

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.

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
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

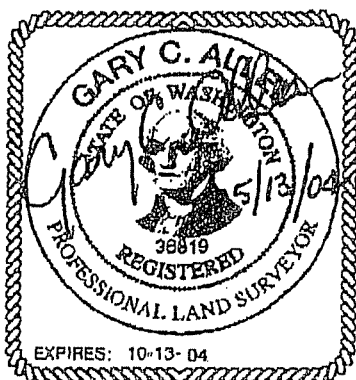
LEGAL DESCRIPTION

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;

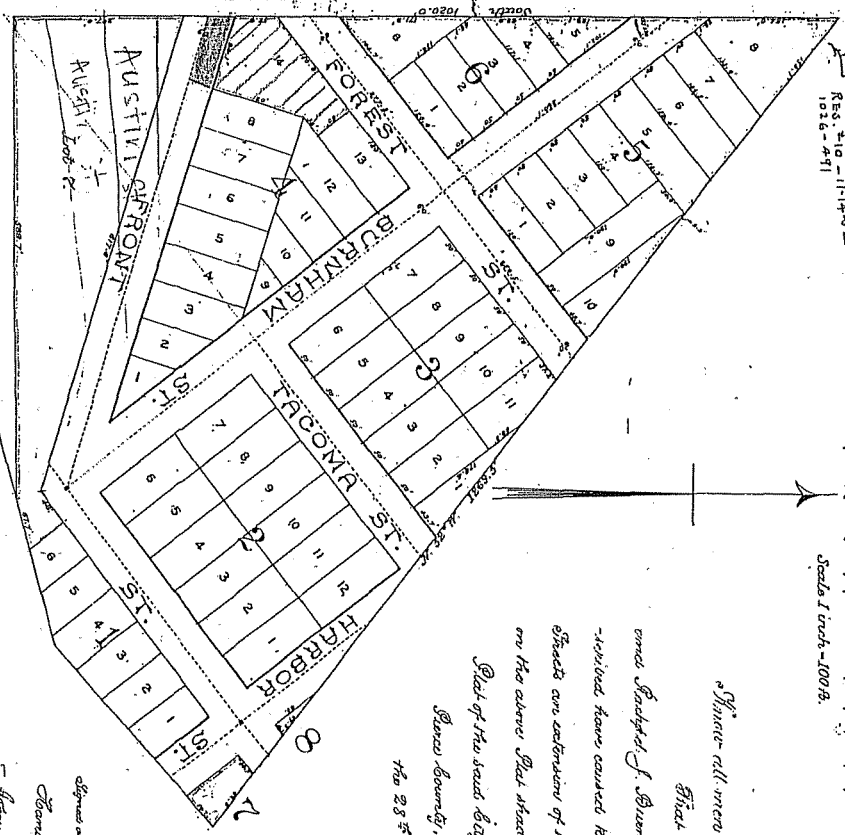
ALL SITUATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY, WASHINGTON.



Prepared by BASELINE Engineering, Inc.
BASELINE Job No. 00-010
May 13, 2004
Filename: 00010_VAC_revA.doc

EXTENSION OF THE CITY OF **Big Harbor** PIERCE COUNTY, WASHINGTON. Scale 1 inch = 100 ft.

UNKNOWN ST. WAS
NEVER OPENED BUT
HAS BEEN VACATED
TOWN COUNCIL
RES. #10 - 11-14-52
1026-491



Shower all men by their persons:-

That we the undersigned Alfred M. Burnham,
once Sheriff of Burnham the wife, owners of the land, when de-
-vised have caused to be laid out and plotted into lots, blocks and
blocks an extension of the city of Big Harbor, comprising the portion
on the above plat which are not, which is an extension of the original
plot of the said city. Recorded at our request in the Books of
Salem County, Washington, Plat Book No. 2 Page 14, on
the 28th day of April 1888.

That we hereby dedicate as highways in
the use of the public power all the streets
shown upon the above plat.

As witness whereof we have
hereunto set our hands and affixed
our seals this 20th day of July 1894.

Alfred M. Burnham
Edward S. Winsted
John W. Baker

State of Washington
County of Pierce

I, J. A. ... do hereby certify that the ...

□ = ROW to be
vacated
▨ = Stenbak
property