AN ORDINANCE of the City of Kent, Washington, relating to the vacation of streets, vacating a portion of 45th Place South, a dedicated and open street in the City of Kent.

WHEREAS, application was filed with the City of Kent by Mardel Investment Company, owner of property abutting 45th Place South, for the vacation of a portion of a dedicated and opened segment of 45th Place South in the City of Kent; and

WHEREAS, the Kent City Council, by Resolution 1391 fixed a time when said petition would be heard and the hearing was held with proper notice on August 2, 1994, at 7:00 p.m. in the City Council Chambers of the Kent City Hall; and

WHEREAS, the Kent Planning Director processed this petition and secured technical facts pertinent to the question of this vacation, which included a sketch of the proposed vacation, and also, a recommendation as to approval or rejection by the Public Works Department; and

WHEREAS, the Public Works Department and Planning Director recommended that the City Council approve the application with the following conditions:
1. That the petitioner shall provide to the City for review and approval, a field topographical survey of the proposed area wherein a hammerhead turnaround could be built. Said survey shall be stamped by a Washington State Licensed Land Surveyor. Denoted on the survey map along with the topographical features of the land, shall be existing curbs, pavement, catch basin(s) power poles, driveways, building foundations, property lines and right of way lines.

2. That the petitioner shall deed to the City that portion of his property as determined by the Public Works Director as necessary for the construction of the hammerhead turnaround.

3. That the petitioner shall pay the City one-half the fair market value of the remaining balance of the vacated property. The remaining balance is the original square footage of right of way being vacated, less the square footage of petitioner's property deeded to the City per Condition #2.

WHEREAS, the applicant 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 open, 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; and (3) 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. The forgoing recitals are incorporated as if fully set forth herein.

Section 2. That portion of 45th Place South described in the street vacation
application of Mardel Investment Company, which is attached as Exhibit A and incorporated
herein by this reference, is hereby vacated.

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

Section 4. This ordinance shall be in effect and be in force thirty (30) days from the
time of its final passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 18th day of Oct., 1994.
APPROVED the 19th day of Oct., 1994.
I hereby certify that this is a true and correct copy of Ordinance No395, 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 (SEAL)
BRENDA JACOBER, CITY CLERK
STREET AND/OR ALLEY VACATION APPLICATION AND PETITION

Dear Mayor and Kent City Council:

We, the undersigned abutting property owners, hereby respectfully request that certain right of way hereby be vacated. (General Location)

Legal Description

That portion of 45th Place South right-of-way lying east of a line commencing at the Northwest corner of Lot 6, Block 1, Pierce's First Addition according to the plat thereof recorded in Volume 65 of Plats, page 75, Records of King County, Washington and described as follows:

Beginning at said Northwest corner of said Lot 6; thence a distance of 110.79 feet, more or less, to the Southwest corner of said Lot 6 and the terminus of said described line; comprising an area of 1703.25 square feet.

BRIEF STATEMENT WHY VACATION IS BEING SOUGHT

This application is supplemental to street vacation application STV-93-2, the approval of which has lapsed. That application was paced with concurrent variances and has lapsed. Reapproval is being sought.

Sufficient proof, copy of deed contract etc. supported by King County Tax Rolls shall be submitted for verification of signatures. Without those a "CURRENT" title report shall be required. When Corporations, Partnerships etc. are being signed for, then proof of individual's authority to sign for same shall also be submitted.

Attach a color coded map of a scale of not less than 1" = 200' of the area sought for vacation. (NOTE) Map must correspond with legal description.

APPUTTING PROPERTY OWNERS SIGNATURES AND ADDRESSES TAX LOT #

MARDEL INVESTMENT COMPANY

EXHIBIT A

$150.00 Fee Paid $150.00 Fee Paid
Appraisal Fee Paid Land Value Paid
Deed Accepted Trade Accepted