

Ordinance No. 00395

[Council meeting minutes of Oct 17 2005](#)

ORDINANCE NO. 395

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating a portion of the right of way at 49th Avenue SW

WHEREAS, the City of Lakewood, Washington, has received a vacation application from Liberty Lake Peppertree, LLC, to acquire approximately 12,108 square feet of public right of way adjacent to Pierce County Property Tax Parcel Number 0219127015, which is located solely within the City of Lakewood; and,

WHEREAS, due to the location of the property, other than Liberty Lake Peppertree there are no other property owners or properties adjacent to the proposed vacation and the City of Lakewood has received no objections to the proposed vacation; and,

WHEREAS, the City Council of the City of Lakewood, Washington, has, after a review of its needs for streets and right-of-ways in the vicinity of this proposed vacation, determined that consideration should be given to the vacation of the same; and,

WHEREAS, on October 3, 2005, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; and,

WHEREAS, the value of the vacated property has been assessed at \$56,000, which was the opinion of a professional appraisal firm retained on behalf of the City upon review of the property and particulars of this proposed vacation; and,

WHEREAS, the City Council of the City of Lakewood, Washington, has considered all matters presented at the public hearing on the proposed vacation, and does hereby find that the vacation of said property is appropriate, that the right of way is not needed for public use or access, and that vacation of the right of way will enable the property to developed under the current zoning requirements applicable to the property.

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

Section 1. That the portion of 49th Avenue SW, located within the City of Lakewood, Washington, and as shown on the exhibit attached hereto, marked Exhibit "A" and incorporated herein by this reference, be vacated.

Section 2. This vacation shall be effective upon certain conditions as stated herein. Upon payment of \$56,000 to the City of Lakewood, the property shall be legally transferred to the petitioner for vacation and the vacation will be recorded with the office of the Pierce County Auditor.

Section 3. This Ordinance shall be in full force and effect five (5) days after public as required by law. If the condition of payment as stated in section 2 is not completed within one hundred eighty (180) days of the effective date of this Ordinance, this Ordinance shall be null and void.

ADOPTED by the City Council this 17th day of October, 2005.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

?EXHIBIT A?

Legal Description of proposed right of way vacation:

That portion of the 49th Avenue SW in the City of Lakewood, Washington, lying south of the north line of the north half of the south half of the northwest quarter of the southwest quarter of Section 12, Township 19 North, Range 2 East of the Willamette Meridian, and lying north of the northerly margin of 123rd street SW, all located within the City of Lakewood, Pierce County, Washington.

