ORDINANCE NO. 646

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating a portion of Bridgeport Way SW and Lakewood Drive 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 Bridgeport Way SW & Lakewood Drive 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. 2015-17, 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, Washington, 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; and,

WHEREAS, the City Council of the City of Lakewood, Washington, having already

approved the vacation of said public property via Ordinance No. 615, however, which legal description did contain a scrivener's error; and,

WHEREAS, a professional land surveyor has prepared a corrected legal description on behalf of the street vacation applicant.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. The City vacates that portion of Bridgeport Way SW & Lakewood Drive 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 and 3 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. This Ordinance shall be in full force and effect thirty (30) days after publication as required by law.

ADOPTED by the City Council this 19th day of September 2016.

CITY OF LAKEWOOD

Don Anderson

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 Bridgeport Way and Lakewood Drive right-of-way to be vacated:

THAT PORTION OF LAKEWOOD DRIVE AND BRIDGEPORT WAY ADJOINING LOT 24 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:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 24; THENCE SOUTH 47° 57' 38" WEST ALONG THE NORTHWESTERLY LINE THEREOF 125.23 FEET TO THE MOST WESTERLY CORNER THEREOF AND THE TRUE POINT OF BEGINNING, SAID CORNER BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS SOUTH 47° 50' 32 WEST" 3,860.00 FEET; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY RIGHT OF WAY OF BRIDGEPORT WAY AND CURVE THROUGH A CENTRAL ANGLE OF 00° 26' 57" AN ARC LENGTH OF 30.26 FEET THE TRUE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING OF A TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS NORTH 48° 47' 00" EAST 30.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85° 07' 30" AN ARC LENGTH OF 44.57 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS SOUTH 36° 50' 01" EAST 255.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11° 00' 42" AN ARC LENGTH OF 49.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS NORTH 63° 31' 02" WEST 693.95 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02° 14' 35" AN ARC LENGTH OF 27.17 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS SOUTH 61° 16' 27" EAST 25.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44° 36' 35" AN ARC LENGTH OF 19.46 FEET; THENCE SOUTH 73° 20' 08" WEST 31.53 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS NORTH 17° 35' 03" EAST 44.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31° 11' 57" AN ARC LENGTH OF 23.96 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS SOUTH 48° 47' 00" WEST 3856.50 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 09' 59" AN ARC LENGTH OF 11.21 FEET; THENCE NORTH 35° 19' 57" WEST 30.45 FEET TO THE TRUE POINT OF BEGINNING

CONTAINING APPROXIMATELY 1,178 SQUARE FEET.

RECORD OF SURVEY FOR WIG PROPERTIES LLC-LKPL

ORIGINAL DESCRIPTION

LOTS 18 THROUGH 23 IN BLOCK 1 OF M & M SECOND ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 14 OF PLATS AT PAGES 88 AND 89, IN PIERCE COUNTY, WASHINGTON;

TOGETHER WITH A PORTION OF LOTS 24 AND 25 IN BLOCK 1 OF M & M SECOND ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 14 OF PLATS AT PAGES 88 AND 89, IN PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 24;
THENCE NORTH 48°03'50" EAST, ALONG THE LOT LINE BETWEEN LOT 23 AND SAID LOT 24 IN SAID SUBDIVISION, 125.00 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 24;
THENCE CONTINUING NORTH 48°03'50" EAST ALONG AN EXTENSION OF SAID LOT LINE 50.15 FEET;
THENCE SOUTH 51°10'46" EAST, 19.24 FEET TO NORTHWESTERLY RIGHT-OF-WAY LINE OF 54TH AVENUE SOUTHWEST;
THENCE FROM A TANGENT BEARING SOUTH 17°01'34" WEST, ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08°26'38" AND A RADIUS OF 694.45 FEET AN ARC DISTANCE OF 114.46 FEET;
THENCE FROM A TANGENT BEARING SOUTH 64°28'58" WEST, ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11°05'26" AND A RADIUS OF 255.00 FEET AN ARC DISTANCE OF 49.36 FEET TO A POINT OF REVERSE CURVE; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 85°07'30" AND A RADIUS OF 30 FEET AN ARC DISTANCE OF 44.57 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BRIDGEPORT WAY SOUTHWEST;
THENCE ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 00°26'57" AND A RADIUS OF 3860.00 FEET AN ARC DISTANCE OF 30.26 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PORTION OF VACATED 54TH AVENUE WEST;

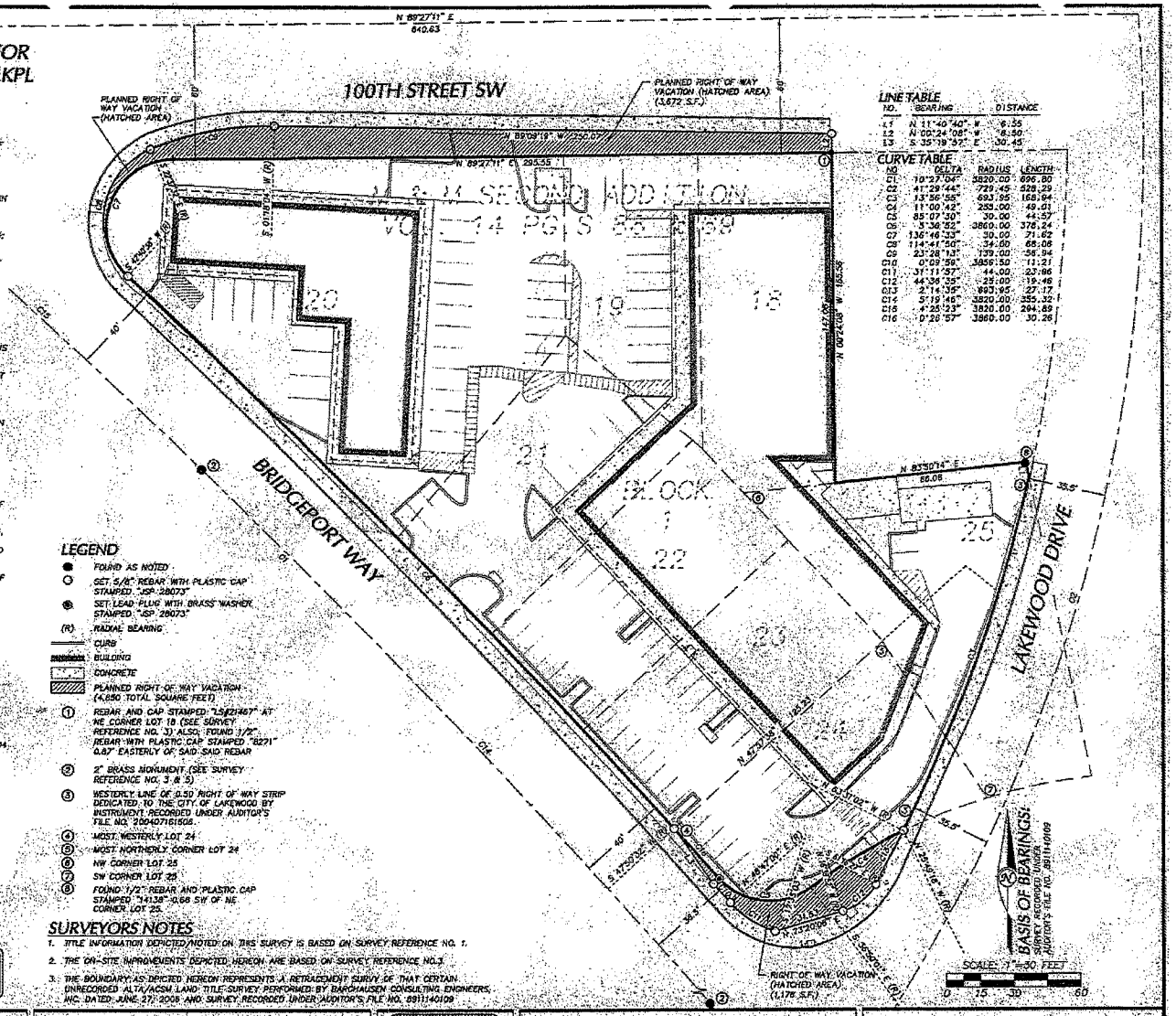
BEGINNING AT THE SOUTHWEST CORNER OF LOT 25, BLOCK 1, M & M SECOND ADDITION; THENCE NORTH 33°26'46" WEST, ALONG THE WESTERLY LINE OF SAID LOT 25, 84.73 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 42°49'28" WEST, 91.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 25; THENCE NORTH 83°47'45" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 25, 127.00 FEET TO THE NORTHEAST CORNER OF SAID LOT;
THENCE SOUTH 11°40'40" EAST, ALONG THE EAST LINE OF SAID LOT 25, 7.63 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF 54TH AVENUE SOUTHWEST;
THENCE FROM A TANGENT BEARING SOUTH 12°37'33" WEST, ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 04°24'01" AND A RADIUS OF 694.45 FEET AN ARC DISTANCE OF 53.33 FEET;
THENCE NORTH 51°10'46" WEST, 19.24 FEET TO A POINT ON THE LINE BETWEEN LOTS 23 AND 24 IN SAID SUBDIVISION EXTENDED NORTHEASTERLY;
THENCE SOUTH 48°03'50" WEST, ALONG SAID EXTENDED LOT LINE 50.15 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO CITY OF LAKEWOOD, A MUNICIPAL CORPORATION, BY DEED RECORDED JULY 16, 2004 UNDER RECORDING NO. 200407161506, PIERCE COUNTY, WASHINGTON.

SURVEY REFERENCES

1. COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED NOVEMBER 24, 2014 UNDER ORDER NO. NCS-703392-WA1
2. PLAT OF M&M SECOND ADDITION RECORDED IN VOLUME 14 OF PLATS AT PAGES 88 AND 89
3. UN-RECORDED ALTA/ACSM LAND TITLE SURVEY PERFORMED BY BARGHAUSEN CONSULTING ENGINEERS, INC. DATED JUNE 27, 2006.
4. PARCEL MERGER RECORDED UNDER AUDITOR'S FILE NO. 200309230590
5. RECORD OF SURVEY AUDITOR'S FILE NO. 8911140109
6. PLAT OF M&M ADDITION RECORDED UNDER AUDITOR'S FILE NO. 1503865

THIS SURVEY WAS CONDUCTED BY FIELD TRAVERSE METHODS USING A LEICA THREE SECOND TOTAL STATION SURVEY INSTRUMENT IN MAY, 2015. THE RESULTS OF THIS SURVEY EXCEED THE STANDARDS CONTAINED IN WAC 332-130-090.



LINE TABLE

NO.	BEARING	DISTANCE
L1	N 11°40'40" W	6.55
L2	N 00°24'08" W	6.50
L3	S 35°19'37" E	30.45

CURVE TABLE

NO	DELTA	RADIUS	LENGTH
C1	10°27'04"	3820.00	696.80
C2	41°29'44"	729.45	528.29
C3	13°56'55"	693.95	168.94
C4	11°00'42"	255.00	49.01
C5	85°07'30"	30.00	44.57
C6	5°36'52"	3860.00	378.24
C7	136°46'33"	30.00	71.62
C8	114°41'50"	34.00	68.06
C9	23°28'13"	139.00	56.94
C10	0°09'59"	3859.50	11.21
C11	31°11'57"	44.00	27.96
C12	44°36'35"	25.00	19.46
C13	2°14'35"	693.95	27.17
C14	5°19'46"	3820.00	355.32
C15	4°25'23"	3820.00	294.89
C16	0°26'57"	3860.00	30.26

LEGEND

- ● FOUND AS NOTED
- ○ SET 5/8" REBAR WITH PLASTIC CAP STAMPED "JSP 28073"
- ◉ SET LEAD PLUG WITH BRASS WASHER STAMPED "JSP 28073"
- (R) RADIAL BEARING
- CURB
- BUILDING
- CONCRETE
- PLANNED RIGHT OF WAY VACATION (4,850 TOTAL SQUARE FEET)
- ① REBAR AND CAP STAMPED "LS21467" AT NE CORNER LOT 18 (SEE SURVEY REFERENCE NO. 3) ALSO: FOUND 1/2" REBAR WITH PLASTIC CAP STAMPED "8271" 0.87' EASTERLY OF SAID SAID REBAR
- ② 2" BRASS MONUMENT (SEE SURVEY REFERENCE NO. 3 & 5)
- ③ WESTERLY LINE OF 0.50' RIGHT OF WAY STRIP DEDICATED TO THE CITY OF LAKEWOOD BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 200407161506.
- ④ MOST WESTERLY LOT 24
- ⑤ MOST NORTHERLY CORNER LOT 24
- ⑥ NW CORNER LOT 25
- ⑦ SW CORNER LOT 25
- ⑧ FOUND 1/2" REBAR AND PLASTIC CAP STAMPED "14138" 0.68 S/W OF NE CORNER LOT 25.

SURVEYORS NOTES

1. TITLE INFORMATION DEPICTED/NOTED ON THIS SURVEY IS BASED ON SURVEY REFERENCE NO. 1.
2. THE ON-SITE IMPROVEMENTS DEPICTED HEREON ARE BASED ON SURVEY REFERENCE NO.3
3. THE BOUNDARY AS DEPICTED HEREON REPRESENTS A RETRACEMENT SURVEY OF THAT CERTAIN UNRECORDED ALTA/ACSM LAND TITLE SURVEY PERFORMED BY BARGHAUSEN CONSULTING ENGINEERS, INC. DATED JUNE 27, 2006 AND SURVEY RECORDED UNDER AUDITOR'S FILE NO. 8911140109

AUDITOR'S CERTIFICATE

Filed for record this _____ day of _____, 20____
at _____ M. at the request of JEFF S. PANTIER
auditor's file no. _____
_____ BY _____
PIERCE COUNTY AUDITOR DEPUTY

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of Wig Properties LLC-LKPL

MAY 19, 2015
JEFF S. PANTIER — DATE
REGISTERED PROFESSIONAL LAND SURVEYOR CERT. #28073

JEFF S. PANTIER — STATE OF WASHINGTON — 28073 — REGISTERED PROFESSIONAL LAND SURVEYOR

HATTON GODAT PANTIER
ENGINEERS AND SURVEYORS
3910 MARTIN WAY E, SUITE B
OLYMPIA, WA 98506
TEL: 360.943.1599 FAX: 360.357.6299
hattongpantier.com

DRAWN BY: EEP CHECKED BY: JSP JOB NO: 15-054

AUDITOR'S INDEXING DATA

QUARTER QUARTER	QUARTER	SECTION	TOWNSHIP	RANGE
SE	NE	2	19N	2E W.M.

Exhibit "A"