

ORDINANCE NO. 616

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating a portion of 100th St SW.

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 100th St SW 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. 2015-18, setting a public hearing regarding this proposed vacation on August 3, 2015; 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 100th St SW right-of-way, located within the City of Lakewood, Washington, legally described 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 5 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 City shall retain an easement over the northerly two (2) feet of vacated right-of-way, which abuts and parallels the new southerly right-of-way line of 100th Street SW, for street lighting purposes.
- Section 4. 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 \$78,948.00, which represents full appraised value of the net amount (3,672 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. If the condition of transfer as stated in Section 4 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 17th day of August 2015.

CITY OF LAKEWOOD


Don Anderson, Mayor

Attest:


Alice M. Bush, MMC, City Clerk

Approved as to Form:


Heidi Ann Wachter, City Attorney

Exhibit "A"

Legal description of the 100th St SW right-of-way to be vacated:

THAT PORTION OF 100TH STREET SW LYING NORTH OF AND ADJOINING LOTS 18 THROUGH 20, INCLUSIVE OF THE PLAT OF M & M SECOND ADDITION, AS RECORDED IN VOLUME 14 OF PLATS AT-PAGES 88 AND 89, RECORDS OF PIERCE COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 18; THENCE SOUTH 89° 27' 11" WEST ALONG THE NORTH LINE OF SAID LOTS 18 THROUGH 20 A DISTANCE OF 295.55 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 136° 46' 33" AN ARC LENGTH OF 71.62 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS NORTH 42° 40' 38" EAST 34.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 114° 41' 50" AN ARC LENGTH OF 68.06 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS SOUTH 22° 37' 32" EAST 139.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23° 28' 13" AN ARC LENGTH OF 56.94 FEET; THENCE SOUTH 89° 09' 19" EAST 250.07 FEET TO THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 18; THENCE SOUTH 00° 24' 08" EAST ALONG SAID NORTHERLY EXTENSION 8.50 FEET TO THE POINT OF BEGINNING.

CONTAINS APPROXIMATELY 3,672 SQUARE FEET.

Exhibit "A"

