

Ordinance No. 00156

[\(Council Minutes 98/02/02\)](#)

ORDINANCE NO. 156

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating a portion of 38th Avenue S.W., located within the City of Lakewood, Washington

WHEREAS, the City of Lakewood, Washington, has received a petition by not less than two-thirds (2/3) of the owners of property adjacent to a portion of 38th Avenue S.W., located within the City of Lakewood, Washington, requesting vacation of the same; and,

WHEREAS, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; and,

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WHEREAS, the City Council of the City of Lakewood, Washington, has considered all matters presented at the public hearing on the proposed vacation, held on the for 7:00p.m. on the 2nd day of February, 1998, at the City Council Chambers at 10510 Gravelly Lake Drive S.W., Lakewood, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

1. That a portion of 38th Avenue S.W., located within the City of Lakewood, Washington, as shown on the map attached hereto, marked Exhibit "A" and incorporated herein by this reference, and described as follows:

A portion of Adams Street S.W. (38th Avenue S.W. - Boundary Street), in the W.P. Dougherty D.C. No. 37 in Section 36, Township 20, North, Range 2 East, W.M., in the City of Lakewood, Pierce County, Washington, described as follows:

Beginning at the intersection of Durango Street S.W. (Park Street) and 84th Street S.W. (F Street), at a brass surface monument; thence North 89°38'00" East, along the centerline of 84th Street S.W., a distance of 359.26 feet to its terminus at the east boundary of Adams Street, and the TRUE POINT OF BEGINNING; thence South 00°20'45" East, along the west boundary of Lots 2 through 8 of State Addition No. 3, as recorded in Book 11 of Plats, Page 32, records of Pierce County, Washington, a distance of 644.40 feet, to the southwest corner of said lot 8; thence South 89°39'15" West, a distance of 30.00 feet to the east boundary of Lot 4, Block 9, Second Replat of Blocks 2,3,9 and 10 of Prairie Park, as recorded in Book 8 of Plats, Page 40, records of Pierce County, Washington; thence North 00°20'45" West, along the east boundary of Lots 4,3,2 and 1 of said Block 9 of said Second Replat of Blocks 2,3,9 and 10 of Prairie Park, along the east boundary of vacated 85th Street S.W. (G Street), and along the east boundary of Lots 13 and 12, Block 8, Replat of Prairie Park, as recorded in Book 3 of Plats, Page 75, records of Pierce County, Washington, a distance of 598.56 feet; thence along a curve to the left, the radius point of which bears North 23°55'26" West 50.00 feet, an arc distance of 57.98 feet to the TRUE POINT OF BEGINNING; containing 18,431 square feet or 0.421 acres, more or less,

be, and the same hereby is vacated, provided that the City of Lakewood reserves an easement for utilities over, under and on the vacated right-of-way, and further reserves the right to grant easements for utilities over, under and on the vacated right-of-

way.

2. That this vacation shall be effective upon (1) payment to the City of Lakewood, within one hundred twenty (120) days of the date hereof by the owner or owners of property adjacent thereto and to be benefited by the vacation, in the total amount of Eleven Thousand, Four Hundred, Nineteen Dollars (\$11,419.00), and (2) receipt by the City of Lakewood of satisfactory proof of a maintenance agreement signed by the owners of all property adjacent to the proposed vacated right-of-way, which maintenance agreement shall bind future property owners and shall run with the land, and (3) receipt by the City of Lakewood of satisfactory proof of easements providing access to and from all adjacent property owners, executed by all such property owners, which easements shall bind future property owners and shall run with the land, and (4) completion of construction cement concrete, gutter constructed along the circumference of the cul-de-sac at the north end of the proposed vacated right-of-way, which proof of maintenance agreements and easements and cul-de-sac improvements shall be provided within one hundred twenty (120) days of the date hereof and (5) that this Ordinance shall be in full force and effect five (5) days after publication is required by law. It is provided, however, that if the above described payment, maintenance agreements, easements and cul-de-sac improvements are not made, provided and completed within the time period provided above, this Ordinance shall be null and void.

3. That a copy of this Ordinance shall be filed with the Office of the Pierce County Assessor.

ADOPTED by the City Council this 2nd day of February, 1998.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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Subject Property

EXHIBIT "A"

