AN ORDINANCE of the City of Kent, Washington, relating to the vacation of streets, vacating certain property generally located at 63rd Avenue South adjacent to the south side of South 212th Street, more particularly described in Exhibit A, a street within the city limits of the City of Kent, subject to owner compliance with conditions.

WHEREAS, proper application was filed with the City of Kent for the vacation of a portion of certain property of the City of Kent; and

WHEREAS, the Kent City Council, by Resolution 1181, fixed a time when said petition would be heard and said hearing was held, on proper notice, on October 4, 1988, at the hour of 7 p.m. in the Council Chambers 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, approval or rejection thereof by the Public Works Department of the City of Kent; and

WHEREAS, the Public Works Department and the Planning Director recommend approving the vacation subject to certain conditions of retaining easement rights for utility purposes including therein but not limited to drainage channel and storm water storage purposes, retaining the right to grant such easement rights to other public or private utility providers, and the right to construct, repair and maintain public utilities and service and compensation to the City at the full fair market value of the vacated street in cash or real property of at least equivalent value; and

WHEREAS, it appears the granting of said petition would not be a menace or 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 directed the preparation of an ordinance vacating the portion of said street upon compliance with all conditions; and

WHEREAS, the applicant can meet all conditions required for approval of said vacation by executing a statutory warranty deed for real property of the equivalent fair market value of the vacated street; NOW, THEREFORE,

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

Section 1. That portion of certain property generally located at 63rd Avenue South adjacent to the south side of South 212th Street, and more fully described on the attached Exhibit A, incorporated herein by this reference, is hereby vacated, reserving, however, easement rights for utility purposes including, but not limited to, drainage channel and storm water storage purposes, 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, subject to receipt by the city of an executed statutory warranty deed for real property of the equivalent fair market value of the vacated street as approved by the City.

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

Section 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK
I passed the 20th day of June, 1989.

APPROVED the 26th day of June, 1989.

PUBLISHED the 26th day of June, 1989.

I hereby certify that this is a true copy of Ordinance No. 2851, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK
(SEAL)
A parcel of land being all that certain parcel of land as conveyed by Norman W. Clein, Jr. and Marlene Clein to the City of Kent by Statutory Warranty Deed, recorded December 7, 1966, Records of King County, Washington, and described in said Deed as follows:

That portion of the Southwest Quarter of the Northeast Quarter (SW¼NE¼) of Section 11, Township 22 North, Range 4 East of the Willamette Meridian, in King County, Washington, lying within a strip of land 60.00 feet in width, the centerline of which being described as follows:

Beginning at the intersection of the easterly margin of Russell Road with the centerline of South 212th Street;
thence South 88 degrees 01 minutes 56 seconds East along the centerline of South 212th Street, 1100.29 feet;
thence continuing along said centerline, South 85 degrees 26 minutes 51 seconds East, 879.64 feet to the TRUE POINT OF BEGINNING;
thence South 0 degrees 00 minutes 24 seconds East, 250.00 feet;
thence Southeasterly along a 10 degree curve to the left having a radius of 572.96 feet to an intersection with the North line of the South 995.28 feet of said Subdivision and the terminum of said centerline;
EXCEPT that portion thereof lying North of a line parallel with and 60.00 feet South, measured at right angles, of the centerline of right-of-way of said South 212th Street.