

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. 1196 OF THE CITY COUNCIL OF THE CITY OF GIG  
HARBOR, WASHINGTON, VACATING A 15 FOOT PORTION OF  
WOODWORTH AVENUE, GIG HARBOR, WASHINGTON.

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

City of Gig Harbor

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

Timothy and Kimberly Gartland

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

Section 6, Township 21 North, Range 02 East, W.M. in Pierce County, Washington

**Assessor's Property Tax Parcel or Account number:** 4030200170

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

## **ORDINANCE NO. 1196**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING A 15-FOOT PORTION OF WOODWORTH AVENUE, GIG HARBOR, WASHINGTON; ESTABLISHING REQUIRED COMPENSATION AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, on June 10, 2010, Timothy Gartland filed a petition for vacation of a 30-foot strip of Woodworth Avenue (formerly known as Florence Street) abutting property owned by Timothy and Kimberly Gartland located at 9112 Prentice Avenue NW, City of Gig Harbor, legally described on Exhibit A and shown on Exhibit B, both of which are attached hereto and incorporated herein by this reference; and

WHEREAS, on June 14, 2010, the Gig Harbor City Council accepted the petition and passed Resolution No. 763, establishing July 12, 2010 as the date for a public hearing on the vacation of the right-of-way; and

WHEREAS, after the required public notice, the City Council conducted a public hearing on the matter and first reading of this Ordinance on July 12, 2010 as scheduled and heard testimony from all interested parties; and

WHEREAS, this Ordinance was considered on second reading on July 26, 2010, and the City Council directed staff to obtain an appraisal as required under GHMC 12.14.004, *et seq.* for a reduced portion of right-of-way, as authorized under GHMC 12.14.012; and

WHEREAS, on September 13, 2010, the City Council considered this Ordinance on final reading, and after considering any and all testimony, the Council desires to vacate a portion of the right-of-way requested; Now, therefore,

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

Section 1. Adoption of Findings and Conclusions. The City Council makes the following findings and conclusions in support of vacation:

A. The portion of right of way that is proposed to be vacated was dedicated to the City from the State of Washington on July 11, 1940, and described as the Plat of Fuller's Second Addition to Gig Harbor (Auditors File Number 1263576).

B. Vacation of the right-of-way, reduced to 15 feet, will not require any easements for utilities, but a portion of the right-of-way to be vacated is used by an adjacent parcel (parcel no. 9815000181) and an easement will be necessary for continued use by that parcel.

C. The portion of right-of-way proposed to be vacated has an existing driveway access.

D. The portion of right-of-way to be vacated does not conflict with the City's Six Year Transportation Plan or the Transportation section (Chapter 11) of the City's Comprehensive Plan.

E. The portion of right-of-way proposed to be vacated does not abut any body of water.

F. The portion of right-of-way proposed to be vacated is not needed for any future right-of-way purpose.

Section 2. Vacation; Conditions. That portion of Woodworth Avenue legally described on Exhibit A and depicted on Exhibit B is hereby vacated, subject to receipt of required compensation and with the condition that petitioner Gartland provide an easement for continued access to Gartland's adjacent neighbor to the north as referenced in Finding B above.

Section 3. Compensation. In accordance with GHMC 12.14.018 the amount of Three Thousand Two Hundred Dollars (\$3,200) shall be required from petitioner Gartland in exchange for the vacation.

Section 4. Duties of City Clerk. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor only after receipt of the required compensation in Section 3. The easement in favor of the adjacent parcel to the north shall be recorded immediately after recording of this ordinance.

Section 5. Effective Date. 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 13 day of September, 2010.

CITY OF GIG HARBOR

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Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

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Maureen Whitaker, Asst. City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Angela S. Belbeck

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO:

## EXHIBIT A PROPERTY LEGAL DESCRIPTION



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 GARTLAND ADJOINER FOLLOWING VACATION OF A PORTION OF FLORENCE 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 EAST HALF OF THE EAST HALF OF WOODWORTH AVENUE (FORMERLY FLORENCE STREET) PER THE PLAT OF FULLER'S 2ND ADDITION TO GIG HARBOR, RECORDED IN VOLUME 12 OF PLATS AT PAGE 25, UNDER AUDITOR'S FILE NUMBER 1263576, RECORDS OF PIERCE COUNTY, WASHINGTON, ADJACENT TO AND ABUTTING LOT 1, BLOCK 4 OF SAID PLAT, EXTENDING SOUTH TO THE NORTHERN MARGIN OF PRENTICE AVENUE (FORMERLY FOREST STREET NW) PER SAID PLAT.



# **EXHIBIT B** **PROPERTY LEGAL DESCRIPTION MAP**

