

201903140493 RJOHNSO 5 PGS
03/14/2019 03:13:22 PM \$103.00
AUDITOR, Pierce County, WASHINGTON

AFTER RECORDING RETURN TO:

The City of Gig Harbor
Attn: City Clerk
3510 Grandview St.
Gig Harbor, WA 98335

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM

Document Title(s) (or transactions contained therein):

Ordinance No. 1412 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF WOODWORTH AVENUE ABUTTING LOT 5 IN BLOCK 5 OF WOODWORTH'S ADDITION TO GIG HARBOR CITY.

Grantor(s) (Last name first, then first name and initials)

Richard L. Ammerman

Grantee(s) (Last name first, then first name and initials)

City of Gig Harbor

Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)

Section 06, Township 21, Range 02, Quarter 11

Assessor's Property Tax Parcel or Account number: 9815000181

Reference number(s) of documents assigned or released: _____

ORDINANCE NO. 1412

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF WOODWORTH AVENUE ABUTTING LOT 5 BLOCK 5 OF WOODWORTH'S ADDITION TO GIG HARBOR CITY.

WHEREAS, Richard L. Ammerman petitioned the City to vacate a portion of Woodworth Avenue, which abuts their property at 9114 Prentice Avenue, Gig Harbor, Washington, under the nonuser statute, RCW 36.87.090 and GHMC Section 12.14.018(C); and

WHEREAS, the portion of this street subject to the vacation petition was platted in the Woodworth's Addition to Gig Harbor City, recorded in the records of Pierce County on August 22, 1890; and

WHEREAS, in 1890, this street was in unincorporated Pierce County; and

WHEREAS, the portion of Woodworth Avenue subject to the vacation petition was not included in any street that was opened or improved within five years after the original platting in 1890; and

WHEREAS, under RCW 36.87.090, any county road which remained unopened for public use for five years after platting was vacated by lapse of time; and

WHEREAS, the City's street vacation procedures for streets subject to the nonuser statute merely eliminates the cloud on the title created by the plat, because the street has already vacated by lapse of time and operation of law; and

WHEREAS, after receipt of the street vacation petition, the City Council passed Resolution No. 1138 initiating the procedure for the vacation of the referenced street and setting a hearing date; and

WHEREAS, a Road Easement Agreement (driveway easement) (AFN 20181002005), benefitting Parcel No. 9815000170 runs through the property vacation area; and

WHEREAS, after the required public notice had been given, the City Council conducted a public hearing on the matter on February 25, 2019, 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 Woodworth Avenue Right-of-Way described in the Ammerman street vacation petition has vacated by lapse of time and operation of law under RCW 36.87.090. The vacated portion of Woodworth Avenue, of the Woodworth's Addition to Gig Harbor City, Parcel Number 9815000181, are legally described in Exhibit A attached hereto and incorporated by this reference, and shown on the map attached hereto as 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. This street vacation ordinance does not affect any existing rights, including any 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 26th day of March, 2018.

CITY OF GIG HARBOR

By:


Mayor Pro Tem Franich

ATTEST/AUTHENTICATED:

By:


Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney:

By:


Daniel Kenny

FILED WITH THE CITY CLERK: 02/19/19
PASSED BY THE CITY COUNCIL: 03/11/19
PUBLISHED: 03/14/19
EFFECTIVE DATE: 03/19/19

**EXHIBIT A
LEGAL DESCRIPTION**

Source: Thornton Land Surveying Inc.



8803 State Highway 16
PO Box 249
Gig Harbor, WA 98335
253 858 8106
253 858 7466
thorntonls.com

**PROPOSED
LEGAL DESCRIPTION**

RIGHT-OF-WAY THAT WILL ATTACH BY OPERATION OF LAW TO AMMERMAN ADJOINER FOLLOWING VACATION OF A PORTION OF WOODWORTH AVENUE, GIG HARBOR, WASHINGTON, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, W. M., IN THE CITY OF GIG HARBOR, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE EAST HALF OF WOODWORTH AVENUE, PER THE PLAT OF WOODWORTH'S ADDITION TO GIG HARBOR CITY, RECORDED IN VOLUME 5 OF PLATS AT PAGE 66, RECORDS OF PIERCE COUNTY, WASHINGTON, ADJACENT TO AND ABUTTING LOT 5, BLOCK 5 OF SAID PLAT.

EXHIBIT B

SURVEY MAP

EXHIBIT MAP

TAX PARCEL NO. 9815000170
9126 PRENTICE AV

AREA OF ROAD EASEMENT AFN 20181002008,
BENEFITTING PARCEL 9815000170
OVER EXISTING CONCRETE DRIVEWAY.

