

**ORDINANCE NO. 1028**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING A PUBLIC ALLEY BETWEEN AND ABUTTING LOTS 8, 9 AND 10 (TO THE NORTH) AND LOTS 12 AND 13 (TO THE SOUTH), ALL IN F.H. ADAMS ADDITION, COMMONLY KNOWN AS 3010 HARBORVIEW DRIVE, LOCATED IN GIG HARBOR, WASHINGTON.**

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WHEREAS, Wayne Willis and the Ross Building Condominium Association applied for a building permit for the construction of a third-story addition, located at 3010 Harborview Drive, Gig Harbor, Washington 98335 (hereinafter the "Property"); and

WHEREAS, the building permit application did not show that there was a public alley adjacent to the Property; and

WHEREAS, the public alley was not identified on the Pierce County Assessor's maps, and as a result, neither the City nor the applicant was aware of the alley when the building permit was approved; and

WHEREAS, after the improvements shown on the building permit were constructed, the City and Mr. Willis learned that the improvements encroach into the public alley; and

WHEREAS, in order to address this problem, Mr. Willis has agreed to dedicate a twenty-foot easement to the City for ingress/egress, and a fifteen foot easement for storm water facilities maintenance and operation, which will be located to the south of the existing public alley, and in exchange, Mr. Willis has requested that the City vacate its easement on the existing fifteen-foot public alley; and

WHEREAS, on November 21, 2005, Mr. Willis and the Ross Building Condominium

Association submitted a street vacation petition to the City, requesting that the City vacate the public alley; and

WHEREAS, the City Community Development Director stated that the exchange of easements would not eliminate any required parking for the uses existing on the property; and

WHEREAS, the City Engineer stated that the public alley to be vacated was used for access to the parking on the property, and was not needed as part of the City's street system, nor would it be needed in the future as part of the City's street system; and

WHEREAS, the City Engineer also stated that the new easement provided by the property owner would provide substantially the same ingress and egress to the parking on the property as the existing public alley; and

WHEREAS, on December 12, 2005, the City Council approved Resolution No. 659, establishing January 9, 2006 as the date for the receipt of public testimony on the requested alley vacation; and

WHEREAS, on January 9, 2006, the City Council continued the public hearing until January 23, 2006, and on that date the hearing was held on the alley vacation; and

WHEREAS, on January 23, 2006, the City Council agreed to approve the alley vacation in exchange for the easement offered by Mr. Willis, and the Council further accepted this Easement; Now, Therefore,

THE GIG HARBOR CITY COUNCIL ORDAINS AS FOLLOWS:

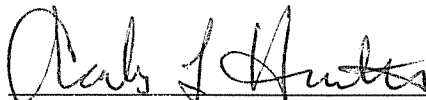
Section 1. The City Council finds that the public alley abutting lots 8, 9 and 10 to the north and lots 12 and 13 to the south, all in F.H. Adams Addition, located adjacent to 3010 Harborview Drive, which is legally described in Exhibit A, (attached hereto and by this

reference incorporated herein), shall be vacated in exchange for the dedication of the above-described easements from Wayne and Helen Willis and the Ross Building Condominium Association. The Council acknowledges the dedication of these easements in the Easement Agreement dated January 23, 2006 and signed by the property owners described above.


Section 2. The City Clerk is hereby directed to record a certified copy of this Ordinance with the Office of the Pierce County Auditor.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 13th day of February, 2006.

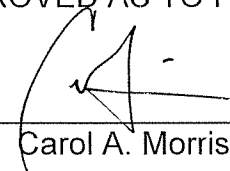
CITY OF GIG HARBOR

By:   
Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

By:   
Molly Towslee, City Clerk

APPROVED AS TO FORM:

By:   
Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK: 1/18/06  
PASSED BY THE CITY COUNCIL: 2/13/06  
PUBLISHED: 2/22/06  
EFFECTIVE DATE: 2/27/06