ORDINANCE NO. 3088

AN ORDINANCE of the City of Kent, Washington, relating to the vacation of streets, vacating that portion of Pioneer Street, a dedicated and open street, from the easterly right-of-way line of State Avenue to the westerly right-of-way line of Kennebeck Avenue in the City of Kent.

WHEREAS, application was filed with the City of Kent by the Kent School District ("District"), as an adjacent landowner, for the vacation of a portion of a dedicated and opened segment of Pioneer Street from the easterly right-of-way line of State Avenue to the westerly right-of-way line of Kennebeck Avenue in the City of Kent and of a portion of Kennebeck Avenue that abuts Pioneer Street at the Northeasterly margin of the Kent School District's property; and

WHEREAS, the Kent City Council, by Resolution 1324 fixed a time when said petition would be heard and the hearing was held with proper notice on October 20, 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 included a sketch of the proposed vacation, and also, a recommendation as to approval or rejection thereof by the Public Works Department; and
WHEREAS, the Public Works Department and Planning Director recommended that the City Council deny the District's application; and

WHEREAS, the Public Works Department and Planning Director recommended that the City Council approve the vacation of a portion of the District's proposal based on the following conditions:

1. That the Council approve the vacation of just Pioneer Street from the easterly right-of-way line of State Avenue to the westerly right-of-way line of Kennebeck Street;
2. That the legal description for Pioneer Street be amended to include the strip of Pioneer Street right-of-way inadvertently left out;
3. That the City be compensated for the vacated areas at one-half the full appraised value thereof as a designated Class B Right-of-Way under City Ordinance No. 2333;
4. That the City either retain or require the petitioner to grant to the City an easement over, under and upon said vacated right-of-way for utility purposes;
5. That the City require the District to determine what private utility companies may have facilities within said right-of-way and grant them an easement for same and provide a letter of concurrence from the affected utilities denoting compliance with same;
6. That compliance with the above conditions must be complete in order for this vacation to become effective; and

WHEREAS, the District has now fulfilled all of the conditions imposed by Council; and
WHEREAS, the City Council finds that the street sought to be vacated is: (1) an opened, dedicated street and presently being used as a street; (2) not abutting on a body of water and therefore not suitable for acquisition for port purposes, boat moorage or launching sites, park, viewpoint, recreational or education purposes, or other public use; (3) a Class "B" right of way under Ordinance 2333; and (4) a vacation which is in the public interest; and

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

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

Section 1. That portion of Pioneer Street described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby vacated, EXCEPT that the City hereby reserves an easement over, under and upon said vacated right-of-way for utility purposes.

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

Section 3. This ordinance shall be in effect and be in force thirty (30) days from the time of its final passage as provided by law.

DAN KELLEHER, MAYOR
I hereby certify that this is a true and correct copy of Ordinance No. 3088, 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, CITY CLERK
A tract of land in the Northeast quarter of the Northeast quarter of Section 24, Township 22 North, Range 4 East of the Willamette Meridian, being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 24;
THENCE South 01° 15' 23" West, along the East line of said Section 24, a distance of 645.97 feet, to the North line of Pioneer Street as established in McMillin's Addition to Kent, according to the plat recorded in Volume 7 of Plats, page 58, Records of King County, Washington, said point being the TRUE POINT OF BEGINNING;
THENCE CONTINUING South 01° 15' 23" West, along the East line of said Section 24, a distance of 124.42 feet, to the intersection of the Easterly extension of the South line of Lots 1 through 11, Block 20, of Washington Central Improvement Company's First Addition to Kent, according to the plat recorded in Volume 3 of Plats, page 97, Records of King County, Washington;
THENCE South 89° 49' 47" West, along said extension of the South line of Lots 1 through 11, a distance of 33.46 feet, to the Southeast corner of Lot 11, Block 20 of said Washington Central Improvement Company's First Addition;
THENCE North 00° 42' 00" East, along the East line of said Lot 11 and the extension thereof, 95.33 feet, to South line of Pioneer Street as established in said McMillin's Addition to Kent;
THENCE North 88° 38' 12" West, along said South line of Pioneer Street, 340.07 feet, to the intersection of a Northerly extension of the West line of Lot 1, Block 20 of said Washington Central Improvement Company's First Addition;
THENCE North 00° 47' 04" East, along said extension, 30.00 feet, to the North line of Pioneer Street as established in said McMillin's Addition to Kent;
THENCE South 88° 38' 12" East, along said North line of Pioneer Street, 374.69 feet, to the TRUE POINT OF BEGINNING.

Said tract contains 14,455 square feet or 0.332 acres, more or less.
LEGAL DESCRIPTION:

Parcel 1:

A tract of land in the Northeast quarter of the Northeast quarter of Section 24, Township 22 North, Range 4 East of the Willamette Meridian, being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 24;

THENCE South 01° 15' 23" West, along the East line of said Section 24, a distance of 645.97 feet, to the Southeast corner of Block 4 of McMillin’s Addition to Kent and the North right-of-way line of Pioneer Street, according to the plat recorded in Volume 7 of Plats, Page 58, records of King County, Washington;

THENCE North 88° 38’ 12" West, along the South line of said Block 4, a distance of 34.67 feet, to the intersection of the Northerly extension of the East line of Lot 11, Block 20 of Washington central Improvement Company’s First Addition to Kent, Washington, according to the plat recorded in Volume 3 of Plats, page 97, records of King County, Washington said point being the TRUE POINT OF BEGINNING;

THENCE South 00° 42’ 00" West, along said Northerly extension, 30.00 feet to the South right-of-way line of Pioneer Street as established in said McMillin’s Addition;

THENCE North 88° 38’ 12" West, along said South right-of-way line, 340.07 feet to the intersection of the Northerly extension of Lot 1 of said Block 20;

THENCE North 00° 47’ 04" East, along said Northerly extension, 30.00 feet to the North right-of-way line of said Pioneer Street;

THENCE South 88° 38’ 12" East, along said North right-of-way line, 340.03 feet to the TRUE POINT OF BEGINNING;

Said parcel contains 10,202 square feet, more or less.

Parcel 2:

That portion of the tract of land conveyed to the City of Kent under King County Auditor’s No. 7105260361 described as follows:

BEGINNING at the Southwest corner of Block 4 of McMillin’s Addition to Kent as recorded in Volume 7 of Plats, Page 58, records of King County, Washington;

THENCE North 15.00 feet;

THENCE East 160.00 feet;

THENCE South 15.00 feet;

THENCE West 160.00 feet to the POINT OF BEGINNING;

Said parcel contains 2,400 square feet, more or less.