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10/18/2011 12:51:44 PM \$67.00  
PIERCE COUNTY, WASHINGTON

AFTER RECORDING RETURN TO:

The City of Gig Harbor  
Attn: City Clerk  
3510 Grandview St.  
Gig Harbor, WA 98335

**WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM**

**Document Title(s) (or transactions contained therein):**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON,  
VACATING A PORTION OF SUTHERLAND STREET AND PRENTICE AVENUE  
ABUTTING 9416 PEACOCK HILL AVENUE

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**Grantor(s) (Last name first, then first name and initials)**

City of Gig Harbor

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**Grantee(s) (Last name first, then first name and initials)**

Alvin M. Brown and Renee A. Proctor-Brown

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**Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)**

Section 6, Township 21, Range 2 East

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**Assessor's Property Tax Parcel or Account number:** 9815000041

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**Reference number(s) of documents assigned or released:** \_\_\_\_\_

**ORDINANCE NO. 1224**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG  
HARBOR, WASHINGTON, VACATING A PORTION OF  
SUTHERLAND STREET AND PRENTICE AVENUE  
ABUTTING 9416 PEACOCK HILL AVENUE.**

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WHEREAS, Mr. Alvin M. Brown and Renee A. Proctor-Brown petitioned the City to vacate a 32 foot wide portion of Sutherland Street and a 33 foot wide portion of Prentice Avenue, which abuts their property at 9416 Peacock Hill Avenue, Gig Harbor, Washington, under the nonuser statute, RCW 36.87.090 and GHMC Section 12.14.018(C); and

WHEREAS, the portion of this street subject to the vacation petition was platted in the Plat of Woodworth's Addition, recorded in the records of Pierce County on August 22, 1890; and

WHEREAS, in 1890, this street was in unincorporated Pierce County; and

WHEREAS, the portion of Sutherland Street and Prentice Avenue subject to the vacation petition was not included in any street that was opened or improved within five years after the original platting in 1890; and

WHEREAS, under RCW 36.87.090, any county road which remained unopened for public use for five years after platting was vacated by lapse of time; and

WHEREAS, the City's street vacation procedures for streets subject to the nonuser statute merely eliminates the cloud on the title created by the plat, because the street has already vacated by lapse of time and operation of law; and

WHEREAS, after receipt of the street vacation petition, the City Council passed Resolution No. 869 initiating the procedure for the vacation of the referenced street and setting a hearing date; and

WHEREAS, after the required public notice had been given, the City Council conducted a public hearing on the matter on October 10, 2011, and at the conclusion of such hearing determined that the aforementioned Right-of-Way vacated by operation of law and lapse of time; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The City Council finds that the unopened portion of the platted Sutherland Street and Prentice Avenue Right-of-Way described in the Brown street vacation petition has vacated by lapse of time and operation of law under RCW 36.87.090. The vacated portion of Sutherland Street and Prentice Avenue, lying between Peacock Hill Avenue and Woodworth Avenue, Lot 1, Block 2 of the Woodworth Addition, Parcel No. 9815000041, abutting 9404 Peacock Hill Avenue is legally described in Exhibit A attached hereto and incorporated by this reference, and further, is shown on the map attached hereto as Exhibit B.

Section 2. The City has the authority to adopt a vacation ordinance to formally remove the cloud on the title of the referenced Right-of-Way area. This street vacation ordinance does not affect any existing rights, including any the public may have acquired in the Right-of-Way since the street was vacated by operation of law.

Section 3. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor.

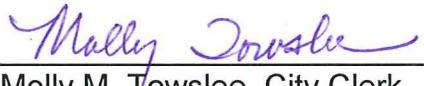
Section 4. This ordinance shall take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 10th day of October, 2011.

CITY OF GIG HARBOR

By:   
Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

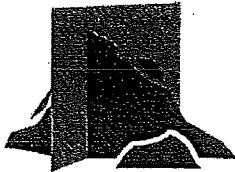
By:   
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney:

By:   
Angela Belbeck

FILED WITH THE CITY CLERK: 10/10/11  
PASSED BY THE CITY COUNCIL: 10/10/11  
PUBLISHED: 10/19/11  
EFFECTIVE DATE: 10/24/11  
ORDINANCE NO. 1224

**EXHIBIT A  
LEGAL DESCRIPTION**



**THORNTON**  
LAND SURVEYING, INC.

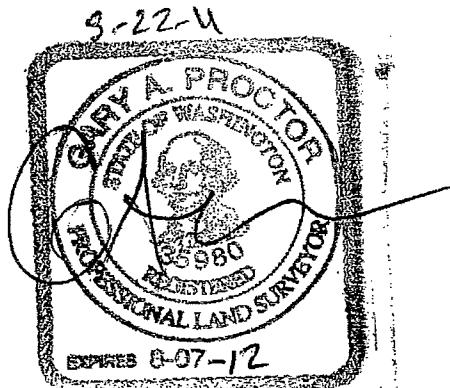
8803 State Highway 16  
PO Box 249  
Gig Harbor, WA 98335  
T 253 858 8106  
F 253 858 7466  
thorntonls.com

**PROPOSED  
LEGAL DESCRIPTION**

RIGHT-OF-WAY THAT WILL ATTACH BY OPERATION OF LAW TO PROCTOR-BROWN ADJOINER FOLLOWING VACATION OF A PORTION OF PRENTICE AVENUE, AND A PORTION OF SUTHERLAND STREET, GIG HARBOR, WASHINGTON, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTH HALF OF SUTHERLAND STREET (FORMERLY WHITE STREET) PER THE PLAT OF WOODWORTHS ADDITION TO GIG HARBOR, RECORDED IN VOLUME 5 OF PLATS AT PAGE 66, UNDER AUDITOR'S FILE NUMBER 38968, RECORDS OF PIERCE COUNTY, WASHINGTON, ADJACENT TO AND ABUTTING LOT 1, BLOCK 2 OF SAID PLAT, EXTENDING TO THE CENTERLINE INTERSECTION OF SUTHERLAND STREET AND PRENTICE AVENUE PER SAID PLAT;

AND THAT PORTION OF THE EAST HALF OF PRENTICE AVENUE (FORMERLY CHESTER STREET) PER SAID PLAT, LYING BETWEEN THE WESTERN EXTENSION OF THE SOUTH LINE OF THE NORTH 20 FEET OF LOT 2, BLOCK 2 OF SAID PLAT AND THE SOUTH MARGIN OF SUTHERLAND STREET PER SAID PLAT.



**EXHIBIT B**  
**SURVEY MAP**

