ORDINANCE NO. 3219

AN ORDINANCE of the City of Kent, Washington, relating to the vacation of streets, vacating that portion of West Titus Street, a dedicated and open street west of 5th Avenue in the City of Kent.

WHEREAS, application was filed with the City of Kent by Webster Court Apartments Limited Partnership and Titus Court Apartments Limited Partnership, owner of property abutting the applicable portion of West Titus Street, for the vacation of a portion of a dedicated and opened segment of West Titus Street lying west of 5th Avenue in the City of Kent (See Exhibit A); and

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

WHEREAS, the Kent City Council, by Resolution 1421 fixed a time when said petition would be heard and the hearing was held with proper notice on March 5, 1995, at 7:00 p.m. in the City Council Chambers of the Kent City Hall; and

WHEREAS, the Public Works Department and Planning Director recommended that the City Council approve the application upon the applicant's fulfillment of certain conditions; and
WHEREAS, after the public hearing on March 5, 1995, the City Council approved the vacation so long as the applicant first fulfilled all the conditions recommended by staff; and

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 has 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 West Titus Street described in the street vacation application of Webster Court Apartments Limited Partnership and Titus Court Apartments Limited Partnership, 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 4th day of April, 1995.
APPROVED the 5th day of April, 1995.
PUBLISHED the 7th day of April, 1995.

I hereby certify that this is a true and correct copy of Ordinance No.3219, 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

STVACN#8.ORD
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 property hereby be vacated. (General Location)

Legal Description

That portion of Titus Street lying west of 5th Avenue except vacated portion of Titus on the West.

BRIEF STATEMENT WHY VACATION IS BEING SOUGHT

Parking spaces for low-income seniors and disabled in apartment complex.

Sufficient proof, copy of deed contract etc. supported by King County Tax Rolls shall be submitted for verification of signatures. Without these 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.

ABUTTING PROPERTY OWNERS
SIGNATURES AND ADDRESSES

TAX LOT #
LOT, BLOCK & PLAT/SEC. TULL. RG

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

Treasurer's Receipt No.
Treasurer's Receipt No.
Treasurer's Receipt No.
Date
Date

EXHIBIT A
MEMO TO: Mayor Jim White and City Council Members
FROM: James P. Harris, Planning Director
SUBJECT: Report and Recommendation on an application to vacate a portion of West Titus Street west of 5th Avenue South (#STV-95-2).

RECOMMENDATION: APPROVE with conditions

I. Name of Applicant

Webster Court Apartments Limited Partnership and Titus Court Apartments Limited Partnership

8746 South 113th Street
Seattle WA 98178

II. Reason for Requesting Vacation

The applicant states that the vacation is being sought for "parking spaces for low-income seniors and disabled in the apartment complex".

III. Staff Recommendation

After reviewing comments from the following departments and agencies:

- Public Works
- Fire
- Police
- Puget Power
- Washington Natural Gas

and conducting our own review, the Planning Department recommends that the request to vacate a portion of Titus Street west of 5th Avenue South as mentioned in Resolution 1421 and shown on the accompanying map, be APPROVED with the following conditions:

1. The City of Kent shall be compensated for this street vacation in accordance with State Law and Kent Codes.
2. The City shall retain utility easements over, under and upon the proposed vacated right-of-way along with the right to grant similar rights to other public/private utility providers.

3. The applicant shall provide proof, to the satisfaction of the Public Works Director, that all property fronting on this proposed vacated right-of-way shall have ingress and egress access rights within this proposed vacated right-of-way to 5th Avenue and that said width thereof shall be at least 26 feet.

4. Included in any redevelopment of the vacated right-of-way, shall be a 26-foot-wide paved access road to service the adjacent properties. Said access road shall lie solely within the access easement and shall not be encroached upon by parked vehicles.

5. In conjunction with the issuance of a building permit on any adjacent property, said permittee shall reconstruct Titus Street access onto 5th Avenue to conform to City driveway standards for a private driveway. Said reconstruction shall include extending 5th Avenue curb, gutter and concrete sidewalk across same and reworking the drainage system and street pavement to accommodate same.