

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. 1140 - An Ordinance of the City Council of the City of Gig Harbor, Washington, vacating a portion of Prentice Avenue and Sutherland Street.

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

Stainbrook, Gary

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)

Section 06 Township 21 Range 02 Quarter 11

Assessor's Property Tax Parcel or Account number: 981500-025-0

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

ORDINANCE NO. 1140

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING THE PORTION OF PRENTICE AVENUE AND SUTHERLAND STREET.

WHEREAS, Gary Stainbrook petitioned the City to vacate a portion of Prentice Avenue and Sutherland Street (originally platted as Norton and White Streets), which abuts his property at 9505 Woodworth Avenue, Gig Harbor, Washington, under the nonuser statute, and GHMC Section 12.14.018(C), and

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

WHEREAS, in 1890, these streets were in unincorporated Pierce County; and

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

WHEREAS, under the nonuser statute, 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

WHEREAS, after receipt of the street vacation petition, the City Council passed Resolution No. 765 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 September 22, 2008, 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 and Sutherland Street right-of-way described in the Stainbrook street vacation petition has vacated by lapse of time and operation of law under the Laws of 1889-90, Chapter 19 (Relating to County Roads), Section 32, p. 603, as Amended By Laws of 1909, Chapter 90, Section 1, p. 189, repealed in 1936 by the Washington State Aid Highway Act (Laws of 1936, Chapter 187, p. 760). The vacated portion of Prentice Avenue and Sutherland Street, lying between Woodworth Avenue and Peacock Hill Avenue, abutting south and east property frontage of Parcel No. 981500-025-0, 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 13th day of October, 2008.

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: _____
Carol A. Morris

FILED WITH THE CITY CLERK: 09/17/08
PASSED BY THE CITY COUNCIL: 10/13/08
PUBLISHED: 10/22/08
EFFECTIVE DATE: 10/27/08
ORDINANCE NO. 1140

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED VACATED PORTIONS OF PRENTICE AVENUE AND SUTHERLAND STREET

THAT PORTION OF THE WEST HALF OF PRENTICE AVENUE ABUTTING THE SOUTH HALF OF LOT 4 AND ALL OF LOT 5 OF BLOCK 8 OF WOODWORTH'S ADDITION TO GIG HARBOR CITY, PIERCE COUNTY, WASHINGTON, AS PER MAP THEREOF RECORDED IN BOOK 5 OF PLATS AT PAGE 66, RECORDS OF PIERCE COUNTY, WASHINGTON.

ALSO, THAT PORTION OF THE NORTH HALF OF SUTHERLAND STREET ABUTTING LOT 5 IN SAID WOODWORTH'S ADDITION AND EXTENDING EAST TO THE CENTER LINE OF SAID PRENTICE AVENUE.



EXHIBIT B

