

## ORDINANCE NO. 781

**AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating that portion of 113<sup>th</sup> Street SW lying west of the westerly margin of Kendrick Street SW within the plat of Kendrick Addition.**

**WHEREAS**, the City of Lakewood, Washington, has received a petition signed by owners of at least two-thirds (2/3) of the property abutting a portion of right-of-way, located within the city of Lakewood, Washington, requesting that the same be vacated; and

**WHEREAS**, on January 31, 2023, an application and petition for the vacation of public property was received; and

**WHEREAS**, in conformity with the legal requirements pursuant to Lakewood Municipal Code 12.12.070, the Lakewood City Council passed Resolution No. 2023-02 on February 6, 2023, setting a public hearing regarding this proposed vacation for March 6, 2023; and

**WHEREAS**, in conformity with the legal requirements pursuant to Lakewood Municipal Code 12.12.090 proper notice of the public hearing was posted and mailed to all required parties; and

**WHEREAS**, on March 6, 2023, said public hearing was conducted before the Lakewood City Council with no objections to the proposed vacation; and

**WHEREAS**, pursuant to Lakewood Municipal Code section 12.12.120, the City Council must consider certain factors prior to authorizing a vacation of public property; and,

**WHEREAS**, it is the finding of the City Council of the City of Lakewood that vacation is appropriate in this instance after full consideration of the factors stated in LMC 12.12.120 in that vacation will benefit the public by returning the property to the tax rolls, in that the right-of-way is not needed for public use or access, and in that conditions are not likely to change in the future as to provide a greater use or need for the right-of-way than presently exists; and

**WHEREAS**, the City Council of the City of Lakewood, Washington, has considered all

matters presented at the public hearing on the proposed vacation, hearing no objection to this vacation, and does hereby find that the vacation of said property is appropriate and that the transfer of property at issue in this matter in the manner set forth below is in best interest of the public.

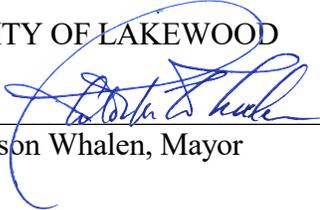
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,**

**WASHINGTON DO ORDAIN** as a non-codified ordinance as follows:

- Section 1. The City vacates that portion of 113<sup>th</sup> Street SW lying west of the westerly margin of Kendrick Street SW within the plat of Kendrick Addition SW., located within the City of Lakewood, Washington, legally described as shown in the attachment hereto, marked "Exhibit A" and incorporated herein by this reference, subject to the conditions set forth in Sections 2 through 5 of this Ordinance.
- Section 2. The vacated land shall be partitioned per RCW 35.79.040, one-half of width to each abutting parcel as shown in the attachment hereto, marked "Exhibit B" and incorporated herein by this reference.
- Section 3. The City shall retain the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services as needed.
- Section 4. The vacation shall be effective upon payment to the City of Lakewood, within 120 days of the date hereof, by an owner of property, or assignee, adjacent thereto and to be benefited by the vacation, in the amount of \$340,000, which represents full appraised value of the net amount (14,051 square feet) of right-of-way to be vacated.
- Section 5. This Ordinance shall be in full force and effect thirty (30) days after publication as required by law.

ADOPTED by the City Council this 20th day of March, 2023.

CITY OF LAKEWOOD

  
\_\_\_\_\_  
Jason Whalen, Mayor

Attest:

  
\_\_\_\_\_  
Briana Schumacher, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Heidi Ann Wachter, City Attorney

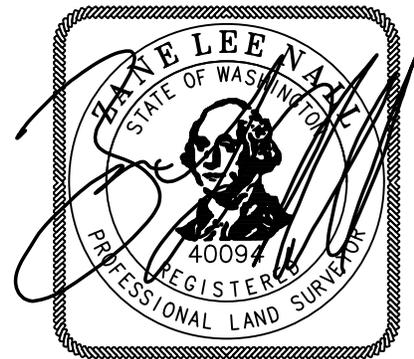
EXHIBIT A

113TH ST SW DESCRIPTION

ALL THAT PORTION OF 113TH STREET SOUTHWEST, LYING WEST OF THE WESTERLY MARGIN OF KENDRICK STREET AND LYING SOUTH OF BLOCK 1 AND LYING NORTH OF BLOCK 2, ACCORDING TO THE PLAT OF KENDRICK ADDITION, RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 33 UNDER PIERCE COUNTY RECORDING NUMBER 1645527.

TOGETHER WITH ALL THAT PORTION OF THE 60 FOOT ROAD DEDICATED BY SUPERIOR COURT CAUSE #134393 UNDER PIERCE COUNTY RECORDING NUMBER 1850387.

(CONTAINING AN AREA OF 14,051 SQ. FT. MORE OR LESS)



11/21/22

A PORTION OF THE NE 1/4, NW 1/4, SEC.12, TWP.19N., RGE.2E, W.M.  
CITY OF LAKEWOOD, PIERCE COUNTY, WASHINGTON



**Axis**  
Survey & Mapping

15241 NE 90TH ST,  
SUITE 100  
REDMOND, WA 98052  
TEL. 425.823-5700  
FAX 425.823-6700

www.axismap.com

JOB NO.  
22-056

DATE  
11/21/22

DRAWN BY  
ERM

CHECKED BY  
ZLN

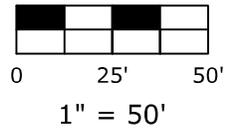
SCALE  
N/A

SHEET  
2 OF 3

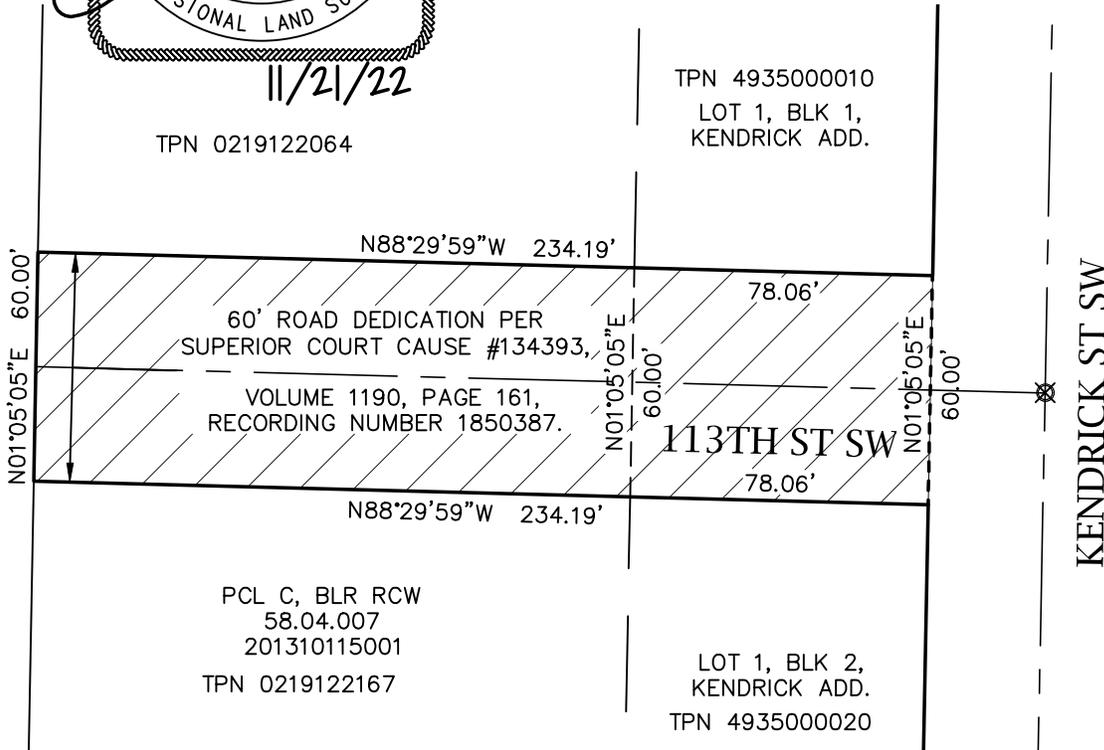
EXHIBIT B  
113TH ST SW DEPICTION



GRAPHIC SCALE



11/21/22



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DRAWN BY  
ERM

CHECKED BY  
ZLN

SCALE  
1"=50'

SHEET  
3 OF 3