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01/11/2017 08:43:47 AM \$78.00  
AUDITOR, Pierce County, WASHINGTON

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. 1354 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG  
HARBOR, WASHINGTON, VACATING A PORTION OF RUST STREET ABUTTING  
9502 WHEELER AND XXX RUST STREET AND RESERVING SANITARY SEWER  
EASEMENT

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

Jones, David S. & Jayme 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)**

Section 05, Township 21, Range 02, Quarter 22

**Assessor's Property Tax Parcel or Account number:** 2260000220, 2260000230

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

**ORDINANCE NO. 1354**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
GIG HARBOR, WASHINGTON, VACATING A PORTION OF  
RUST STREET ABUTTING 9502 WHEELER AVENUE AND  
XXX RUST STREET AND RESERVING SANITARY SEWER  
EASEMENT.**

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WHEREAS, David S. and Jayme L. Jones petitioned the City to vacate a portion of Rust Street, which abuts their properties at 9502 Wheeler Avenue and XXX Rust Street, 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 Town of Ardena addition, recorded in the records of Pierce County on August 23, 1890; and

WHEREAS, in 1890, this street was in unincorporated Pierce County; and

WHEREAS, the portion of Rust Street 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. 1057 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 January 9, 2017, 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 Rust Street Right-of-Way described in the Jones street vacation petition has vacated by lapse of time and operation of law under RCW 36.87.090. The vacated portion of Rust Street, lying between North Harborview Drive and Wheeler Avenue, abutting Lots 8 and 9 of the Town of Ardena addition, Parcel Numbers 2260000220 and 2260000230, and reservation of sanitary sewer easement, are legally described in Exhibit A attached hereto and incorporated by this reference, and further, are 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 9th day of January, 2017.

CITY OF GIG HARBOR

By:   
Jill Guernsey, 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: 12/08/16  
PASSED BY THE CITY COUNCIL: 01/09/17  
PUBLISHED: 01/19/17  
EFFECTIVE DATE: 01/24/17  
ORDINANCE NO. 1354

**EXHIBIT A  
LEGAL DESCRIPTION**

THAT PORTION OF RUST STREET ABUTTING LOTS 8 AND 9, BLOCK 5, IN THE PLAT OF ARTENA, ACCORDING TO THE PLAT THEREOF ON FILE IN VOLUME 5 OF PLATS, PAGE 68, RECORDS OF PIERCE COUNTY, WASHINGTON.

RESERVING UNTO THE CITY OF GIG HARBOR THE SOUTH 7.5 FEET OF A 15-FOOT-WIDE SANITARY SEWER EASEMENT, 7.5 FEET ON EITHER SIDE OF THE EXISTING SEWER MAIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE N 0°01'31" W, 31.06 FEET TO THE CENTERLINE OF SAID SEWER MAIN AND THE TRUE POINT OF BEGINNING; THENCE N 89°07'17" E ALONG SAID SEWER MAIN, 50 FEET.

# EXHIBIT B SURVEY MAP

