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5-20-2002 10:05 am \$20.00
PIERCE COUNTY, WASHINGTON

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CITY OF GIG HARBOR

Return Address:
City Clerk
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Please print legibly or type information.

Document Title(s) (Or transaction contained therein):
 1. **STREET VACATION – ERICKSON STREET.**
 2.
 3.
 4.

Grantor(s) (Last name first, then first name and initials):
 1. **CITY OF GIG HARBOR**
 2.
 3.
 4.
 5. Additional Names on Page ___ of Document.

Grantee(s) (Last name first, then first name and initials):
 1. **SPINNAKER RIDGE COMMUNITY ASSOCIATION**
 2.
 3.
 Additional Names on Page ___ of Document.

Legal Description (Abbreviated: i.e., lot, block, plat; or section, township, range):
 The 60' ROW within the common area contained in the following: The South half
 Of the Northeast Quarter of the southwest Quarter of Section 8, Township 21 North, Range 2 E...
 Legal Description is on Page 7 of Document.

Reference Number(s) (Of documents assigned or released):

 Additional Reference numbers on Page 9 of Document.

Assessor's Property Tax Parcel/Account Number
02-21-08-

The Auditor/Recorder will rely on the information provided on this cover sheet. The staff will not read the Document to verify the accuracy or completeness of the indexing information provided herein.

10

ORDINANCE NO. 901

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
GIG HARBOR, WASHINGTON, VACATING THE PORTION
OF ERICKSON STREET, LYING BETWEEN MCDONALD
AVENUE AND SOUNDVIEW DRIVE, LOCATED IN THE
SPINNAKER RIDGE PLANNED UNIT DEVELOPMENT IN
GIG HARBOR, WASHINGTON.**

WHEREAS, the Spinnaker Ridge planned unit development (“PUD”) was approved by the City of Gig Harbor in September of 1985; and

WHEREAS, Spinnaker Ridge was approved upon condition that Erickson Street, a public street located entirely within the PUD, would be constructed to meet public works standards; and

WHEREAS, the developer of the Spinnaker Ridge PUD constructed Erickson Street as required by the PUD conditions, and dedicated the Street and a 60-foot wide right-of-way to the City upon plat approval; and

WHEREAS, included in the Spinnaker Ridge approval was the provision that while Erickson Street would not be constructed as a through street at that time, the City Council reserved its ability to open Erickson Street at a later date to make it a through street; and

WHEREAS, the City Council recently considered the question whether or not the street would be opened as a through street; and

WHEREAS, the residents of Spinnaker Ridge objected to the opening of Erickson Street as a through street and other members of the public supported the through street concept; and

WHEREAS, the City Council considered various options to the opening of Erickson Street, one of which was to vacate the easement for public travel on the Street and turn over ownership, maintenance and operation of the Street to the residents of Spinnaker Ridge; and

WHEREAS, the City Council thereafter passed Resolution No. 574 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 November 13, 2001, and at the conclusion of such hearing determined that the aforementioned right-of-way should be vacated; Now, Therefore,

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

Section 1. Findings and Conclusions. Pursuant to GHMC Section 12.14.018(D), the City Council makes the following findings and conclusions:

A. **Erickson Street wasn't acquired at City expense.** Erickson Street was constructed by the developer of Spinnaker Ridge and later dedicated to the City.

B. **Erickson Street isn't needed for public vehicular travel.** Erickson Street is a local access road only and is not a through street. The persons using Erickson Street for vehicular travel are the residents of Spinnaker Ridge, their families, friends and persons providing services and goods to those residents.

The City has no future need for Erickson Street in the City's street system. No improvements were planned for Erickson Street in the City's Six-year Road Plan or the City's Transportation Comprehensive Plan. The configuration of Erickson Street (if left unopened) and the development

of surrounding properties precludes any use by the City of Erickson Street as any thing other than a local access street for the Spinnaker Ridge planned unit development.

C. Costs associated with Erickson Street. The costs associated with Erickson Street involve those costs related to street maintenance activities that the City performs on all City streets, such as street sweeping, sealing and snow removal.

D. Gate to be Installed. As a condition of a street vacation, and to ensure that emergency vehicle access to the surrounding area is not impaired, Pierce County Fire District No. 5 has recommended that the existing gate across Erickson Street at McDonald Avenue be made automatic with opticom controls and Knox controls on both the East and West sides of the gate. The Fire District has asked that the design of the gate, including a site plan and specifications be approved by them prior to installation. These Fire District requests are documented in a letter dated November 1, 2001 to Dave Brereton, Interim Public Works Director, from Steve Bowman, Prevention Specialist, Fire District No. 5. Installation of the gate is to be completed within 90 days of completion of the vacation.

Section 2. Street Vacated. After making the above findings regarding the proposed street vacation, the City Council finds that the easement for public vehicular travel on Erickson Street, as the Street is more particularly described in Exhibit A, shall be vacated upon the conditions set forth herein.

Section 3. Reservation of Easement. The City Council finds that after the easement for public vehicular travel is vacated in Erickson Street, the City shall retain an easement in the street for the following purposes: public pedestrian travel; existing or future public utilities, including but not

limited to: water, sewer, storm, electricity, gas, telephone, and cable services for the 60 foot right-of-way area of Erickson Street, as it is currently configured and legally described in Exhibit A.

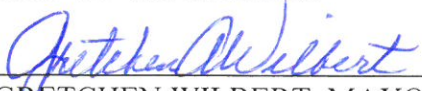
Section 4. No Payment Required. Pursuant to GHMC Section 12.14.018, this vacation does not require the payment by the property owners to the City, as the City Council has made a finding (in Section 1) that the street vacation meets the criteria in GHMC 12.14.018(D).

Section 5. Installation of Controls on Gates. The Spinnaker Ridge Homeowners' Association shall be allowed three months from the date of this Ordinance to install the type of gate(s) recommended by Pierce County Fire District No. 5.

Section 6. Effective Date. If the Spinnaker Ridge Homeowner's Association provides proof of installation of the gate controls and approval by the Fire District within three months of the date of this Ordinance, the street vacation shall be effective. Otherwise, this street vacation shall be null and void. After receipt of such proof, the City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor. This ordinance shall take effect five days after publication, which shall take place only after the above street vacation conditions have been satisfied as required herein.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 25th day of February, 2002.

CITY OF GIG HARBOR



GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: 

MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By:



CAROL A. MORRIS

FILED WITH THE CITY CLERK: 11/8/01
PASSED BY THE CITY COUNCIL: 2/25/02
PUBLISHED: 3/6/02
EFFECTIVE DATE: 3/11/02

EXHIBIT 'A'

LEGAL DESCRIPTION

The 60' right-of-way within the the common area contained in the following:

The South half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 21 North, Range 2 East of the Willamette Meridian, in Gig Harbor, Pierce County, Washington.

EXCEPT the North Half of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of said Section 8. ALSO EXCEPT the following described property:

BEGINNING at the Northeast corner of the South Half of the Northeast Quarter of the Southwest Quarter of said Section 8; THENCE along the North line of said subdivision S $89^{\circ}56'05''$ W, 343 feet; THENCE S $01^{\circ}00'51''$ W, parallel with the East line of said subdivision, 484 feet; THENCE N $89^{\circ}56'05''$ E, 343 feet to the East line of said subdivision; THENCE along said East line N $01^{\circ}00'51''$ E, 484 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPT the East 30 feet for Wickersham County Road. ALSO EXCEPT the following described property;

COMMENCING at the Northeast corner of said South Half of the Northeast Quarter of the Southwest Quarter of Section 8; THENCE along the North line of said subdivision S $89^{\circ}56'05''$ W, 30 feet to the West line of (Wickersham County Road) Soundview Drive NW; THENCE continuing S $89^{\circ}56'05''$ W, along said North line, 313.00 feet; THENCE S $01^{\circ}00'51''$ W, parallel with the East line of said subdivision, 95.00 feet to the TRUE POINT OF BEGINNING; THENCE N $23^{\circ}56'57''$ W, 71.07 feet; THENCE N $89^{\circ}56'05''$ E, 30.00 feet to a point that bears N $01^{\circ}00'51''$ E from the TRUE POINT OF BEGINNING; THENCE S $01^{\circ}00'51''$ W, 64.99 feet to the TRUE POINT OF BEGINNING. TOGETHER WITH the North Half of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of said Section 8, in Gig Harbor, Pierce County, Washington. SUBJECT TO AND TOGETHER WITH all easements of record.

After Recording Return to:
David D. Gordon
P.O. Box 1189
Gig Harbor, WA 98335

200201180539 3 pg
1-18-2002 12:52pm \$11.00
PIERCE COUNTY, WASHINGTON

EASEMENT

Reference Nos. of Documents Related: 8507250151

Grantor: Spinnaker Ridge Community Association

Grantee: Vincent M. Skansie & Olive L. Skansie, husband and wife and the heirs at law of John A. Paglia, deceased

Abbreviated Legal Description: Gov. Lots 5A & 6 in <8-21N-2E

Assessor's Property Tax/Parcel Account Nos.: 221080-3149, 022108-3150

WHEREAS, the undersigned, anticipating the vacation of a portion of Erickson Street in the City of Gig Harbor, Pierce County, Washington; and desiring that the existing access of any property owner dependent upon Erickson Street for access to Gig Harbor city streets not be eliminated by reason of such vacation, intends hereby to provide an access easement from Soundview Drive to the benefited parcels of property (Exhibit I) via an easement recorded under Pierce County Auditor's Fee Number 8507250151 upon the vacation by the City of Gig Harbor of that portion of Erickson Street between Soundview Drive and McDonald Avenue.

That is, the Spinnaker Ridge Community Association, a Washington not for profit association, incorporated pursuant to RCW 24.03, quit claims and conveys to the present owners of the real property described in Exhibit I, attached, their successors and assigns, to the extent of grantor's present interest and any interest hereinafter acquired, an

Easement for ingress and egress over and across that portion of Erickson Street east of a line described as follows:

Commencing at the southeast corner of the southeast quarter of the northeast quarter of the southwest quarter of Section 8, Township 21 North, Range 2 East, W.M., Pierce County, Washington;

Thence North 88°40'15" west along the south line of said subdivision, a distance of 360.41 feet; thence continuing north 88°40'15" west along said south line, a distance of 65.13 feet;

Thence north 24°13'13" East, 27.74 feet to a point of curvature;

Thence northeasterly and northwesterly along said curve to the left having a radius of 25.00 feet, through a central angle of 79°30'31", an arc length of 34.69 feet to a point of cusp;

EXCISE TAX EXEMPT DATE 1-18-02
Pierce County

By PO Auth. Sig

Thence southeasterly along a curve to the left the center of which bears north 34°42'42" east, a distance of 277.05 feet, through a central angle of 20°58'59", an arc length of 101.46 feet to a point of cusp and the POINT OF BEGINNING of this line description;

Thence northeast 60 feet to the northern edge of Erickson Street and the terminus of this line description.

This easement shall be effective on and after the vacation of Erickson Street between Soundview Drive and McDonald Avenue by the City of Gig Harbor.

DATED this 15th day of January, 2002.

SPINNAKER RIDGE COMMUNITY ASSOCIATION

By: Jane Templeton
Jane Templeton, Secretary

By: John D. Gorow
JOHN GOROW, President

STATE OF WASHINGTON)

County of Pierce) : ss.

On this 15th day of January, 2002, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **John Gorow** and Jane Templeton to me known to be the President and Secretary respectively, of SPINNAKER RIDGE COMMUNITY ASSOCIATION, a Washington Not for Profit Association, that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said association, for the uses and purposes therein mentioned, and on oath state that they are authorized to executed the said instrument and that the seal affixed is the corporate seal of said association.

WITNESS MY HAND and official seal hereto affixed the day and year first above written.



Sheila P. Hanson
NOTARY PUBLIC in and for the
State of Washington, residing
at Gig Harbor
My appointment expires on: 01-09-06

**EXHIBIT I to
GRANT OF EASEMENT**

Legal Description of the property benefited:

A portion of government Lot 5A and 6 of Gig Harbor abandoned military reservation, in the southeast quarter of the southwest quarter of Section 8, Township 21 North, Range 2 East of the W.M. in Pierce County, Washington, more particularly described as follows:

The West half of the North half of the North half of the North half of Government Lot 5-A and the North half of the North half of the North Half of Government Lot 6 of Gig Harbor abandoned military reservation in the Southeast Quarter of the Southwest Quarter of Section 8, Township 21 North, Range 2 East of the W.M. in Pierce County, Washington.