

ORDINANCE NO. 252

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, VACATING AN APPROXIMATELY 700 SQUARE FEET TRIANGULAR SHAPED PORTION OF THE DAY ISLAND BOULEVARD RIGHT OF WAY, LOCATED AT THE SOUTHERLY TIP OF DAY ISLAND BOULEVARD AND LEGALLY DESCRIBED IN SECTION I OF THIS ORDINANCE, PROVIDING FOR THE RESERVATION OF UTILITY EASEMENTS AND SETTING COMPENSATION TO THE CITY IN THE AMOUNT OF FIVE THOUSAND DOLLARS FOR THE VACATED PORTION OF THE RIGHT OF WAY

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, by Resolution No. 229, adopted August 2, 1999, the City Council initiated the vacation of a portion of Day Island Boulevard in Block 1, Day Island, University Place, Washington; 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 a like notice in a conspicuous place at each end of the street sought to be vacated; 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, notice of the public hearings were published in the City's official newspaper; and

WHEREAS, public hearings were held before the City Council on the proposed partial street vacation on September 20, 1999 and November 1, 1999; 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, RCW 35.79.030 provides that a City may require that compensation which does not exceed one-half of the appraised value of the area vacated be paid as a condition of a street vacation.

WHEREAS, the City Council finds it is in the public interest to vacate that portion of Day Island Boulevard in Block 1, Day Island, University Place, Washington, described below; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES ORDAIN AS FOLLOWS:

Section 1. Vacation of a Portion of Day Island Boulevard in Block 1, Day Island, University Place, Washington. The following portion of Day Island Boulevard in Block 1, Day Island, University Place, Washington, is hereby vacated:

A PORTION OF DAY ISLAND BOULEVARD IN BLOCK 1, DAY ISLAND, PIERCE COUNTY, WASHINGTON, ACCORDING TO THE PLAT RECORDED IN VOLUME 9 OF PLATS, AT PAGE 12, RECORDS OF THE PIERCE COUNTY AUDITOR, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 19 DEGREES 30' 12" EAST ALONG THE WESTERLY LINE OF SAID DAY ISLAND BOULEVARD 21.98 FEET; THENCE SOUTH 67 DEGREES 51'15" EAST 58.06 FEET TO THE EAST LINE OF SAID PLAT; THENCE SOUTH 02 DEGREES 13' 06" WEST ALONG SAID EAST LINE 1.32 FEET TO THE SOUTHEAST CORNER OF SAID PLAT; THENCE NORTH 87 DEGREES 39'54" WEST ALONG THE SOUTH LINE OF SAID PLAT 61.11 FEET TO THE POINT OF BEGINNING.


Section 2. Compensation for Vacation. Pursuant to RCW 35.79.030 compensation for the vacation of said portion of Day Island Boulevard to the Day Island LLC, a Washington limited liability company, is set at Five Thousand Dollars (\$5,000) which is one-half of the appraised value for the parcel to be vacated. Day Island, LLC shall pay by certified check the sum of Five Thousand Dollars (\$5,000) as a condition of the vacation.

Section 3. Reserving Easements for Utilities. The City of University Place expressly reserves easements for utilities above, over, across, through and under that portion described in Section 1 pursuant to RCW 35.79.030.

Section 4. 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 in a form acceptable to the Public Works Director and (2) receipt of compensation for the partial street vacation are conditions precedent to the Public Work Director's obligation to deliver a quit claim deed for the vacated right of way.

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 in full force and effect five days after such publication.


PASSED BY THE CITY COUNCIL ON NOVEMBER 1, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan
City Attorney

DATE OF PUBLICATION: 11-5-99
EFFECTIVE DATE: 11-10-99