

**ORDINANCE NO. 906**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
GIG HARBOR, WASHINGTON, VACATING THE PORTION  
OF SUTHERLAND STREET AND PRENTICE AVENUE  
LYING BETWEEN PEACOCK HILL AVENUE AND  
WOODWORTH AVENUE.**

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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 any rights anyone, including the public may have acquired in the right-of-way since the street was vacated by operation of law; and

WHEREAS, the portion of Sutherland Street and Prentice Avenue are subject to this vacation request was created in the Plat of Woodworth's Addition, recorded in the records of Pierce County in 1890; and

WHEREAS, the referenced portions of street rights-of-way have never been opened or improved as a public street; and

WHEREAS, the referenced portions of street rights-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. 585 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 March 25, 2002, and at the conclusion of such hearing determined

that the aforementioned rights-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 portions of the platted Sutherland Street and Prentice Avenue rights-of-way have been 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Chapter 19 (Relating to County Roads), Section 32, p. 603, as Amended By Laws of 1909, Chapter 90, Section 1, p. 189, repealed in 1936 by the Washington State Aid Highway Act (Laws of 1936, Chapter 187, p. 760). These portions of Sutherland Street and Prentice Avenue, lying between Peacock Hill Avenue and Woodworth Avenue, abutting property at 9409 Woodworth Avenue, Parcel No. 981500-021-0, attached hereto as legally described and shown in Exhibit A and incorporated by this reference and as shown on the aerial Ortho photo as depicted on 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, but this street vacation ordinance does not affect any rights anyone, including 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 8<sup>th</sup> day of April, 2002.

CITY OF GIG HARBOR

By: *Gretchen Wilbert*  
Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM:  
Office of the City Attorney:

By: \_\_\_\_\_  
Carol A. Morris

FILED WITH THE CITY CLERK: 3/20/02  
PASSED BY THE CITY COUNCIL: 4/8/02  
PUBLISHED: 4/17/02  
EFFECTIVE DATE: 4/22/02