

# Ordinance No. 00447

[City Council meeting minutes of April 16 2007](#)

## ORDINANCE NO. 447

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating a portion of Fairlawn Drive SW right-of-way.

WHEREAS, the City of Lakewood has obtained certain right-of-way necessary to effect the Gravelly Lake Drive and Steilacoom Boulevard improvements through an Agreement with Swan Properties; and

WHEREAS, in exchange for that right-of way the City of Lakewood has agreed to vacate other right-of-way that, as a consequence of other development, is of no public benefit; and

WHEREAS, Swan has fulfilled their part of the Agreement by dedicating needed right-of-way to the City of Lakewood; and,

WHEREAS, Swan's performance obliges the City to proceed with vacation of right-of-way pursuant to the Agreement; and

WHEREAS, on April 16, 2007, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; 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 be developed under the current zoning requirements applicable to the property; and,

WHEREAS, based upon the findings stated herein, and founded upon the discretion vested in the City Council under state and local law, it is the determination of the City Council that the petition be granted upon the conditions previously detailed in the Agreement.

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 Fairlawn 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. Swan having performed in accordance with the Agreement, 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.

PASSED by the City Council this 16th day of April, 2007.

CITY OF LAKEWOOD

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Claudia B. Thomas, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to form:

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Heidi Ann Wachter, City Attorney

### ?EXHIBIT A?

Legal Description of proposed right-of-way vacation:

**BEGINNING** AT THE NORTHWEST CORNER OF LOT 2 IN BLOCK 42 OF LAKEWOOD PARK, AS PER OFFICIAL PLAT FILED IN THE OFFICE OF THE PIERCE COUNTY AUDITOR OF PIERCE COUNTY, WASHINGTON, RECORDED JUNE 14, 1938 IN BOOK 12 OF PLATS, PAGE 11, RECORDS OF PIERCE COUNTY AUDITOR;

THENCE NORTH 25°32'26" WEST 40.29 FEET ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 2, TO A LINE PARALLEL WITH AND 15.00 FEET SOUTHERLY OF AS MEASURED PERPENDICULAR THERETO, THE SOUTH LINE OF STEILACOOM BOULEVARD EXTENDED WESTERLY;

THENCE SOUTH 89°02'49" EAST 89.78 FEET ALONG SAID PARALLEL LINE TO THE SOUTH LINE OF FAIRLAWN DRIVE SOUTHWEST (FORMERLY WOODLAWN AVENUE) AS SHOWN ON SAID PLAT OF LAKEWOOD PARK;

THENCE SOUTH 64°17'13" WEST 80.35 ALONG SAID SOUTH LINE OF FAIRLAWN DRIVE TO THE **POINT OF BEGINNING**.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

APPROXIMATE AREA: 1619 SF

