

RESOLUTION NO. 229

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, INITIATING THE VACATION OF A PORTION OF DAY ISLAND BLVD. IN BLOCK 1, DAY ISLAND, UNIVERSITY PLACE, WASHINGTON, AND SETTING A DATE FOR A PUBLIC HEARING THEREON

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Authority for Vacation. Pursuant to RCW 35.79.010 and University Place Municipal Code 13.05.030, the City Council may initiate the vacation of a street, or portion of a street right-of-way.

Section 2. Purpose of Vacation. The purpose of the vacation is to provide public access to the shoreline area abutting portions of Day Island Boulevard, in accordance with the goals of the University Place Comprehensive Plan.

Section 3. Shoreline Access Plan. The property to be deeded to the City as compensation for the vacated right-of-way abuts Day Island Boulevard on the west and Puget Sound on the east. The City of University Place will permit use of this property for public access to the Day Island shoreline. The public will benefit by vacating the small triangle of right-of-way underlying an existing building on the west side of Day Island Boulevard in exchange for a parcel of land immediately to the northeast of it which provides access to a stretch of beach and Puget Sound. The parcel of land to be acquired provides shoreline access for pedestrians while preserving the natural character of the neighborhood and the property rights of the residents of Day Island. The Council hereby adopts this shoreline access plan for this property on Day Island and finds that it meets the goals set forth in Policies LU9B and EN1Q of the University Place Comprehensive Plan.

Section 4. Public Interest and Legal Description. It is in the public interest to vacate that portion of Day Island Boulevard in Block 1, Day Island, University Place, Washington described as follows:

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 5. Present Use of Property to be Vacated. That portion of Day Island Boulevard to be vacated is not presently being used as a street and it is not suitable for use by the City of University Place for port, boat moorage, launching sites, beach or water access, park, public view, recreation or educational uses.

Section 6. Compensation for Vacation. When vacated, title to the portion of the right-of-way for Day Island Boulevard described above shall revert to the abutting property owner, Day

Island LLC. As compensation for the vacation of said portion of Day Island Boulevard, Day Island LLC, a Washington limited liability company, shall convey to the City of University Place by Quitclaim Deed the following described property:

LOT 15, BLOCK 1, DAY ISLAND, PIERCE COUNTY, WASHINGTON, ACCORDING TO THE PLAT RECORDED IN VOLUME 9 OF PLATS, AT PAGE 12, RECORDS OF PIERCE COUNTY AUDITOR; EXCEPT THAT PORTION LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 19 DEGREES 30' 12" EAST ALONG THE EASTERLY LINE OF SAID LOT 15, 21.98 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 67 DEGREES, 51'15" EAST 86.89 FEET TO THE WESTERLY LINE OF SAID LOT 15 AND THE TERMINUS OF SAID LINE.

Section 7. Fair Market Value. The City Council finds that the property to be deeded to the City as compensation for the vacation equals or exceeds the fair market value of the right-of-way to be vacated.

Section 8. Public hearing. A public hearing shall be held on the merits of the proposed right-of-way vacation on the 20th day of September, 1999, at 7:00 P.M. in the University Place City Council Chambers, 3715 Bridgeport Way West, University Place, Washington.

Section 9. Notice of Hearing. Twenty days written notice of the time, place and purpose of said hearing shall be 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. In addition, fifteen days written notice of the hearing shall be 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. The written notice shall be published once in the City's official newspaper.

Section 10. Content of Posted Notice. The notice of the public hearing posted on the portion of Day Island Boulevard to be vacated shall state that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to the City Manager indicating his or her objection. The placards shall be highly visible and at least 11 by 14 inches in size and shall include a map showing the location of the street proposed to be vacated.

Section 11. Written Objections. If fifty percent of the abutting property owners file written objections to the proposed vacation with the City Clerk prior to the time of hearing, the City shall not proceed with the vacation.

Section 12. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL AUGUST 2, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk