

ORDINANCE NO. 709

AN ORDINANCE of the City Council of the City of Lakewood, Washington, vacating Seattle Ave SW right-of-way between Pacific Hwy SW and Interstate 5.

WHEREAS, the City of Lakewood, Washington, has received a petition signed by owners of at least two-thirds (2/3) of the property abutting a portion of unused right-of-way, located within the city of Lakewood, Washington, requesting that the same be vacated; and,

WHEREAS, on July 23, 2018, an application and petition for the vacation of public property was received; and,

WHEREAS, in conformity with the legal requirements pursuant to Lakewood Municipal Code 12A.12.070, the Lakewood City Council passed Resolution No. 2019-03 on February 4, 2019, setting a public hearing regarding this proposed vacation on March 18, 2019; and,

WHEREAS, in conformity with the legal requirements pursuant to Lakewood Municipal Code 12A.12.090 proper notice of the public hearing was posted and mailed to all required parties; and,

WHEREAS, on March 18, 2019, said public hearing was held before the Lakewood City Council with no objections to the proposed vacation; and,

WHEREAS, pursuant to Lakewood Municipal Code section 12A.12.120, the City Council must consider certain factors prior to authorizing a vacation of public property; and,

WHEREAS, it is the finding of the City Council of the City of Lakewood that vacation is appropriate in this instance after full consideration of the factors stated in LMC 12A.12.120 in that vacation will benefit the public by returning the property to the tax rolls, in that the right of way is not needed for public use or access, and in that conditions are not likely to change in the future as to provide a greater use or need for the right-of-way than presently exists; and,

WHEREAS, the City Council of the City of Lakewood, Washington, has considered all

matters presented at the public hearing on the proposed vacation, hearing no objection to this vacation, and does hereby find that the vacation of said property is appropriate and that the transfer of property at issue in this matter in the manner set forth below is in best interests of the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

- Section 1. The City vacates Seattle Ave SW right-of-way between Pacific Hwy SW and Interstate 5, located within the city of Lakewood, Washington, legally described as shown in the exhibit attached hereto, marked "Exhibit A" and incorporated herein by this reference, subject to the conditions set forth in Sections 2 through 4 of this Ordinance.
- Section 2. The City shall retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of existing public utilities and services.
- Section 3. The vacation shall be effective upon payment to the City of Lakewood, within 120 days of the date hereof, by the owner of property or assignee adjacent thereto and to be benefited by the vacation, in the amount of \$200,000.00, which represents full appraised value of the net amount (23,109 square feet) of right-of-way to be vacated.
- Section 4. This Ordinance shall be in full force and effect thirty (30) days after publication as required by law. If the condition of transfer as stated in Section 3 is not completed within one hundred twenty (120) days of the effective date of this Ordinance, this Ordinance shall be null and void.

ADOPTED by the City Council this 6th day of May, 2019.

CITY OF LAKEWOOD




Don Anderson, Mayor

Attest:



Briana Schumacher, City Clerk

Approved as to Form:



Heidi Ann Wachter, City Attorney

Exhibit "A"

Legal description of the unused right-of-way of Seattle Avenue SW between Pacific Hwy SW and Interstate 5 to be vacated:

THAT PORTION OF SEATTLE AVE BEING 60 FEET WIDE AND LYING SOUTHEASTERLY OF PACIFIC HIGHWAY NO. 1 AND NORTHWESTERLY OF INTERSTATE 5, ALL IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN.

SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.