

ORDINANCE NO. 347

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, VACATING AN APPROXIMATE 2,202 SQUARE FOOT PORTION OF THE 75TH AVENUE WEST RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER

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. 357 on June 10, 2002, initiating the process to vacate right-of-way on 75th Avenue West and setting July 8, 2002, as the date for public hearing of this matter; and

WHEREAS, twenty days written notice of the time, place and purpose of the hearing on said 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 were published in the City's official newspaper; and

WHEREAS, fifteen days 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 street 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 street 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 street sought to be vacated prior to the time of the hearings; and

WHEREAS, a public hearing was conducted by the City Council on July 8, 2002, when Council Members heard testimony of citizens and staff, deliberated on this matter, and then voted to pass this Ordinance granting the street vacation; and

WHEREAS, the City Council finds it is in the public interest to vacate that portion of 75th Avenue West 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 following portion of 75th Avenue West, University Place, Washington, is hereby vacated:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M. IN THE CITY OF UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY MARGIN OF 75TH AVENUE WEST WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION, SAID POINT BEING S89° 52' 46"W 30.02 FEET FROM THE BRASS SURFACE MONUMENT MARKING THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER: THENCE S01° 43' 43"W, ALONG SAID RIGHT-OF-WAY MARGIN AND PARALLEL WITH THE

EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 65.56 FEET TO A POINT ON THE WESTERLY SIDE OF AN EXISTING CONCRETE SIDEWALK AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL:

THENCE ALONG THE WEST SIDE OF SAID CONCRETE SIDEWALK THE FOLLOWING COURSES:

S21° 24' 47"E A DISTANCE OF 47.96 FEET; AND

S14° 29' 15"E A DISTANCE OF 53.29 FEET, AND

S15° 37' 18"E A DISTANCE OF 12.37 FEET

TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 160 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, PRODUCED EASTERLY;

THENCE S89° 58' 36"W ALONG SAID PRODUCTION AND SAID NORTH LINE, A DISTANCE OF 37.44 FEET, MORE OR LESS, TO AN INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY MARGIN OF 75TH AVENUE WEST;

THENCE N01° 43' 43"E, ALONG SAID MARGIN, A DISTANCE OF 108.23 FEET TO THE TRUE POINT OF BEGINNING.

(CONTAINING 2,202 SQUARE FEET, MORE OR LESS OR APPROXIMATELY 0.051 ACRE.)


Section 2. Compensation for Vacation. The City of University Place will be compensated for this right-of-way street vacation in an amount equal to one half the appraised value of the area vacated pursuant to U. P. M. C. 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 partial street vacation: Provided that: (1) execution by the applicant of utility easements is in a form acceptable to the Public Works Director, and (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 partial street 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 its publication.

PASSED BY THE CITY COUNCIL ON July 8, 2002.



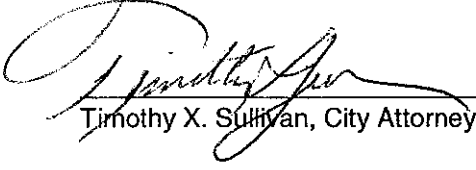
Jean Brooks, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: July 10, 2002

Effective Date: July 15, 2002

UNOFFICIAL DOCUMENT