

ORDINANCE NO. 777

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, VACATING THAT PORTION OF
WOLLOCHET DRIVE NORTHWEST LYING SOUTHWEST
OF STATE ROUTE-16.**

WHEREAS, the City Council passed Resolution No.506 establishing a Public Hearing Date of November 24, 1997, as rescheduled from November 10, 1997, as the date for a public hearing on a petition for the vacation of that portion of Wollochet Drive Northwest, lying southwest of State Route-16; and

WHEREAS, this public hearing was re-scheduled, pursuant to all requisite public notice, on November 10, 1997; and

WHEREAS, the hearing was held as re-scheduled and the Council heard testimony from all persons who expressed a desire to speak on the vacation; and

WHEREAS, after considering any and all such testimony, the Council decided to vacate the right-of-way as requested, subject to the payment of appropriate compensation to the City, now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. Adoption of Findings and Conclusions. Pursuant to Section 12.14.012 of the Gig Harbor Municipal Code, the Council makes the following findings and conclusions in support of vacation:

A. FINDINGS

1. The right-of-way proposed for vacation is that portion of Wollochet Drive Northwest, lying southwest of State Route-16. The right-of-way was not acquired at public expense.
2. The right-of-way proposed for vacation is currently unimproved and does not have any utilities.
3. Vacating the right-of-way will place land which is not usable by the City back on the tax rolls, and will relieve the City of any and all responsibility for the right-of-way.
4. The vacation has been requested by a petition signed by the owner of the properties abutting the right-of-way.
5. The value of the right-of-way will be determined by an independent, professional appraisal in accordance with Sections 12.14.004B and 12.14.006 of the Gig Harbor Municipal Code. The petitioners have agreed to pay this amount to the City, as provided in RCW 35.79.030 and Section 12.14.020 of the Gig Harbor Municipal Code.
6. The availability of access to public right-of-way will not be affected by this request for vacation.

B. CONCLUSIONS

1. The City Council has the authority to consider street vacations pursuant to Chapter 35.79 RCW and Chapter 12.14 of the Gig Harbor Municipal Code.
2. The proposed vacation will provide a public benefit and be for a public purpose in that it will return land which is not usable by the City to the tax rolls, and will provide the City with compensation for unusable land.

3. The vacation of the right-of-way will not adversely affect the street pattern or circulation in the immediate area or the community as a whole. Access to public right-of-way will not be affected by the right-of-way vacation.

4. The vacation will not adversely affect the public need, nor is the right-of-way contemplated or needed for future public use other than for construction, repair, and maintenance of future public utilities and services.

5. The right-of-way should be vacated, subject to the petitioners compensating the City in the amount of the appraised value, as set forth in the above findings, and as required by Section 12.14.020 of the Gig Harbor Municipal Code and satisfactory to the City's Public Works Director.

Section 2. Right-of-Way Vacated - Compensation. That certain dedicated right-of-way commonly known as Wollochet Drive Northwest, lying southwest of State Route-16, and depicted on the map attached as Exhibit A, and incorporated herein by this reference as if set forth in full, is hereby vacated, subject to the petitioners compensating the City in the amount of the appraised value as determined in accordance with Section 1, and the amount of the appraisal for the property, and subject to an easement to the City, satisfactory to the City Public Works Director, for construction, repair, and maintenance of future public utilities and services.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, provided, that the vacation contemplated by this ordinance shall not become effective and this ordinance shall not be recorded until the petitioners compensate the City as provided above. Upon receipt of the

required compensation, the City Clerk is directed to record a certified copy of this ordinance with the Pierce County Auditor.

PASSED by the City Council and APPROVED by the Mayor this 8th day of December, 1997.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 11/18/97
PASSED BY THE CITY COUNCIL: 12/8/97
PUBLISHED: 12/17/97
EFFECTIVE DATE: 12/22/97
ORDINANCE NO. 777

SUMMARY OF ORDINANCE NO. 777
of the City of Gig Harbor, Washington

On December 8, 1997, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 777, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THAT PORTION OF WOLLOCHET DRIVE NORTHWEST LYING SOUTHWEST OF STATE ROUTE-16.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of December 8, 1997.

CITY CLERK, MOLLY TOWSLEE

EXHIBIT A

TRACT A

Commencing at the northerly corner of parcel APN 0221074052, thence southwesterly along said parcel's westerly boundary line to the southwest corner of the parcel, thence westerly along an extension of said parcel's southerly boundary line to its intersection with a line offset seventy (70) feet south and east of, and parallel to, the centerline of Wollochet Drive NW as depicted on Sheet 9 of that certain Map of Definite Location entitled SR16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970, thence northeasterly along said offset line to its intersection with a line extending west from the northerly corner of Parcel APN 0221074052 and parallel to the southerly boundary line of said parcel, to the Turnback Line and the POINT OF BEGINNING. Subject to an easement for street and utility, construction, repair, and maintenance over the above described tract.

TRACT B

Commencing at the northwesterly corner of parcel APN 0221078002, thence southwesterly along said parcel's westerly boundary line to the southwest corner of the parcel, thence westerly along an extension of said parcel's southerly boundary line to its intersection with a line offset seventy (70) feet south and east of, and parallel to, the centerline of Wollochet Drive NW as depicted on Sheet 9 of that certain Map of Definite Location entitled SR16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970, thence northeasterly along said offset line to its intersection with the westerly extension of the northerly boundary line of said parcel, thence easterly along said extension of northerly boundary line to the POINT OF BEGINNING. Subject to an easement for street and utility, construction, repair, and maintenance over the above described tract.

TRACT C

Commencing at the northwesterly corner of parcel APN 0221078001, thence southwesterly along said parcel's westerly boundary line for a distance of 140.00 feet to a point on said boundary line, thence northwesterly along a line perpendicular to a line offset seventy (70) feet south and east of, and parallel to, the centerline of Wollochet Drive NW as depicted on Sheet 9 of that certain Map of Definite Location entitled SR16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970, to said offset line, thence northeasterly along said offset line to its intersection with the westerly extension of the northerly boundary line of said parcel, thence easterly along said extension of northerly boundary line to the POINT OF BEGINNING. Subject to an easement for street and utility, construction, repair, and maintenance over the above described tract.

EXHIBIT A

TRACT D

That portion of the westerly 30 feet of the 38th Avenue NW right of way adjacent to parcel APN 0221074073 and bounded on the south by the southeasterly extension of said parcel's southerly boundary line, and bounded on the east by the centerline of 38th Avenue NW, and bounded on the north by the southerly SR16 Right of Way line as depicted on Sheet 9 of that certain Map of Definite Location entitled SR16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970. Subject to an easement for ingress and egress, and utility construction and maintenance over the above described tract.