

ORDINANCE NO. 801

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating the 20 foot wide alley abutting Lots 1 through 14, Block 69 Town Plat of Lakeview.

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 19, 2024, 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. 2024-04 on February 5, 2024, setting a public hearing regarding this proposed vacation on March 4, 2024; 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 4, 2024, said public hearing was held 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 the 20 foot wide alley abutting Lots 1 through 14, Block 69 Town Plat of Lakeview, 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 to each abutting parcel as shown in the attachment hereto, marked "Exhibit B" and incorporated herein by this reference.
- Section 3. The City shall not 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 \$25,000 which represents full appraised value of the net amount (3,583 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 18<sup>th</sup> day of March 2024.


CITY OF LAKEWOOD

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

Attest:

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

Approved as to Form:

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

**EXHIBIT A**

PAGE 1

**RIGHT OF WAY VACATION LEGAL DESCRIPTION**

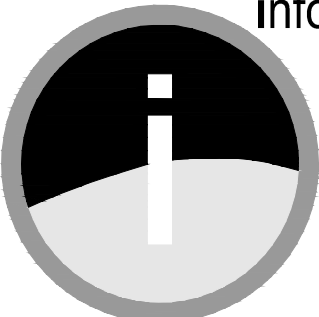
THE 20.00 FEET WIDE ALLEY ABUTTING OR ADJOINING LOTS 1 THROUGH 14, BLOCK 69, TOWN PLAT OF LAKEVIEW, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 12, RECORDS OF PIERCE COUNTY, WASHINGTON;

CONTAINING 3,583 SQUARE FEET;

SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

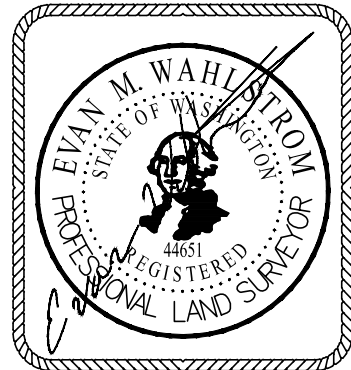
A PORTION OF THE SE 1/4 OF THE SW 1/4 OF SECTION 1, T19N, R2E, W.M.

**informed land survey**



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LAND SURVEYING • MAPPING • CONSTRUCTION LAYOUT

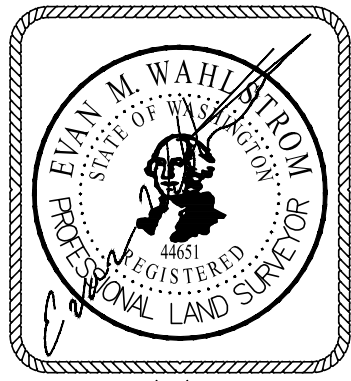
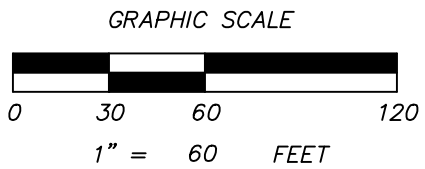
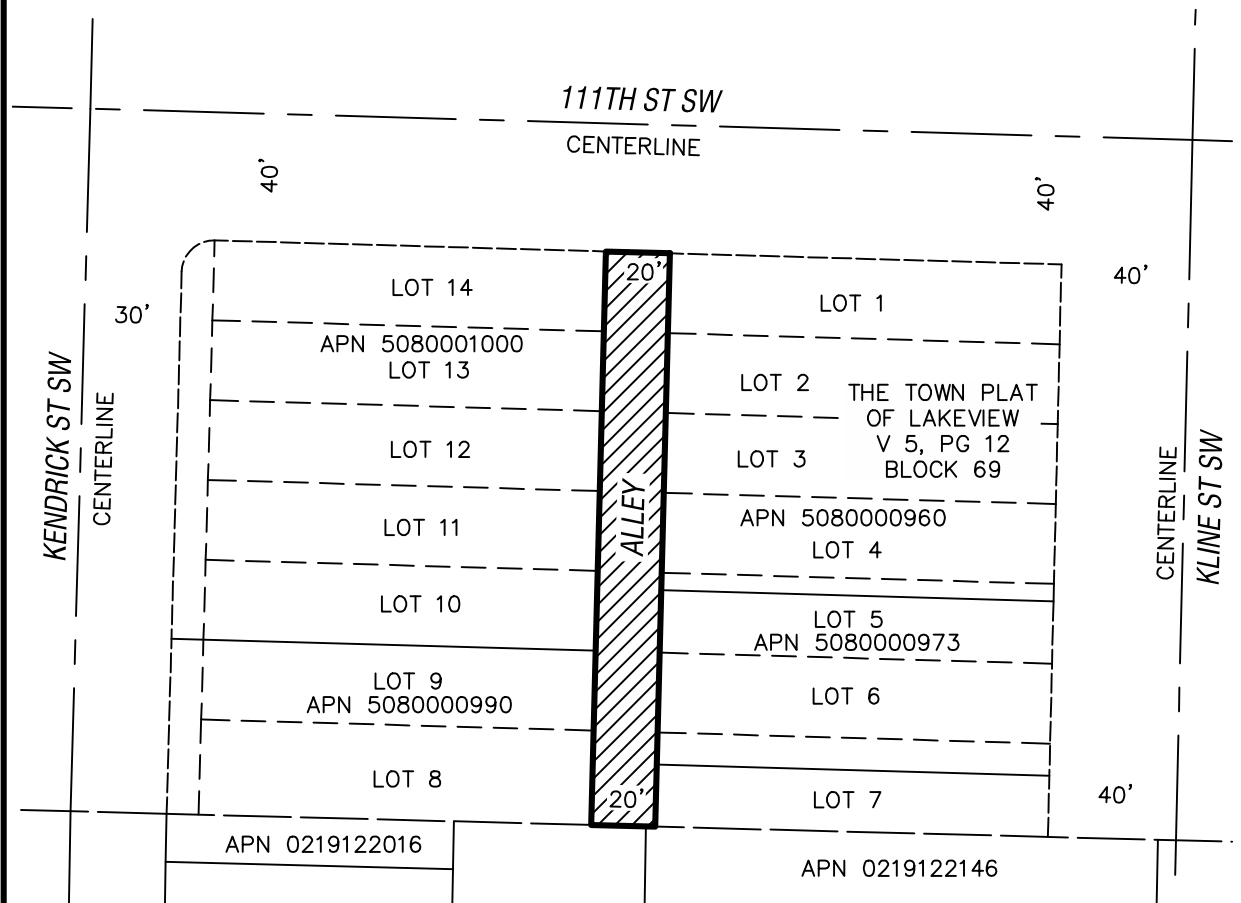


10/6/2023

CITY OF LAKEWOOD  
12/10/2023  
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# EXHIBIT A

PAGE 2



A PORTION OF THE SE 1/4 OF THE SW 1/4 OF SECTION 1, T19N, R2E, W.M.

