST MARGIN OF SOUNDVIEW DRIVE, 111.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 78°58'00" EAST, 46.27 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST MARGIN OF BROOKSIDE WAY; THENCE SOUTH 02°27'00" EAST, ALONG SAID NORTHERLY EXTENSION, 23.14 FEET TO THE NORTHEAST CORNER OF SAID LOT 27; THENCE ALONG THE NORTH LINE OF SAID LOT 27 AND A CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 87°33'00" WEST 29.34 FEET DISTANT, THROUGH A CENTRAL ANGLE OF 153°02'00", AN ARC DISTANCE OF 79.36 FEET TO SAID EAST MARGIN OF SOUNDVIEW DRIVE; THENCE NORTH 24°31'00" EAST, 23.14 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 208 SQUARE FEET.

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 13.05.110.

Section 3. Authorizing the Public Works Director to Execute All Necessary Documents and Approve all Utility Easements to Effectuate the Partial Street Vacation. The Public Works Director is authorized to execute all necessary documents to effectuate the right-of-way vacation; provided that (1) the applicant executes utility easements in a form acceptable to the Public Works Director; (2) a Quit Claim Deed for the vacated right-of-way has been recorded with the Pierce County Auditor; and (3) receipt of compensation for the right-of-way vacation and execution of utility easements are conditions precedent to the Public Works 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 JUNE 2, 2003.



Jean Brooks, Mayor

ATTEST:

Catrina Craig
Catrina Craig, City Clerk

APPROVED AS TO FORM:

Janean Pilkington for
Timothy X. Sullivan, City Attorney

Published: 6/4/03

Effective Date: 6/9/03