

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):

Ordinance No. 1200 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF PRENTICE AVENUE.

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

Page, Thomas A. and Dagmar L.

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

City of Gig Harbor

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

Portion of the east half of Prentice Avenue, volume 5 of Plats at page 66 AFN 38968, records of Pierce County, Washington

Assessor's Property Tax Parcel or Account number: 9815000050

Reference number(s) of documents assigned or released: _____

ORDINANCE NO. 1200

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF PRENTICE AVENUE ABUTTING 9404 PEACOCK HILL AVENUE.

WHEREAS, Thomas A. and Dagmar L. Page petitioned the City to vacate a portion of Prentice Avenue (originally platted as Chester Street), which abuts their property at 9404 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 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. 840 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 11, 2010, 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 Prentice Avenue Right-of-Way described in the Page street vacation petition has vacated by lapse of time and operation of law under RCW 36.87.090. The vacated portion of Prentice Avenue, lying between Benson Street and Sutherland Street, Lots 2, and 3 of the Woodworth Addition, Parcel No. 9815000050, 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 25th day of October, 2010.

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: 10/05/10
PASSED BY THE CITY COUNCIL: 10/25/10
PUBLISHED: 11/03/10
EFFECTIVE DATE: 11/08/10
ORDINANCE NO. 1200

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 PAGE ADJOINER FOLLOWING VACATION OF A PORTION OF PRENTICE AVENUE, 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 EAST HALF OF PRENTICE AVENUE (FORMERLY CHESTER 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, LYING BETWEEN THE WESTERN EXTENSION OF THE NORTH LINE OF THE SOUTH 40 FEET OF LOT 2, BLOCK 2 OF SAID PLAT AND THE WESTERN EXTENSION OF THE SOUTH LINE OF THE OF LOT 3, BLOCK 2 OF SAID PLAT.

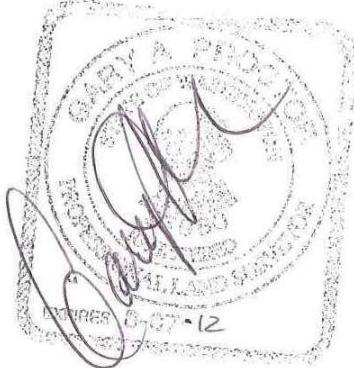


EXHIBIT B
SURVEY MAP

