

# Ordinance No. 00572

[CITY COUNCIL MEETING MINUTES DECEMBER 2, 2013](#)

## ORDINANCE NO. 572

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating a portion of 104th Street Court South.

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 the 104th Street Court S right-of-way, located within the City of Lakewood, Washington, requesting that the same be vacated; and,

WHEREAS, in conformity with the legal requirements applicable for the vacation of public property, the Lakewood City Council passed Resolution No. 2013-19, setting a public hearing regarding this proposed vacation on November 18, 2013; and,

WHEREAS, pursuant to Lakewood Municipal Code section 12A.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 12A.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 interests 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 the 104th Street Court S right-of-way, located within the City of Lakewood, Washington, as shown in the exhibit attached hereto, marked "Exhibit A" and incorporated herein by this reference, subject to the conditions set forth in Sections 2 through 4 of this Ordinance.

Section 2. The City shall retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of existing

public utilities and services.

Section 3. The vacation shall be effective upon payment to the City of Lakewood, within 120 days of the date hereof, by the owner of property or assignee adjacent thereto and to be benefited by the vacation, in the amount of \$65,237, which represents full appraised value of the net amount (10,872.8 square feet) of right-of-way to be vacated. The appraised value and square footage have been adjusted to account for a portion of right-of-way to be retained by the City (900 square feet).

Section 4. This Ordinance shall be in full force and effect thirty (30) days after publication as required by law. If the condition of transfer as stated in Section 3 is not completed within one hundred twenty (120) days of the effective date of this Ordinance, this Ordinance shall be null and void.

ADOPTED by the City Council this 2nd day of December, 2013.

CITY OF LAKEWOOD

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Don Anderson, 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 the 104th Street Court S right-of-way to be vacated:**

PARCEL "A"  
(TAX PARCEL NO. 0319061119)

THE WEST 60.00 FEET OF THE SOUTH 60.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 19 NORTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN.

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

PARCEL "B"  
THE WEST 60.00 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST

QUARTER OF SECTION 6, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE  
WILLAMETTE MERIDIAN, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF  
104TH STREET COURT SOUTH, AS ESTABLISHED BY QUIT CLAIM DEED RECORDED  
UNDER AUDITORS FEE NUMBER 9510120335.  
LESS THE SOUTH 30.00 FEET OF THE WEST 30.00 FEET.

**Exhibit "A"**

**Legal description of the 104<sup>th</sup> Street Court S right-of-way to be vacated:**

PARCEL "A"

(TAX PARCEL NO. 0319061119)

THE WEST 60.00 FEET OF THE SOUTH 60.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 19 NORTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN.

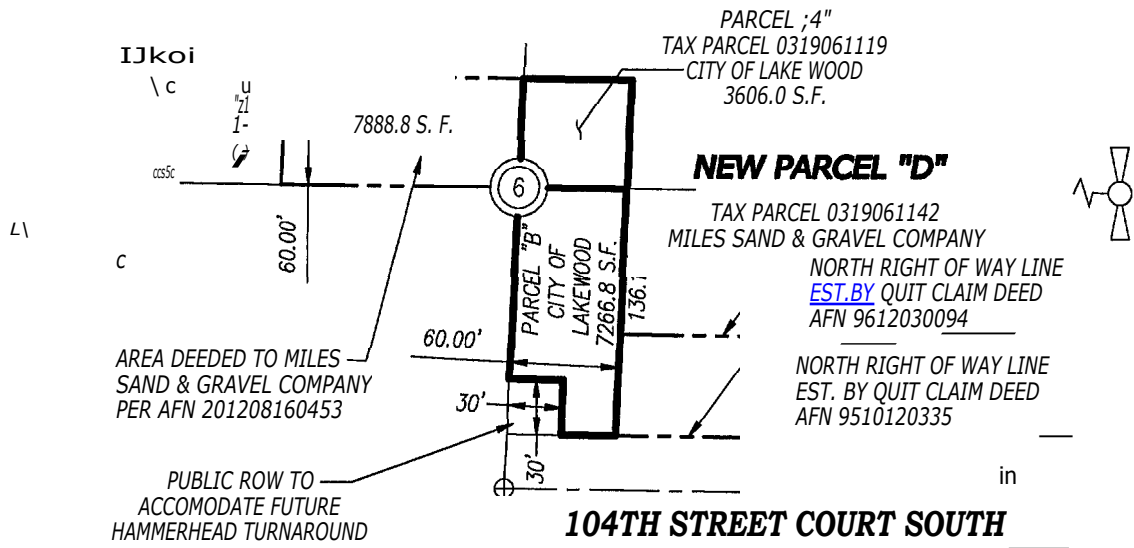
SITUATE IN THE CITY OF LAKE WOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL "B"

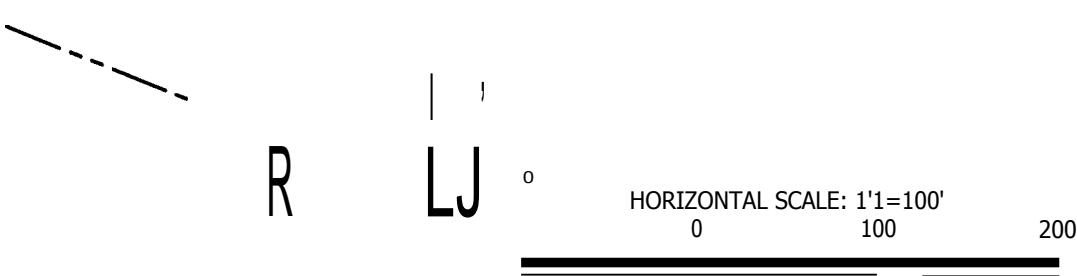
THE WEST 60.00 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 104<sup>th</sup> STREET COURT SOUTH, AS ESTABLISHED BY QUIT CLAIM DEED RECORDED UNDER AUDITORS FEE NUMBER 9510120335.

LESS THE SOUTH 30.00 FEET OF THE WEST 30.00 FEET.

PIERCE COUNTY  
**BOUNDARY LINE ADJUSTMENT**  
**AFN 9611130445**



**J.E.DARUNG ACRE TRACTS**



**LEGEND**

- $E: = 0. ]$  QUARTER SECTION CORNER PER BLA 9611130445
- $O$  CENTER OF SECTION PER BLA 9611130445
- $\ominus$  STONE MONUMENT PER BLA 9611130445

<p>SHEET TITLE</p> <p><b>CITY OF LAKEWOOD                  STREET VACATION                  EXHIBIT</b></p>	<p>PREPARED BY</p> <p><b>SITTS &amp; HILL                  ENGINEERS, NC,</b>                  CIVIL • STRUCTURAL • SURVEYING                  4815 CENTER STREET TACOMA, WA. 98409                  PHONE: (253) 474-9449</p>	<p>SHEET</p> <p><b>EXHIBIT A</b></p> <p>PROJECT NO. IN</p> <p><b>14265</b></p>
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