

ORDINANCE NO. 739

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating the easterly fifty-six (56) feet of 148th St SW right-of-way east of the intersection with Murray Rd 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 right-of-way, located within the city of Lakewood, Washington, requesting that the same be vacated; and,

WHEREAS, on May 4, 2020, an application and petition for the vacation of public property was accepted by the City; and,

WHEREAS, in conformity with the legal requirements pursuant to Lakewood Municipal Code 12A.12.070, the Lakewood City Council passed Resolution No. 2020-08 on June 1, 2020, setting a public hearing regarding this proposed vacation on July 6, 2020; 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 July 6, 2020, said public hearing was held before the Lakewood City Council with no objections to the proposed vacation; 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

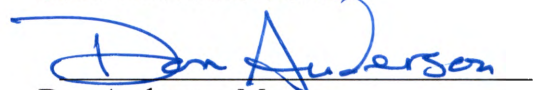
matters presented at the public hearing on the proposed vacation, hearing no objection to this vacation, and does hereby find that the vacation of said property is appropriate and that the transfer of property at issue in this matter in the manner set forth below is in best interests of the public;

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 the easterly fifty-six (56) feet of 148th St SW right-of-way east of the intersection with Murray Rd SW, located within the city of Lakewood, Washington, legally described and as shown in the attachments hereto, marked "EXHIBIT A" and "EXHIBIT B" incorporated herein by this reference, subject to the conditions set forth in Sections 2 through 4 of this Ordinance.
- Section 2. The vacated land, as legally described and shown in "Exhibit A" and "Exhibit B" shall be attached in toto to Tax Parcel No. 0219226012.
- Section 3. The vacation shall be effective upon payment to the City of Lakewood, within 120 days of the date hereof, by an owner of property, or assignee, adjacent thereto and to be benefited by the vacation, in the amount of \$27,403.00, which represents full appraised value of the net amount (1,677 square feet) of right-of-way to be vacated.
- Section 4. This Ordinance shall be in full force and effect thirty (30) days after publication as required by law.

ADOPTED by the City Council this 20th day of July, 2020.

CITY OF LAKEWOOD


Don Anderson, Mayor

Attest:


Briana Schumacher, City Clerk

Approved as to Form:


Heidi Ann Wachter, City Attorney



EXHIBIT 'A'
LEGAL DESCRIPTION
RIGHT OF WAY VACATION

THAT PORTION OF 148TH STREET SOUTHWEST (MAPLE STREET), BEING PORTION OF TRACT 49 OF THE UNRECORDED PLAT OF AMERICAN LAKE GARDENS, BEING A PORTION OF THE W.N. SAVAGE DONATION LAND CLAIM NO. 42 IN SECTION 22, TOWNSHIP 19 NORTH, RANGE 02 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF CITY OF LAKEWOOD SHORT PLAT NUMBER LU-19-00078, RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE NUMBER 201907055001, BEING A POINT ON THE NORTH MARGIN OF 148TH STREET S.W.;

THENCE ALONG SAID NORTH MARGIN SOUTH 89°01'08" EAST, 193.72 FEET TO A POINT ON A LINE 100 FEET EASTERLY FROM, AS MEASURED AT RIGHT ANGLES, THE CENTERLINE OF SR704 AS SHOWN ON SHEETS 4 AND 5 OF 29 APPROVED JUNE 14, 2007 AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH MARGIN, SOUTH 89°01'08" EAST, 56.28 FEET TO THE WEST LINE OF SAID LOT 1, BEING THE WEST LINE OF THAT PORTION OF MAPLE STREET VACATED BY RESOLUTION 9668 RECORDED UNDER AUDITOR'S FILE NUMBER 2021329;

THENCE ALONG SAID WEST LINE OF LOTS 1 AND 2 OF SAID SHORT PLAT LU-19-00078 AND SAID RESOLUTION, SOUTH 01°03'57" WEST, 30.00 FEET TO THE SOUTH MARGIN OF SAID 148TH STREET S.W.;

THENCE ALONG SAID SOUTH MARGIN, NORTH 89°01'08" WEST, 55.52 FEET TO SAID EASTERLY LINE;

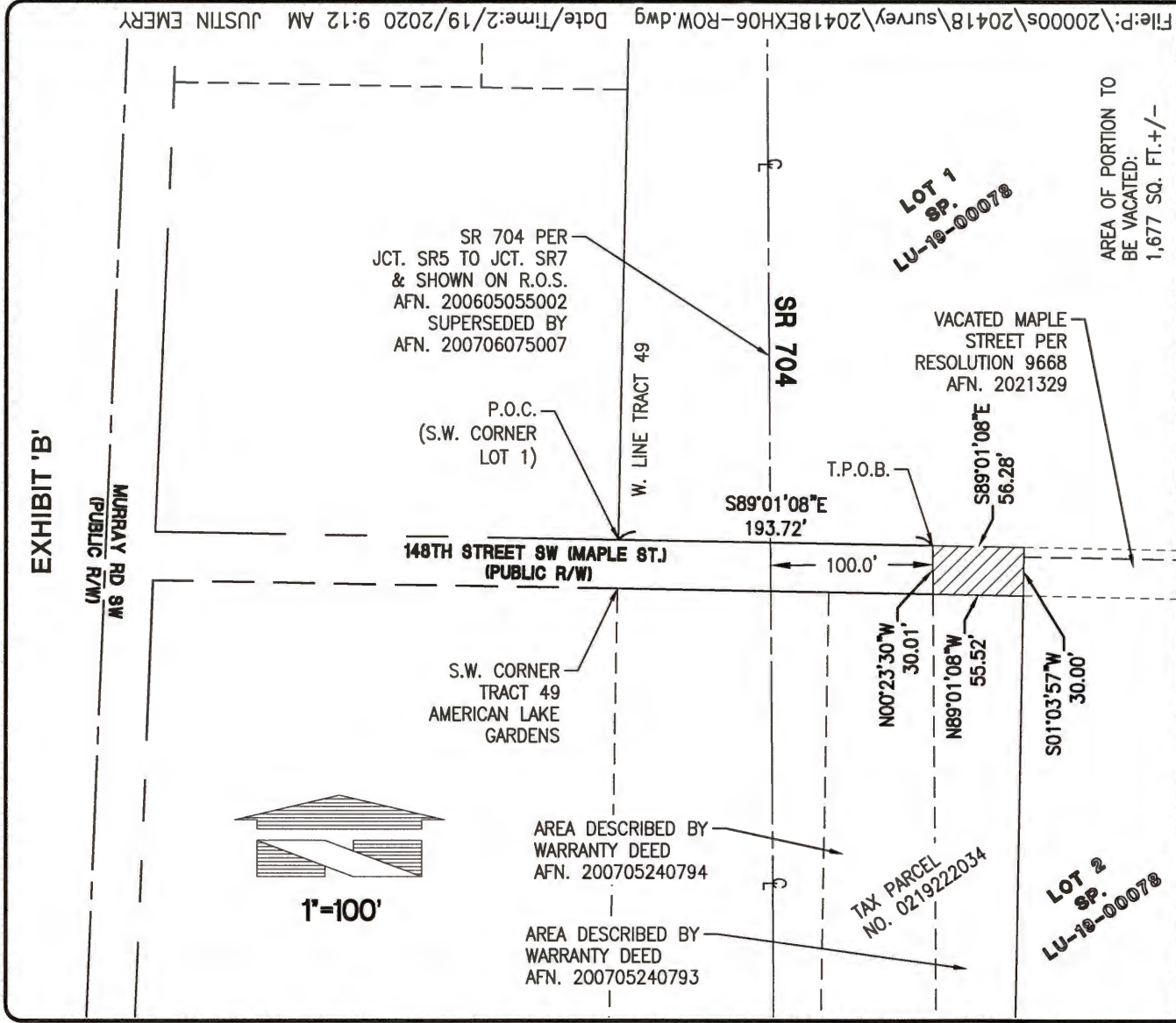
THENCE ALONG SAID EASTERLY LINE, NORTH 00°23'30" EAST, 30.01 FEET TO THE TRUE POINT OF BEGINNING.



Project Name: KGIP Lakewood
February 13, 2020

BDG / JSE
20418L.005

RECEIVED
 04/17/2020
 CITY OF LAKEWOOD
 COMMUNITY DEVELOPMENT



SCALE: HORIZONTAL 1"=100'  BARGHAUSEN CONSULTING ENGINEERS, INC. 18215 72ND AVENUE SOUTH KENT, WA 98032 425.251.6222 BARGHAUSEN.COM	For:	JOB NUMBER 20418
	Title: RIGHT OF WAY VACATION	20418L.005.DOC SHEET 1 of 1
DESIGNED <u>XXX</u> DRAWN <u>JSE</u> CHECKED <u>DJS</u> APPROVED <u>BDG</u> DATE <u>02/13/2020</u>		