

ORDINANCE NO. 943

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
GIG HARBOR, WASHINGTON, VACATING A PORTION
OF RUST STREET, LYING EAST OF NORTH
HARBORVIEW DRIVE AND WEST OF WHEELER
AVENUE.**

WHEREAS, 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, but this street vacation ordinance does not affect the rights of anyone, including any rights the public may have acquired in the right-of-way since the street was vacated by operation of law; and

WHEREAS, the portion of Rust Street subject to this vacation request was created in the Plat of the Town of Ardena, recorded in the records of Pierce County in 1891; and

WHEREAS, the referenced portion of street right-of-way has never been opened or improved as a public street; and

WHEREAS, the referenced portion of street right-of-way was located in Pierce County during the period of five years prior to 1909, and there is no evidence that it was used as a street during such period; and

WHEREAS, the City Council passed Resolution No. 615 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 October 13, 2003, 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 Rust Street right-of-way, lying East of North Harborview Drive and West of Wheeler Avenue, abutting the north property frontage of Parcel No. 2260000200, attached hereto as legally described in Exhibit A and incorporated by this reference and as shown on the aerial Ortho photo as depicted on Exhibit B, has vacated by lapse of time and operation of law under the Laws of 1889-90, Chapter 19 (Relating to County Roads), Section 32, p. 603, as Amended By Laws of 1909, Chapter 90, Section 1, p. 189, repealed in 1936 by the Washington State Aid Highway Act (Laws of 1936, Chapter 187, p. 760).

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, but this street vacation ordinance does not affect the rights of anyone, including any rights 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.

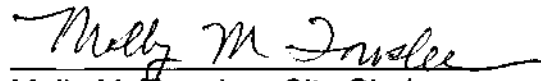
Section 4. This ordinance shall take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor
this 27th day of October, 2003.

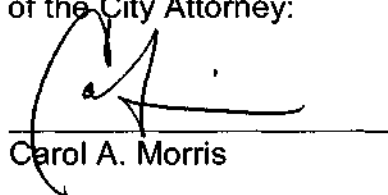
CITY OF GIG HARBOR

By: 
Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

By: 
Molly M. Fowslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney:

By: 
Carol A. Morris

FILED WITH THE CITY CLERK: 10/17/03
PASSED BY THE CITY COUNCIL: 10/27/03
PUBLISHED: 11/5/03
EFFECTIVE DATE: 11/10/03

9409 N. Harborview Dr.
Gig Harbor, WA 98332
August 7, 2003

Mr. Mark Hoppen
City Administrator
3510 Grandview Street
Gig Harbor, WA 98335

Dear Mr. Hoppen:

We, Douglas H. and Jeanette M. Sorensen (husband and wife), are petitioning the City of Gig Harbor to vacate the portion of Rust Street that is adjacent to our property, tax parcel no. 2260000200.

The legal description for our property is as follows:

Lots 1 through 4, inclusive, in Block 5 of Plat of the Town of Artna, according to Plat recorded in Book 5 of Plats at page 58, in Gig Harbor, Pierce County, Washington.

TOGETHER with that portion of vacated Otter Street adjoining, which upon vacation, attached to said premises by operation of law.

Situate in the City of Gig Harbor, County of Pierce, State of Washington.

The legal description for the Rust Street vacation is as follows:

That portion of the south half of vacated Rust Street in the Northwest Quarter of the Northwest Quarter of Section 5, Township 21 North, Range 2 East, W.M. abutting Lots 1 through 4, Block 5, Artna Addition, according to the plat thereof on file in Volume 5 of Plats, Page 68, records of Pierce County, Washington.

Situate in the City of Gig Harbor, County of Pierce, State of Washington.

Attached is a portion of the original plat of the Town of Artna showing the requested vacation area.

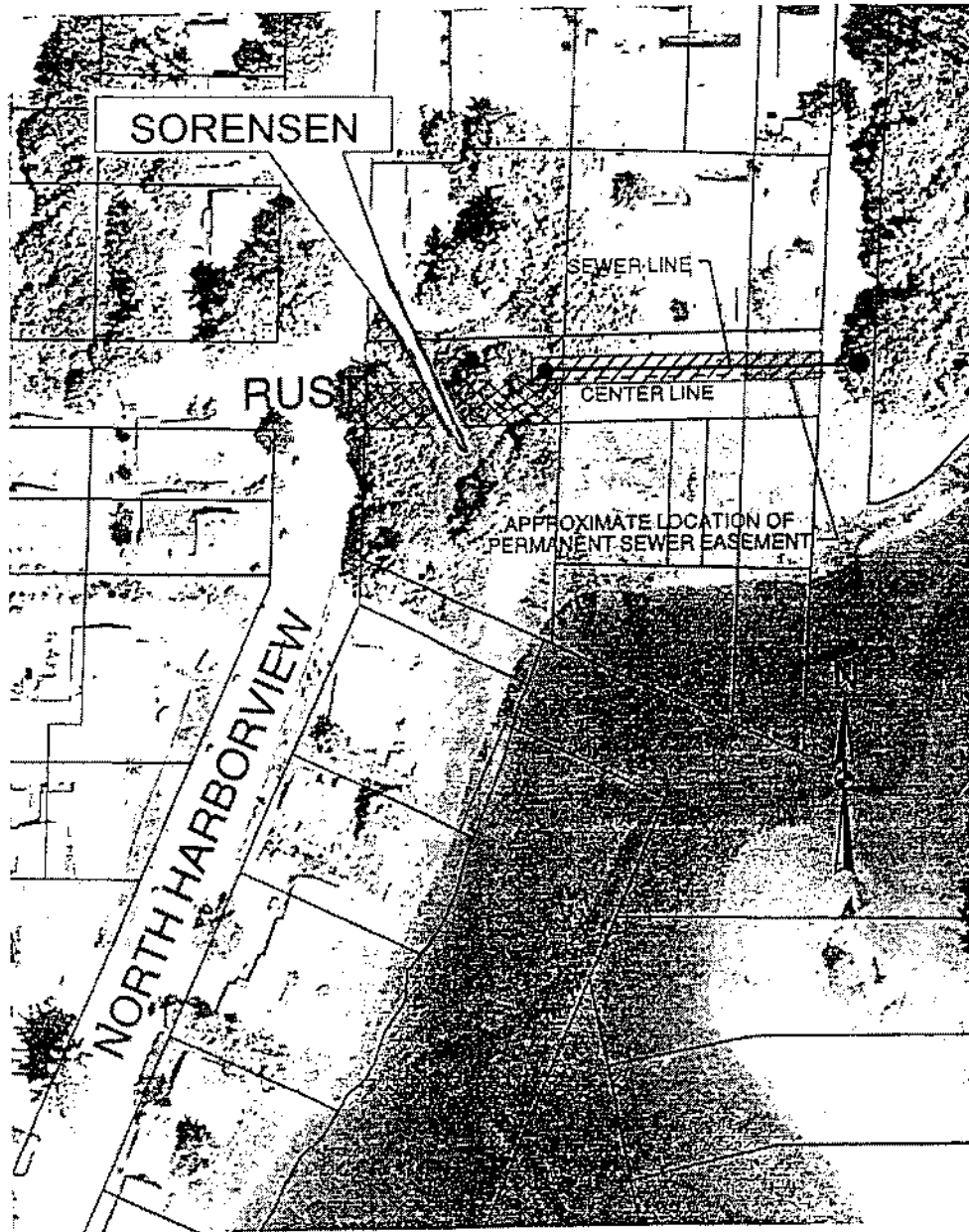
Enclosed is a check to the City of Gig Harbor for \$150 to cover the required fee.

Sincerely,


Douglas H. Sorensen


Jeanette M. Sorensen

EXHIBIT A



SORENSEN STREET VACATION

EXHIBIT B