ORDINANCE NO. 2830

AN ORDINANCE of the City of Kent, Washington, relating to the vacation of streets and alleys, vacating certain property within the city limits of the City of Kent at Waterman Avenue between Fifth Avenue and Union Pacific Railway, located between Lot 6 and Lot 7 of Waterman's Acre Tracts to Kent.

WHEREAS, a proper application was filed with the City of Kent for vacation of a portion of dedicated public street of the City; and

WHEREAS, the City Council, by Resolution 1137, fixed a time when said petition would be heard and said hearing was held, on proper notice, on July 21, 1987, at 7 p.m. in the Council Chambers of the City Hall of the City of Kent, Washington; and

WHEREAS, the Kent Planning Director processed said petition and secured 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 Public Works Department of the City of Kent; and

WHEREAS, on October 20, 1987 and January 19, 1988, the Kent City Council granted extensions to complete the required vacation conditions necessary for the development of the site; and

WHEREAS, on July 21, 1988, the Kent City Council approved, subject to payment of one-half of the appraised value of said property, obtaining any necessary permits, and review by the Planning or other appropriate departments, the application of Vernon Gibson on behalf of Applewood Associates, Inc.; and

WHEREAS, the City is uncertain whether, during the pendency of these vacation proceedings, recorded and unrecorded interest affecting title, ownership, and use of the property may have interceded; and
WHEREAS, the applicant warranted and represents to the City that it has completed and obtained all necessary permits and reviews by City departments, including the Kent Planning and Public Works Departments; and

WHEREAS, the Public Works Department and Planning Director recommend approving the vacation subject to certain conditions of retaining utility easement rights, retaining the right to grant such easement rights to other public and private utility providers, and the right to construct, repair and maintain public utilities and service, and compensation to the City of one-half the appraised value of the property; and

WHEREAS, the applicant has agreed to hold the City harmless and to defend and indemnify the City against any and all liabilities or claims that may arise related to the vacation including any extensions granted; and

WHEREAS, it appears the granting of said petition should not be a menace or an inconvenience to the traveling public or to any other person using the streets or alleys of the City of Kent, Washington; and

WHEREAS, the City Council by resolution directed the preparation of an ordinance vacating that portion of said street; and

WHEREAS, the applicant has paid in full one-half of the appraised value of said property, that being Seventeen Thousand Two Hundred Sixty-Nine and 40/100 Dollars ($17,269.40); NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That portion of the property at Waterman Avenue between Fifth Avenue and Union Pacific Railway, located between Lot 6 and Lot 7 of Waterman's Acre Tracts to Kent, and more fully described as set forth in Exhibit A, incorporated herein by this reference, is hereby vacated, reserving, however,
an easement for drainage, an easement for overhead or underground utilities, and an easement for rights-of-way and the right to grant said easement rights to other public or private utility providers.

Section 2. No vested right shall be affected by the provisions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLERER, MAYOR

ATTEST:

BRENTA JACOBER, DEPUTY CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 17 day of January, 1989.
APPROVED the 18 day of January, 1989.
PUBLISHED the 20 day of January, 1989.

I hereby certify that this is a true copy of Ordinance No. 2330, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENTA JACOBER (SEAL) DEPUTY CITY CLERK
Legal Description

That portion of Waterman Avenue lying between South 5th Avenue and Union Pacific Railway, between Lots 6 and 7, of Waterman's Acre Tracts to City of Kent, Volume 17 of Plats, page 11, King County, Washington.