

## **ORDINANCE 1494**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF HALL STREET OF THE ARTENA PLAT ADDITION TO GIG HARBOR CITY**

---

**WHEREAS**, Richard and Kathleen Pifer petitioned the City to vacate a portion of Hall Street, which abuts their southern property line at 9322 Milton 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 Artena Plat Addition to Gig Harbor City, 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 Hall 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**, the City is willing to vacate that part of Hall Street so long as an easement is provided to the City for the existing public utilities located within the vacated area; and

**WHEREAS**, after receipt of the street vacation petition, the City Council passed Resolution 1254 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 August 8, 2022, 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, do ordain as follows:

**Section 1.** The City Council finds that the unopened portion of the platted Hall Street Right-of-Way described in the Pifer street vacation petition has vacated by lapse of time and operation of law under RCW 36.87.090. The vacated portion of Hall Street, of the Artena Plat Addition to Gig Harbor City, Parcel Number 2260000369, are legally described in Exhibit A attached hereto and incorporated by this reference, and shown on the map attached hereto as Exhibit B.

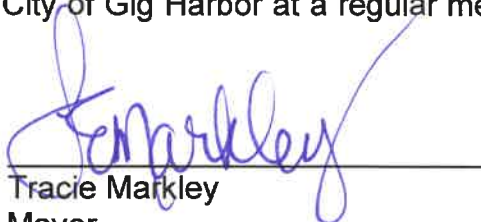
**Section 2.** The City has the authority to adopt a vacation ordinance to formally remove the cloud on the title of the referenced Right-of-Way area. This street vacation ordinance does not affect any existing rights, including any the public may have acquired in the Right-of-Way since the street was 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.

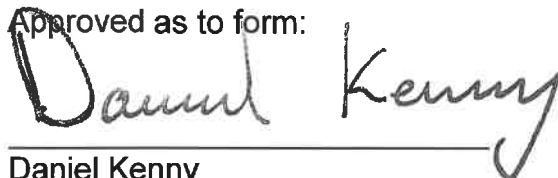
**Section 4. Correction of Errors.** The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, sections/subsection numbers and any references thereto.

**Section 5.** This ordinance shall take effect five days after passage and publication as required by law.

**ADOPTED** by the Council of the City of Gig Harbor at a regular meeting thereof, held this 8<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
Tracie Markley  
Mayor

Approved as to form:

  
\_\_\_\_\_  
Daniel Kenny  
City Attorney

Attest:

  
\_\_\_\_\_  
Joshua Stecker, CMC  
City Clerk

**EXHIBIT A  
LEGAL DESCRIPTION**

Source: Thornton Land Surveying Inc., December 21, 2021

RIGHT-OF-WAY THAT WILL ATTACH BY OPERATION OF LAW TO RICHARD E. PIFER FOLLOWING VACATION OF A PORTION OF HALL STREET, GIG HARBOR, WASHINGTON.

A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN THE CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTH HALF OF HALL STREET (FORMERLY ASH STREET) AS DEPICTED ON THE PLAT OF THE TOWN OF ARTENA, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 68, RECORDS OF PIERCE COUNTY, WASHINGTON, LYING BETWEEN THE SOUTHERLY PRODUCTION OF THE WEST LINE OF LOT 15, BLOCK 7 OF SAID PLAT AND THE SOUTHERLY PRODUCTION OF THE EAST LINE OF THE WEST 90 FEET OF SAID LOT 7; SUBJECT TO AN EXCLUSIVE EASEMENT GRANTED TO THE CITY OF GIG HARBOR FOR STORM DRAINAGE AND SANITARY SEWER UTILITIES AND APPURTENANCES OVER THE SOUTH 20 FEET THERE OF

# EXHIBIT B SURVEY MAP

