ORDINANCE NO. 1-243

AN ORDINANCE of the City of Kent vacating certain real property located within a city street or alley within the City Limits of the City of Kent.

WHEREAS, the owners of more than two-thirds of certain real property which abuts upon a city street or alley located in the City of Kent, County of King, State of Washington, and which is more fully described hereafter, have petitioned the Kent City Council to vacate said real property, and

WHEREAS, thereafter the Kent City Council did by Resolution No. 536, passed on the 15th day of March, 1965, fix a time when said Petition would be heard and determined by the Kent City Council or a committee thereof, to-wit: Monday, the 5th day of April, 1965, at the hour of 8:00 P.M. o'clock in the Council Chambers of the City Hall of the City of Kent, Washington, a date which was not more than sixty (60) days nor less than twenty (20) days after the date of the passage of said Resolution, and

WHEREAS, after the passage of said Resolution, the City Clerk of the City of Kent gave twenty (20) days notice of the pendency of said Petition by a written notice posted in three of the most public places in the City of Kent and a like notice in a conspicuous place on the street or alley sought to be vacated; said notice containing the information required therein by the laws of the State of Washington and the Ordinances of the City of Kent, and

WHEREAS, said petitioners when filing their said Petition with the Kent City Clerk accompanied it with the required street and alley vacation permit fee of $50.00, and

WHEREAS, the Kent City Engineer has processed the said Petition and secured the technical facts pertinent to the question of said vacation which includes a sketch of the proposed vacation and also written approval or rejection thereof by the water, sewer and street departments of the City of Kent, and

-1-
WHEREAS, thereafter said Petition along with said technical information, was referred to the Planning Commission of the City of Kent for consideration at its next regular meeting; said Planning Commission recommending favorably on said Petition, and

WHEREAS, thereafter the hearing on said Petition was held in the Council Chambers of the City Hall of the City of Kent at 8:00 o'clock P.M. on the 5th day of April, 1965, and it appearing further that the granting of said Petition for the vacation of a portion of said real property will not be a menace or inconvenience to the travelling public or to any other persons using the streets and alleys in the City of Kent, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT DO ORDAIN as follows:

Section 1. That subject to the reservations set forth in Section 2 hereof, the following described real property which is within a city street or alley within the City of Kent, Washington, and which is more fully described herewith:

The South 53 feet of 72nd Avenue South lying Northerly of the South line of Lot 15, O'Brien Station Garden Tracts No. 2, as recorded in Volume 15 of Plats, page 66, records of King County, Washington, located in the City of Kent, County of King, State of Washington, is hereby vacated and will hereafter belong to the abutting property owners one-half (1/2) to each.

Section 2. The City does hereby reserve unto itself, its successors or assigns a thirty (30) foot underground sanitary sewer easement beneath said vacated property. The owners of the portions of 72nd Avenue South herein vacated shall retain the right to use the surface of said easement so long as said use does not interfere with the installation and maintenance of a sanitary sewer by the City of Kent. A railroad spur or spur crossing shall not be deemed to interfere with the installation and
maintenance of any such sanitary sewer. Said easement shall cease and terminate when it is no longer required for sanitary sewer purposes by the City of Kent or unless an alternate sewer easement satisfactory to the City of Kent is hereafter acquired by said City.

Section 3. No vested rights shall be affected by the provisions of this Ordinance.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

Attest:

CHARLES BRIDGES, City Clerk

Approved as to form:

JOHN B. BERTLER, City Attorney

PASSED the 19 day of April, 1965.

APPROVED the 20 day of April, 1965.

PUBLISHED the 21 day of April, 1965.