

ORDINANCE NO. 1270

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING APPROXIMATELY 1,874 SQUARE FEET OF N. HARBORVIEW DRIVE RIGHT-OF-WAY OF N. HARBORVIEW DRIVE NEAR THE INTERSECTION WITH BURNHAM DRIVE IN LIEU OF TRANSFER; WAIVING COMPENSATION AS AUTHORIZED UNDER GHMC 12.14.018(B); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has discovered a discrepancy in the right-of-way of record for a portion of N. Harborview Drive just south of its intersection with Burnham Drive and adjacent to 8715 N. Harborview Drive, owned by Burnham Construction, LLC; and

WHEREAS, the City Council desires to clear title issues and also obtain additional right-of-way along the property located at 8715 N. Harborview Drive in a manner that best serves the public interest; and

WHEREAS, section 12.14.002(D) of the Gig Harbor Municipal Code provides that in lieu of a petition for a street vacation the City Council may initiate a street vacation by resolution; and

WHEREAS, Resolution No. 933 was passed on July 22, 2013 initiating a review of the proposed street vacation and setting a public hearing date of September 9, 2013 for the proposed vacation of public right of way; and

WHEREAS, a notice of the public hearing was posted on the City's website (www.cityofgigharbor.net), advertised in the Peninsula Gateway on August 21, posted on the Public Notice board at the Civic Center, on the street to be vacated, and notices were mailed to abutting property owners pursuant to RCW 35.79.020 and GHMC 12.14.008; and

WHEREAS, the City Council desires to vacate approximately 1,874 square feet of the southernmost portion of N. Harborview Drive, adjacent to 8715 N. Harborview Drive, in-lieu of a transfer to right of way by dedication of approximately 2,021 square feet of property desired along 8715 N. Harborview Drive, as authorized by GHMC 12.14.018(B); and

WHEREAS, after considering public testimony and the information presented by City staff the Gig Harbor City Council decided to vacate the right-of-way subject to conditions hereinafter provided, now, therefore,

THE CITY OF GIG HARBOR, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The Gig Harbor City Council finds that:

- A. That portion of the right-of-way for which vacation is sought is surplus to the City's needs and there is no reasonable likelihood that the property will be used for City road purposes; and
- B. The vacation of the right-of-way would not impair access to any property or otherwise impinge upon the property rights of the City or any private landowner along that portion of N. Harborview Drive proposed to be vacated; and
- C. Because of the location of the portion of the right-of-way sought to be vacated, the portion sought to be vacated has little value or utility, except to the owner of the adjacent property; and
- D. The adjacent property owner is willing to provide a dedication of property to the City as right of way in lieu of the right of way vacated to the property owner by the City.

Section 2. Vacation. Approximately 1,874 square feet of the southernmost portion of N. Harborview Drive right of way near the intersection with Burnham Drive, as described and depicted on Exhibits A and B attached hereto and incorporated herein by reference as if set forth in full, is hereby vacated to the adjacent property owner, SUBJECT TO the recording with the Pierce County Auditor of a dedication of right of way of approximately 2,021 square feet of property along 8715 N. Harborview Drive by Burnham Construction, LLC as described and depicted on Exhibits C and D attached hereto and incorporated herein by reference as if set forth in full.

Section 3. Compensation. No compensation shall be required from the adjacent property owner in exchange for the vacation as authorized under GHMC 12.14.018(B).

Section 4. Duties of City Clerk. The City Clerk is hereby authorized and directed to file a copy of this ordinance of record in the office of the Pierce County Auditor only when the condition listed in Section 2 has been satisfied.

Section 6 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 7 - Effective Date. This ordinance shall take effect and shall be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the Council of the City of Gig Harbor, this 23rd day of September, 2013.

APPROVED:



CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:



CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY  _____

FILED WITH THE CITY CLERK: 09/04/13
PASSED BY THE CITY COUNCIL: 09/23/13
PUBLISHED: 09/25/13
EFFECTIVE DATE: 09/30/13
ORDINANCE NO. 1270

EXHIBIT A
RIGHT-OF-WAY VACATION
TAX PARCEL 4102000013

THAT PORTION OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON AND BEING A PORTION OF LOT 7 IN BLOCK 1 OF EXTENSION OF THE CITY OF GIG HARBOR, ACCORDING TO A PLAT RECORDED IN BOOK 6 OF PLATS AT PAGE 74, RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF FRONT STREET AND N. HARBORVIEW DRIVE AS SHOWN ON RECORD OF SURVEY RECORDED IN SAID COUNTY UNDER AUDITOR'S FILE NUMBER 200901205003, SAID INTERSECTION BEARS NORTH 40°17'30" EAST, ALONG THE MONUMENTED CENTERLINE OF N. HARBORVIEW DRIVE, A DISTANCE OF 434.87 FEET FROM A 3-INCH SURFACE BRASS DISK AT THE INTERSECTION OF N. HARBORVIEW DRIVE AND NORTH HARBORVIEW AS SHOWN ON SAID RECORD OF SURVEY; THENCE ALONG THE CENTERLINE OF SAID FRONT STREET SOUTH 71°00'20" EAST, 176.00 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 18°59'40" WEST, 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FRONT STREET AND THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 71°00'20" EAST, 79.82 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH HARBORVIEW DRIVE; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID NORTH HARBORVIEW DRIVE NORTH 53°59'40" EAST, 45.62 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 36°00'20" WEST, 15.74 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 283.12 FEET, (FROM WHICH THE RADIUS POINT BEARS NORTH 18°04'54" WEST); THENCE WESTERLY 104.60 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°10'09" TO THE **TRUE POINT OF BEGINNING** CONTAINING 1,876 SQUARE FEET OR 0.043 ACRES, MORE OR LESS.



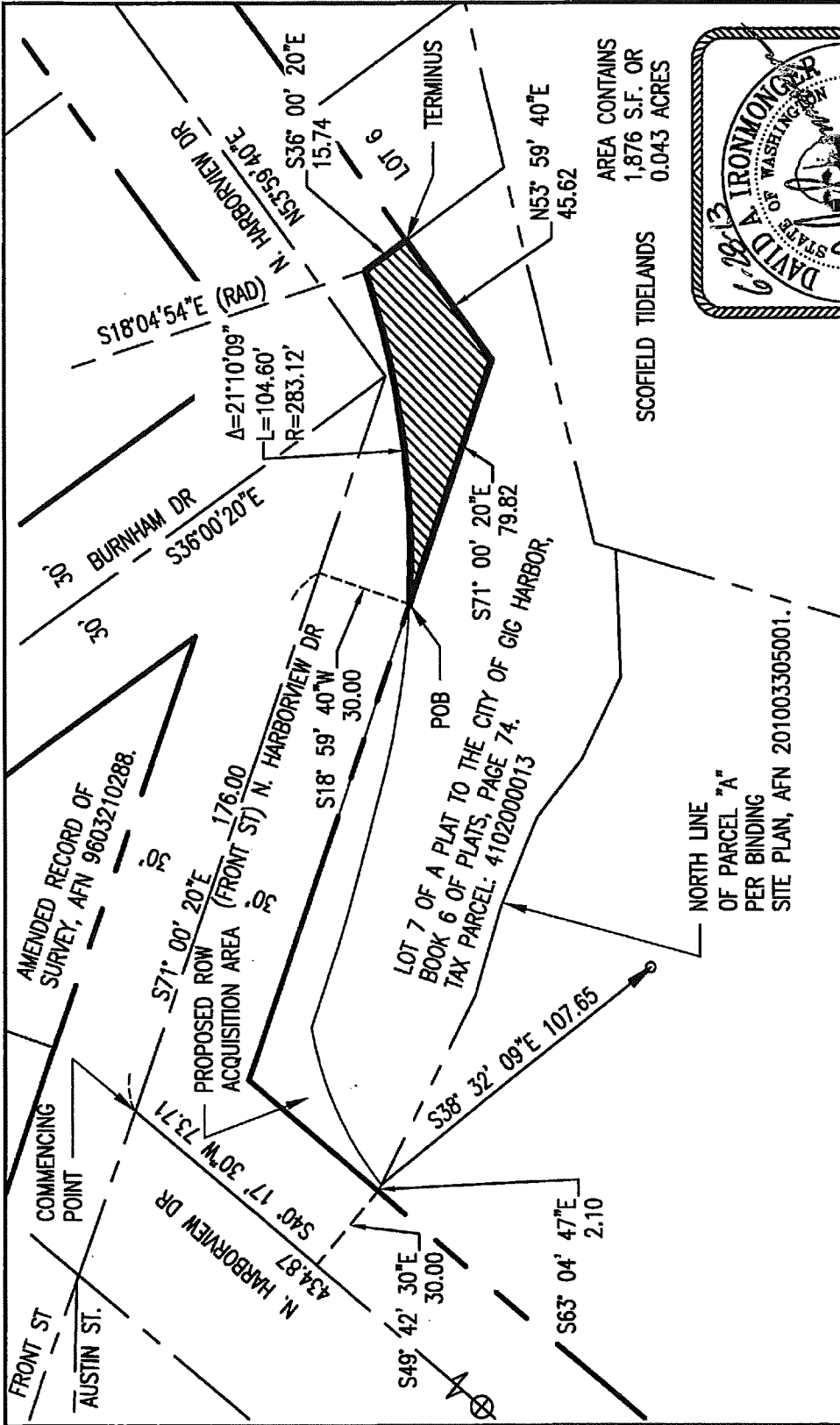


EXHIBIT B
RIGHT-OF-WAY VACATION MAP
TAX PARCEL #4102000013

Parametrix DATE: June 28, 2013 FILE: PUZ75024_ROWVACQUESTIONREMY

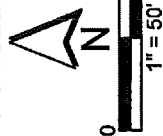
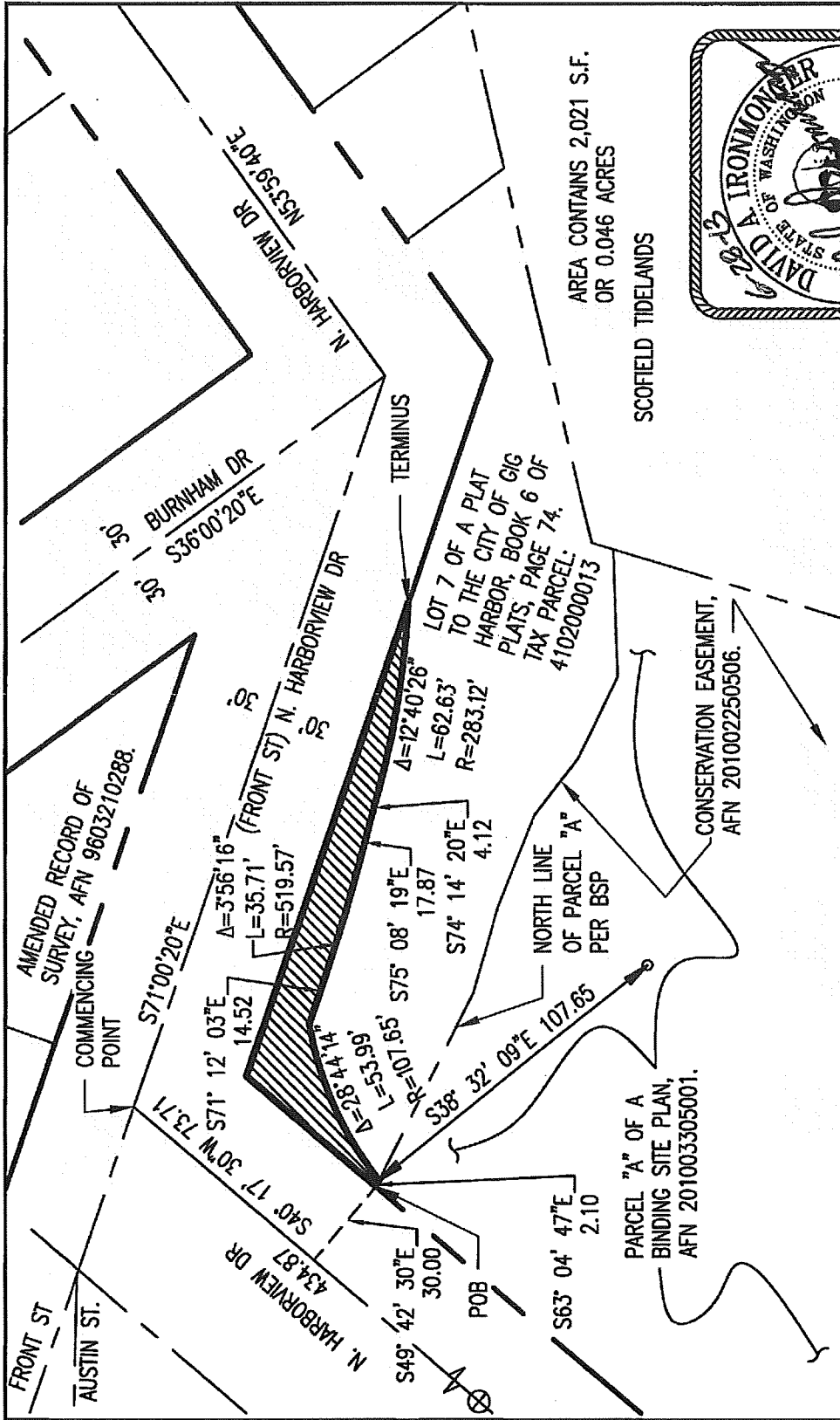


EXHIBIT C
RIGHT-OF-WAY ACQUISITION
TAX PARCEL 4102000013

THAT PORTION OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF GIG HARBOR, PIERCE COUNTY, STATE OF WASHINGTON AND BEING A PORTION OF LOT 7 IN BLOCK 1 OF EXTENSION OF THE CITY OF GIG HARBOR, ACCORDING TO A PLAT RECORDED IN BOOK 6 OF PLATS AT PAGE 74, RECORDS OF SAID COUNTY, LYING NORTH AND NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE INTERSECTION OF FRONT STREET AND HARBORVIEW AVENUE N. AS SHOWN ON A RECORD OF SURVEY RECORDED IN SAID COUNTY UNDER AUDITOR'S FILE NUMBER 200901205003, SAID INTERSECTION BEARS NORTH 40°17'30" EAST, ALONG THE MONUMENTED CENTERLINE, A DISTANCE OF 434.87 FEET FROM A 3-INCH SURFACE BRASS DISK AT THE INTERSECTION OF HARBORVIEW DRIVE AND NORTH HARBORVIEW AS SHOWN ON SAID RECORD OF SURVEY; THENCE ALONG SAID CENTERLINE SOUTH 40°17'30" WEST, 73.71 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 49°42'30" EAST, 30.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORTH HARBORVIEW DRIVE AND THE **TRUE POINT OF BEGINNING** OF SAID DESCRIBED LINE; THENCE ALONG THE NORTH LINE OF PARCEL A AS SHOWN ON A BINDING SITE PLAN RECORDED IN SAID COUNTY UNDER AUDITOR'S FILE NUMBER 201003305001 SOUTH 63°04'47" EAST, 2.10 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 107.65 FEET (FROM WHICH THE RADIUS POINT BEARS SOUTH 38°32'09" EAST); THENCE LEAVING SAID NORTH LINE NORTHERLY 53.99 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°44'14"; THENCE SOUTH 71°12'03" EAST, 14.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 519.57 FEET; THENCE EASTERLY 35.71 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°56'16"; THENCE SOUTH 75°08'19" EAST, 17.87 FEET; THENCE SOUTH 74°14'20" EAST, 4.12 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 283.12 FEET; THENCE EASTERLY 62.63 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°40'26" TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FRONT STREET AND THE **TERMINUS** OF SAID DESCRIBED LINE.
CONTAINING 2,021 SQUARE FEET OR 0.046 ACRES, MORE OR LESS.





AREA CONTAINS 2,021 S.F.
OR 0.046 ACRES

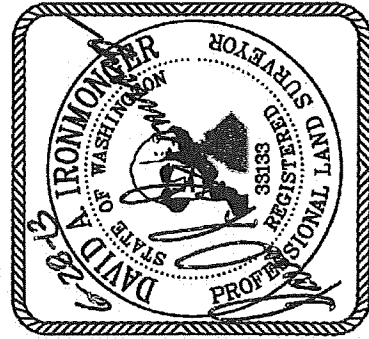
SCOFFIELD TIDELANDS

TERMINUS
LOT 7 OF A PLAT
TO THE CITY OF GIG
HARBOR, BOOK 6 OF
PLATS, PAGE 74.
TAX PARCEL:
4102000013

CONSERVATION EASEMENT,
AFN 201002250506.

NORTH LINE
OF PARCEL "A"
PER BSP

PARCEL "A" OF A
BINDING SITE PLAN,
AFN 201003305001.



Parametrix DATE: June 28, 2013 FILE: P1275002a_ROWACQUISITIONREMY

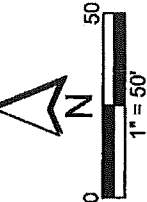


EXHIBIT D
RIGHT-OF-WAY ACQUISITION MAP
TAX PARCEL #4102000013