

ORDINANCE NO. 773

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating the terminal westerly thirty-six (36) feet of 88th Avenue Court SW west of the intersection with Wadsworth 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 right-of-way, located within the city of Lakewood, Washington, requesting that the same be vacated; and

WHEREAS, on May 2, 2022, 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 12.12.070, the Lakewood City Council passed Resolution No. 2022-10 on July 18, 2022, setting a public hearing regarding this proposed vacation on August 15, 2022; and

WHEREAS, in conformity with the legal requirements pursuant to Lakewood Municipal Code 12.12.090 proper notice of the public hearing was posted and mailed to all required parties; and

WHEREAS, on August 15, 2022, 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 12.12.120, 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 12.12.120 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 the best interest 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 terminal westerly thirty-six (36) and 77/100ths feet of 88th Avenue Court SW west of the intersection with Wadsworth St SW., located within the City of Lakewood, Washington, legally described as shown in the attachment 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 vacated land shall be partitioned per RCW 35.79.040, one-half to each abutting parcel as shown in the attachment hereto, marked "Exhibit B" and incorporated herein by this reference.
- Section 3. The City shall retain the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services as needed.
- Section 4. 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 \$28,685, which represents full appraised value of the net amount (1,471 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.


ADOPTED by the City Council this 6th day of September, 2022.

CITY OF LAKEWOOD




Jason Whalen, Mayor

Attest:



Briana Schumacher, City Clerk

Approved as to Form:



Heidi Ann Wachter, City Attorney

EXHIBIT A
RIGHT OF WAY VACATION DESCRIPTION
88TH AVENUE COURT SW

(ADJOINING PARCEL NOS. 0219212116 & 0219212108)

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CITY OF LAKEWOOD, PIERCE COUNTY, WASHINGTON MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF PORTLAND AVENUE AND THE WESTERLY LINE OF BERKELEY STREET IN AMERICAN LAKE, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGES 28 AND 29, RECORDS OF PIERCE COUNTY AUDITOR;

THENCE NORTH 50°44'59" EAST ALONG THE NORTHWESTERLY LINE OF SAID PORTLAND AVENUE, A DISTANCE OF 858.00 FEET;

THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 50.00 FEET;

THENCE NORTH 39°15'01" WEST AT RIGHT ANGLES, 145.00 FEET TO THE SOUTHERLY MARGIN OF 88TH AVENUE COURT SW AND THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 39°15'01" WEST, 40.00 FEET TO THE NORTHERLY MARGIN OF SAID 88TH AVENUE COURT SW;

THENCE SOUTH 50°44'59" WEST, 36.77 FEET;

THENCE SOUTH 39°15'01" EAST, 40.00 FEET;

THENCE NORTH 50°44'59" EAST, 36.77 FEET TO THE **POINT OF BEGINNING**.

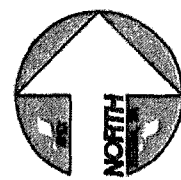
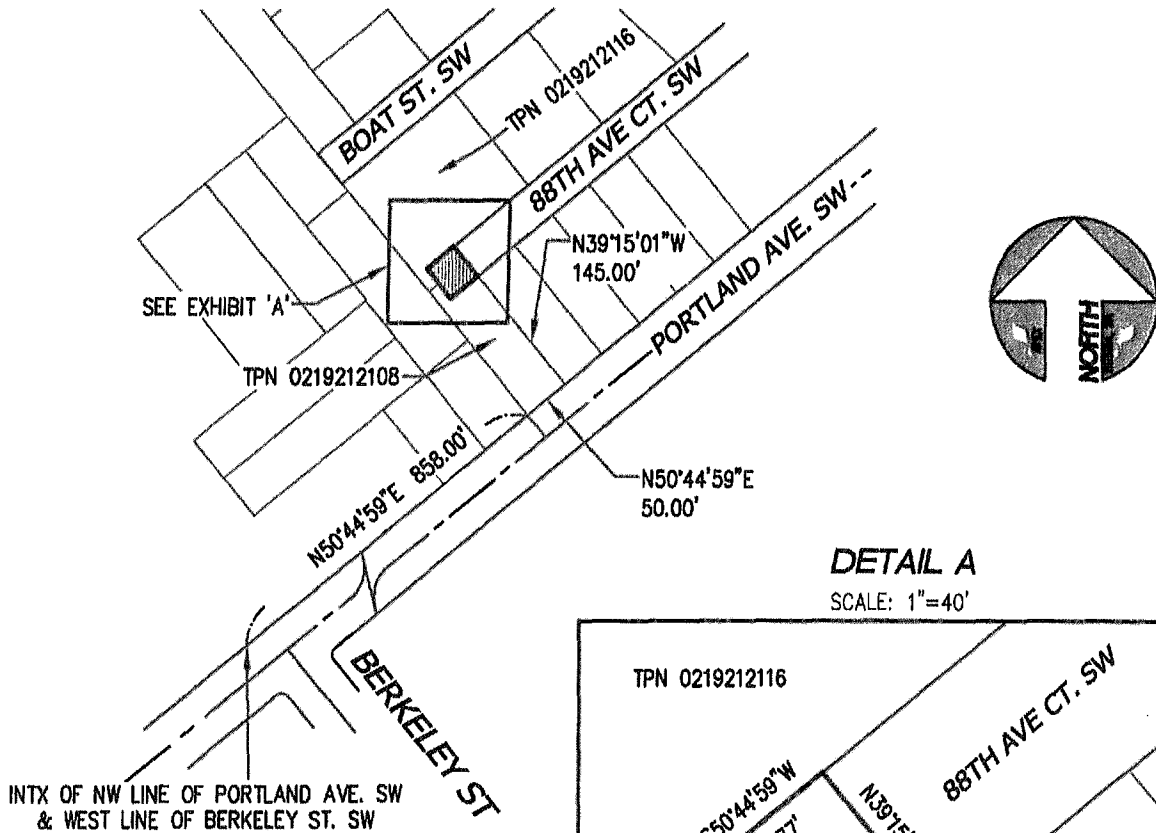
(CONTAINING 1,471 SQ. FT., MORE OR LESS)



TIMOTHY J. MCDANIEL, P.L.S.
WASHINGTON STATE REGISTRATION NO. 45792

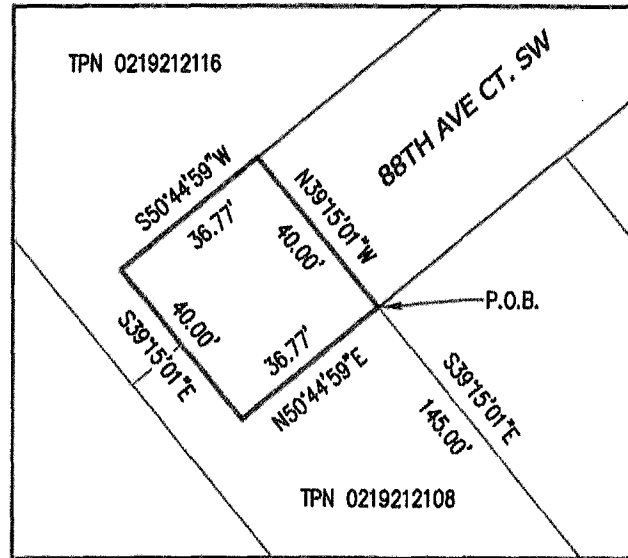
EXHIBIT B

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21,
TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF LAKEWOOD, PIERCE COUNTY, WASHINGTON

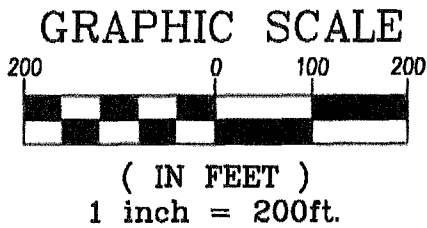


DETAIL A

SCALE: 1"=40'

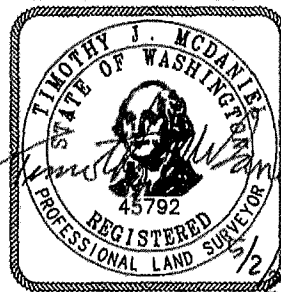


INTX OF NW LINE OF PORTLAND AVE. SW
& WEST LINE OF BERKELEY ST. SW



RIGHT-OF-WAY VACATION EXHIBIT FOR 88TH AVENUE COURT SW

APEX JOB NO: 34856	DATE: 04/29/2022
DRAWN BY: BKM	CHECKED BY: TJM
DWG: 34856-VAC-EXH.DWG	SCALE: 1"=200'



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