ORDINANCE NO. 3075

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the vacation of streets, vacating that portion of 104th Avenue S.E. in the City of Kent.

WHEREAS, application was filed with the City of Kent by abutting property owners for the vacation of a portion of 104th Avenue S.E. at the 252nd block within the city limits of the City of Kent; and

WHEREAS, the Kent City Council, by Resolution 1331 fixed a time when said petition would be heard and the hearing has been held with proper notice on November 17, 1992, at the hour of 7 p.m. in the City Council Chambers of the Kent City Hall; 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, a recommendation as to approval or rejection thereof by the Public Works Department, the City Police and Fire Departments, and Washington Natural Gas Company; and

WHEREAS, the Public Works Department and Planning Director recommended that the City Council approve the vacation upon the condition that the City be compensated one-half the full
appraised value of the vacated right-of-way as a Class "B" right-of-way under Ordinance 2333; and

WHEREAS, the City Council finds that the street sought to be vacated is: (1) an unopened dedicated street and not presently being used as a street; (2) not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation or education; (3) a Class "B" right-of-way under Ordinance 2333; and (4) a vacation which is in the public interest; NOW, THEREFORE,

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

Section 1. The portion of 104th Avenue S.E. sought to be vacated is: (1) an unopened dedicated street and not presently being used as a street; (2) not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation or education; (3) a Class "B" right-of-way under Ordinance 2333; and (4) a vacation which is in the public interest.

Section 2. That portion of 104th Avenue S.E. at the 252nd block in the City of Kent, which is mentioned in the petition for vacation by abutting property owners is hereby vacated upon the condition that the applicant compensate the City of Kent one-half the full appraised value of the vacated right-of-way as a Class "B" right-of-way under Ordinance 2333.

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

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days from the time of its final
passage as provided by law, subject to the fulfillment of all conditions contained herein.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 17 day of November, 1992.
COMPENSATION PAID the 19th day of November, 1992.
APPROVED the 18 day of November, 1992.
PUBLISHED the 23 day of November, 1992.
I hereby certify that this is a true and correct copy of Ordinance No. 3076, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

(SEAL)
EXHIBIT "A"

LEGAL DESCRIPTION

THE WEST 9 FEET OF THE EAST 50 FEET OF THE NORTH 171.08 FEET
OF THE EAST 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SEC. 20, TWP.
22N, RGE. 5E, WM.. ALL IN KING COUNTY STATE OF WASHINGTON.