

ORDINANCE NO. 716

AN ORDINANCE of the City Council of the City of Lakewood, Washington, ratifying vacation of a portion of 87th Street SW bounded by Durango Street SW and the Sound Transit railroad right-of-way.

WHEREAS, The property in question, a portion of 87th Street SW bounded by Durango Street SW and the Sound Transit railroad right-of-way, was dedicated to public use by the Replat of Prairie Park filed September 16, 1889 as recorded on page 75, volume 3 Pierce County Record of Plats and has never been developed nor utilized; and

WHEREAS, RCW 36.87.090 applies to this right-of-way and the time during which it was unused; and

WHEREAS, this right-of-way was vacated by operation of law on September 15, 1894; and

WHEREAS, as one method of properly recognizing this vacation, the City of Lakewood closely followed the vacation method that would be used pursuant to a routine application; and

WHEREAS, the City of Lakewood, Washington, received a petition signed by owners of at least two-thirds (2/3) of the property abutting a portion of unused right-of-way, located within the city of Lakewood, Washington, requesting that the same be vacated; and

WHEREAS, on June 20, 2019, an application and petition for the vacation of public property was received; and

WHEREAS, in conformity with the legal requirements pursuant to Lakewood Municipal Code 12A.12.070, the Lakewood City Council passed Resolution No. 2019-17 on July 15, 2019, setting a public hearing regarding this proposed vacation on September 3, 2019; and

WHEREAS, in conformity with the legal requirements pursuant to Lakewood Municipal Code 12A.12.090 proper notice of the public hearing was posted and mailed to all required parties; and

WHEREAS, on September 3, 2019, said public hearing was held before the Lakewood City Council with no objections to the proposed vacation; 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:

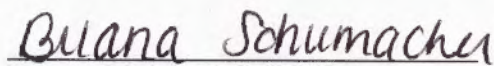
- Section 1. The City vacates a portion of 87th Street SW right-of-way bounded between Durango SW and the Sound Transit railroad right-of-way, located within the city of Lakewood, Washington, legally described as shown in the exhibit attached hereto, marked "Exhibit A" and incorporated herein by this 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 16th day of September, 2019.

CITY OF LAKEWOOD


Don Anderson, Mayor

Attest:


Briana Schumacher, City Clerk

Approved as to Form:

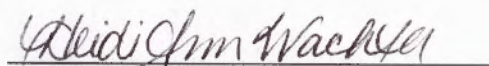

Heidi Ann Wachter, City Attorney

Exhibit "A"

Legal description of a portion of right-of-way of 87th Street SW bounded between Durango Street SW and Sound Transit railroad right-of-way to be vacated:

A PORTION OF 87TH St SW, FORMERLY KNOWN AS I STREET PER THE REPLAT OF PRAIRIE PARK, ACCORDING TO PLAT RECORDED IN VOLUME 3 OF PLATS AT PAGE(S) 75, IN PIERCE COUNTY, WASHINGTON. ABUTTING LOTS 1, 32, 33 AND A PORTION OF LOT 31, BLOCK 13, AND LOT 8 AND A PORTION OF LOT 9, BLOCK 14, OF SAID REPLAT, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 13; THENCE ALONG THE NORTH LINE OF SAID BLOCK NORTH 88°45'42" WEST 237.03 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°14'18" EAST 60.00 FEET TO THE SOUTH LINE OF AFORESAID BLOCK 14; THENCE ALONG SAID SOUTH LINE NORTH 88°45'42" WEST 170.02 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 14; THENCE SOUTH 15°32'06" WEST 61.92 FEET TO THE NORTHWEST CORNER OF AFORESAID BLOCK 13; THENCE ALONG SAID NORTH LINE SOUTH 88°45'42" EAST 185.31 FEET TO THE POINT OF BEGINNING.

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