

ORDINANCE NO. 312

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, VACATING AN APPROXIMATE FIFTEEN (15) FEET WIDE SECTION OF THE 31st STREET WEST RIGHT-OF-WAY TO 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. 299 on March 5, 2001, initiating the process to vacate right-of-way on 31st Street West and setting April 23, 2001, 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 April 23, 2001, 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 31st Street 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 31st Street West, University Place, Washington, is hereby vacated:

THAT PORTION OF 31st STREET WEST, IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M. IN THE CITY OF UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 21, BLOCK 4, REPLAT OF BLOCK 1 AND A PORTION OF BLOCK 4, HIGHLAND VIEWS, ACCORDING

TO THE PLAT THEREOF, AS RECORDED IN BOOK 12 OF PLATS, PAGE 53, RECORDS OF PIERCE COUNTY, WASHINGTON, SAID POINT BEING 11.00 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID LOT 21; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID LOT, A DISTANCE OF 80.00 FEET TO THE EAST LINE OF THE WEST 29 FEET OF SAID LOT 21; THENCE SOUTHERLY, ALONG SAID EAST LINE PRODUCED SOUTHERLY, A DISTANCE OF 15.00 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID LOT 21, A DISTANCE OF 77.00 FEET; THENCE NORTHEASTERLY, IN A STRAIGHT LINE, A DISTANCE OF 15.3 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SITUATE IN THE CITY OF UNIVERSITY PLACE, COUNTY OF PIERCE, STATE OF WASHINGTON.


Section 2. Compensation for Vacation. The City of University Place has been compensated for this right-of-way street vacation pursuant to its Settlement Agreement with Jeffrey R. and Marcie L. Allen, dated October 18, 2000.

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.

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.

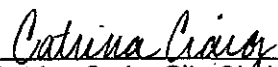
Section 5. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON APRIL 23, 2001.




Lorna Smith, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: April 25, 2001
Effective Date: April 30, 2001