

**ORDINANCE NO. 964**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF FRONT STREET, LYING NORTH OF AUSTIN STREET AND WEST OF BURNHAM DRIVE IN GIG HARBOR, WASHINGTON.**

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WHEREAS, on March 12, 2001, the City adopted Ordinance 877, which vacated a portion of Front Street in the Plat of Gig Harbor, which included Pierce County Assessor's parcel numbers 4009700-0020, 4009700-0250 and 4009700-0260; and

WHEREAS, on July 11, 2003, the City received notification from the Pierce County Office of the Assessor-Treasurer that Ordinance 877 did not include that portion abutting 8817 Prentice Avenue, which is Assessor's parcel 410200-002-1, which lies within the plat known as Gig Harbor Extension, and

WHEREAS, the legal description for Assessor's parcel 410200-002-1 was omitted due to a clerical error, and

WHEREAS, Parcel 410200-002-1 lies within a different plat known as Gig Harbor Extension, and

WHEREAS, the plat of Gig Harbor Extension was recorded in the records of Pierce County in 1891 in Book 6 of Plats at Page 74; and

WHEREAS, Assessor's parcel 410200-002-1, has never been opened or improved as a public street; and

WHEREAS, Assessor's parcel 410200-002-1 was located in Pierce County during the period of five years prior to 1909, and there is no evidence that it was opened or used as a street during such period; and

WHEREAS, the City Council passed Resolution No. 626 initiating the procedure for the vacation of Assessor's parcel 410200-002-1 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 July 12, 2004, 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 Front Street right-of-way, which is Pierce County Assessor's Parcel number 410200-002-1, lying North of Austin Street and West of Burnham Drive and legally described in Exhibit A, attached hereto and incorporated herein by this reference, abutting the property owned by Mr. Glen Stenbak located at 8817 Prentice Avenue, Gig Harbor Washington, 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 parcel vacated is also shown on Exhibit B, which is a portion of the plat known as Gig Harbor Extension.

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. Otherwise, this street

vacation ordinance does not affect any third-party rights, including any rights 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 12 day of July, 2004.

CITY OF GIG HARBOR

By: Jim Franich  
Jim Franich, Mayor Pro Tem

ATTEST/AUTHENTICATED:

By: Molly Towslee  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney:

By: Carol A. Morris

FILED WITH THE CITY CLERK: 7/7/04  
PASSED BY THE CITY COUNCIL: 7/12/04  
PUBLISHED: 7/21/04  
EFFECTIVE DATE: 7/26/04

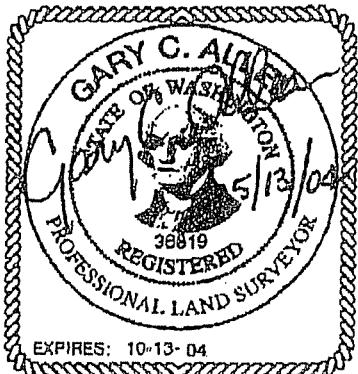
LEGAL DESCRIPTION

PROPERTY THAT WILL ATTACH TO ADJOINER  
FOLLOWING VACATION OF PORTION OF FRONT STREET,  
GIG HARBOR, WASHINGTON

THE NORTHERLY ONE HALF OF THAT PORTION OF FRONT STREET AS DEPICTED ON  
THE PLAT OF THE EXTENSION OF THE CITY OF GIG HARBOR ACCORDING TO THE MAP  
THEREOF RECORDED IN VOLUME 6 OF PLATS AT PAGE 24, RECORDS OF PIERCE  
COUNTY, WASHINGTON, LYING BETWEEN THE WESTERLY LINE OF SAID PLAT AND  
THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 14 OF SAID PLAT.

TOGETHER WITH AND SUBJECT TO COVENANTS, RESTRICTIONS AND EASEMENTS OF  
RECORD;

ALL SITUATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH,  
RANGE 2 EAST, W.M., PIERCE COUNTY, WASHINGTON.



Prepared by **BASELINE** Engineering, Inc.  
BASELINE Job No. 00-010  
May 13, 2004  
Filename: 00010\_VAC\_revA.doc

74  
5208

UNKNOWN ST. WAS  
NEVER OPENED BUT  
HAS BEEN YACHTED  
TOWN COUNCIL  
RES. #10 - 11-14-52  
1016-491

EXTENSION OF  
THE CITY OF  
PIERCE COUNTY, WASHINGTON.

Scale 1 inch - 1000 ft.

GR GR

FH ARRBY

Miner all mine by Miner presents:-

That we the undersigned, Fred J. Burnham,  
and George J. Burnham, his wife, owners of the land below de-  
scribed have cause to believe and conjecture into lots, blocks and  
plots an extension of the City of Gig Harbor, comprising the enclosed  
on the above place situated on lot, which is continuation of the original  
plot of the said City. Recorded at our request in the Record of

Pierce County, Washington, Plot Book No. 2 Page 4, on

the 28<sup>th</sup> day of April 1898.

And we hereby dedicate as right-of-way

the use of the public power all the streets  
shown upon the above Plot.

On which when we have  
planned and organized.

our said the 20<sup>th</sup> day of July 1898.

Agreeably to Burnham

Agreeably to Burnham, George J. Burnham,  
and S. Minotors, Minotors.

John G. Black

State of Washington  
County of Pierce

1898. At the time of the filing of this instrument, the same

■ = ROW to be  
vacated

■ = Stenbak  
property

