

ORDINANCE NO. 1166

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING THE PORTION OF PRENTICE AVENUE AND BENSON STREET ABUTTING 9304 AND 9314 PEACOCK HILL AVENUE.

WHEREAS, Ladd C. and Oe Sun Bacchus petitioned the City to vacate a portion of Prentice Avenue and Benson Street (originally platted as Norton and Chester Streets), which abuts their property at 9304 and 9314 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 these streets subject to the vacation petition were platted in the Plat of the Woodworth's Addition, recorded in the records of Pierce County on August 22, 1890; and

WHEREAS, in 1890, these streets were in unincorporated Pierce County; and

WHEREAS, the portions of Prentice Avenue and Benson Street subject to the vacation petition were 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. 791 initiating the procedure for the vacation of the referenced streets 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 July 13, 2009, 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 Bacchus 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, lying between Woodworth Avenue and Peacock Hill Avenue, Lots 1, 2, and 3 of the Woodworth Addition, Parcel Nos. 981500-070-0 and 981500-080-0, abutting 9314 and 9304 Peacock Hill Avenue 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 Owner granted the City two Utility Easements for an existing eight inch sewer main on Prentice Avenue and an abandoned four inch water main on Benson Street (AFN 200906170486 and 200906170487).

Section 4. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor.

Section 5. 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 10th day of August, 2009.

CITY OF GIG HARBOR

By: Charles L. Hunter
Charles L. Hunter, Mayor

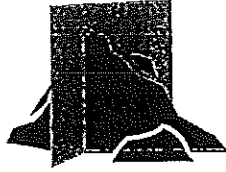
ATTEST/AUTHENTICATED:

By: Molly M. Towslee
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney:

By: Angela Delbeck
Angela Delbeck

FILED WITH THE CITY CLERK: 07/08/09
PASSED BY THE CITY COUNCIL: 08/10/09
PUBLISHED: 08/12/09
EFFECTIVE DATE: 08/17/09
ORDINANCE NO. 1166



THORNTON
LAND SURVEYING, INC.

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T 253 858 8106
F 253 858 7466
thorntonls.com

Exhibit A

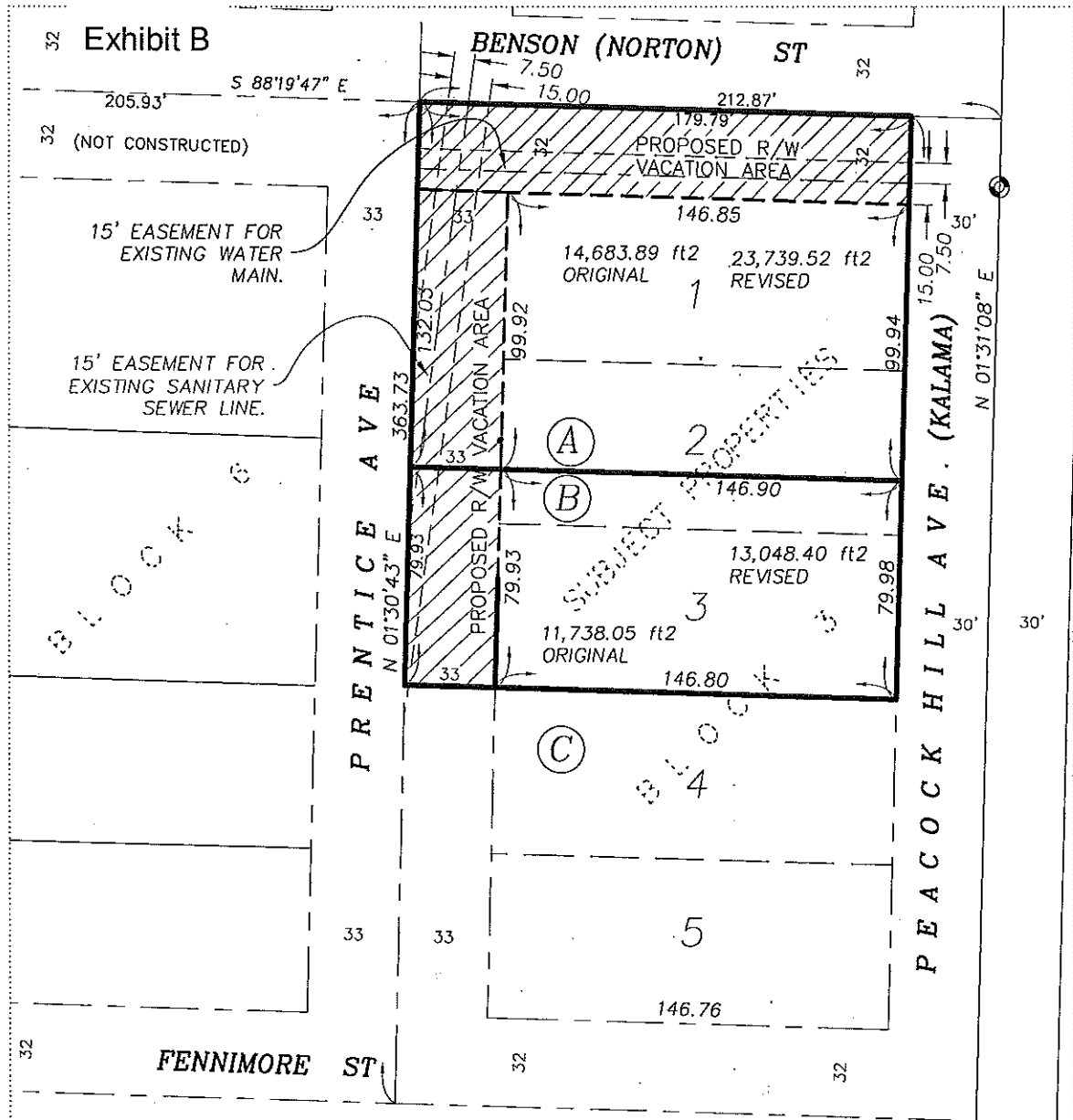
PROPOSED LEGAL DESCRIPTION

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

THAT PORTION OF THE SOUTH HALF OF BENSON STREET (FORMERLY NORTON STREET) PER THE PLAT OF WOODWORTHS ADDITION TO GIG HARBOR, RECORDED IN VOLUME 5 OF PLATS AT PAGE 66, UNDER AUDITOR'S FILE NUMBER 38968, RECORDS OF PIERCE COUNTY, WASHINGTON, ADJACENT TO AND ABUTTING LOT 1, BLOCK 3 OF SAID PLAT, EXTENDING TO THE CENTERLINE INTERSECTION OF BENSON STREET AND PRENTICE AVENUE PER SAID PLAT;

AND THAT PORTION OF THE EAST HALF OF PRENTICE AVENUE (FORMERLY CHESTER STREET) PER SAID PLAT, LYING BETWEEN THE WESTERN EXTENSION OF THE SOUTH LINE OF LOT 3, BLOCK 3 OF SAID PLAT AND THE SOUTH MARGIN OF BENSON STREET PER SAID PLAT.





PARCEL/LOT INFORMATION:

LOT	TAX PARCEL NO.	ADDRESS	OWNER
A	9815000070	9314 PEACOCK HILL AVE	BACCHUS
B	9815000080	9304 PEACOCK HILL AVE	BACCHUS
C	9815000090	9226 PEACOCK HILL AVE	WILLIAMSON

AREA OF STREET VACATION

5,747.70 ft ²	4,624.48 ft ²
BENSON ST	PRENTICE AVE

SCALE: 1"=60 FEET

