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09/29/2017 08:04:39 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. 1372 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF PRENTICE AVENUE AND BENSON STREET ABUTTING LOT 5 IN BLOCK 3 OF WOODWORTH'S ADDITION TO GIG HARBOR AND RESERVING A SANITARY SEWER EASEMENT

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

Reid Ekberg and Carrianne Culy

**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:** 9815000062

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

## ORDINANCE NO. 1372

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF PRENTICE AVENUE AND BENSON STREET ABUTTING LOT 5 IN BLOCK 3 OF WOODWORTH'S ADDITION TO GIG HARBOR AND RESERVING A SANITARY SEWER EASEMENT.

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WHEREAS, Reid Ekberg and Carrianne Culy petitioned the City to vacate a portion of Prentice Avenue and Benson Street, which abuts their properties at 9324 Peacock Hill Avenue, 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 Woodworth's Addition To Gig Harbor, recorded in the records of Pierce County on August 22, 1890; and

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

WHEREAS, the portion of Prentice Avenue and Benson 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. 1087 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 25, 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 Prentice Avenue and Benson Street Right-of-Way described in the Ekberg street vacation petition

has vacated by lapse of time and operation of law under RCW 36.87.090. The vacated portion of Prentice Avenue and Benson Street, of the Woodworth's Addition to Gig Harbor, Parcel Number 9815000062, and reservation of a sanitary sewer easement, 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.

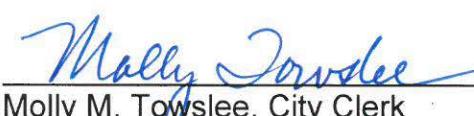
Section 4. This ordinance shall take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 25th day of September, 2017.

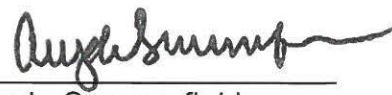
CITY OF GIG HARBOR

By:   
Jill Guernsey, Mayor

ATTEST/AUTHENTICATED:

By:   
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney:

By:   
Angela Summerfield

FILED WITH THE CITY CLERK: 9/18/17  
PASSED BY THE CITY COUNCIL: 9/25/17  
PUBLISHED: 9/28/17  
EFFECTIVE DATE: 10/03/17

ORDINANCE NO. 1372

**EXHIBIT A  
LEGAL DESCRIPTION**

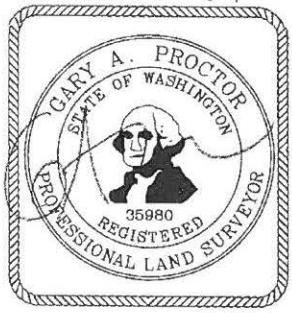
RIGHT-OF-WAY THAT WILL ATTACH BY OPERATION OF LAW TO EKBERG ADJOINER FOLLOWING VACATION OF A PORTIONS OF PRENTICE AVENUE AND BENSON (NORTON) STREET, GIG HARBOR, WASHINGTON, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, W. M., IN THE CITY OF GIG HARBOR, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTH HALF OF BENSON STREET (FORMERLY NORTON STREET) AND THE EAST HALF OF PRENTICE AVENUE, BOTH PER THE PLAT OF WOODWORTH'S ADDITION TO GIG HARBOR CITY, RECORDED IN VOLUME 5 OF PLATS AT PAGE 66, RECORDS OF PIERCE COUNTY, WASHINGTON, ADJACENT TO AND ABUTTING THE SOUTH 50 FEET OF LOT 5 IN BLOCK 3 OF SAID PLAT.

RESERVING A 15 FOOT WIDE SANITARY SEWER EASEMENT TO THE CITY OF GIG HARBOR, BEING A PORTION OF PRENTICE AVENUE IN THE PLAT OF WOODWORTH'S ADDITION TO GIG HARBOR CITY HAVING 7.5 FEET OF SUCH WIDTH ON EACH SIDE OF A CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF BENSON (FORMERLY NORTON) STREET WITH THE WEST LINE OF PEACOCK AVENUE; THENCE ALONG SAID CENTERLINE NORTH  $88^{\circ}19'47''$  WEST 161.94 FEET MORE OR LESS TO INTERSECT THE CENTER OF THE EXISTING SANITARY SEWER LINE IN PRENTICE AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID EXISTING SEWER CENTERLINE NORTH  $07^{\circ}56'44''$  EAST 10.99 FEET; THENCE CONTINUING ALONG SAID EXISTING CENTERLINE NORTH  $04^{\circ}04'52''$  EAST 71.12 FEET TO THE TERMINUS.

**EXHIBIT B - SURVEY MAP**



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LAND SURVEYING  
P.O. BOX 249  
GIG HARBOR, WASHINGTON 98335  
253.858.8106 / [INFO@THORNTONLS.COM](mailto:INFO@THORNTONLS.COM)

