ORDINANCE NO. 3220

AN ORDINANCE of the City of Kent, Washington, relating to the vacation of streets, vacating that portion of Russell Road, a dedicated and open street, lying adjacent to Lot 3 within the Lakes Division 3 Short Plat in the City of Kent.

WHEREAS, application was filed with the City of Kent by University Saving Bank, owner of property abutting the applicable portion of Russell Road, for the vacation of a portion of a dedicated and opened segment of Russell Road in the City of Kent (See Exhibit A); and

WHEREAS, University Saving Bank has recently transferred ownership of the affected property to Polygon Northwest Company, which is now the record owner and applicant for this street vacation; 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 Kent City Council, by Resolution 1414 fixed a time when said petition would be heard and the hearing was held with proper notice on February 7, 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

Stewart Title Company has placed this document on receipt as a reference...
WHEREAS, after the public hearing on February 7, 1995, the City Council approved the vacation so long as the applicant first fulfilled all the conditions recommended by staff; and

WHEREAS, the City Council at its regularly held meeting on April 4, 1995, amended one of the conditions for vacation by exchanging the applicant's obligation to pay certain monetary sums for the vacation for a commitment by the applicant to deed certain lands and to make certain improvements to a historic property in Kent, the Neely mansion, which is located nearby the subject street vacation (See Exhibit B, attached); and

WHEREAS, the applicant has now fulfilled all of the conditions, including all amendments to these 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 Russell Road described in the street vacation application of University Savings Bank, as original owner and applicant, and Polygon Northwest
Company, as current owner and applicant, 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.

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. 3220 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

STVACN#7.ORD
Dear Mayor and Kent City Council:

We, the undersigned abutting property owners, hereby respectfully request that certain Russell Road hereby be vacated. [General Location]

Legal Description – See Attached Exhibit “A”

Vacation is being sought pursuant to Condition B.2 of City of Kent Short Plat Resolution SPC-93-14 The Lakes Division 3 recorded in King County Recording Number 9405041000.

“No Building Permits shall be granted for Lot 3 until Russell Road is vacated for the entire lot frontage thereon and Lot 3 is incorporated into a development involving the property lying westerly of Russell Road.

Note. This portion of road was deeded to the City of Kent in the short plat process with the intent that it be conveyed back to the Grantor upon completion of the alternate access which is now complete.

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.

<table>
<thead>
<tr>
<th>ABUTTING PROPERTY OWNERS</th>
<th>TAX LOT #</th>
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<tbody>
<tr>
<td>SIGNATURES AND ADDRESSES</td>
<td>LOT, BLOCK &amp; PLAT/SEC. TWN. RG</td>
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</table>

Abutting property owner is same as applicant.

[Signature]

Signed by University Savings Bank Date

$150.00 Fee Paid Treasury's Receipt No.
Appraisal Fee Paid Treasury's Receipt No.
Land Value Paid Treasury's Receipt No.
Deed Accepted Date
Trade Accepted Date

5224-33A

EXHIBIT A (2 PAGES) TOTAL P.03
PROPOSED ROAD VACATION

All that portion of 53rd Avenue South (a.k.a. Russell Road) in the David A. Neely Donation Land Claim No. 37, King County, Washington, described as follows:

BEGINNING at the most southerly corner of Lot 3, City of Kent Short Plat No. SPC 93-14, as recorded under King County Recording No. 9405041000; thence N02°03'30"E, along the west line of said Lot 3, a distance of 239.31 feet to a point on the southwest right of way line of Lakeside Boulevard West, said point being on a 330.00 foot radius, circular curve to the right, from which point, the center of said curve bears N56°57'41"E; thence northwesterly, along said curve, through a central angle of 35°05'49", an arc distance of 202.14 feet to a point of tangency with the west right of way line of 53rd Avenue South; thence S02°03'30"W, along said right of way line, 437.78 feet to the beginning of a 210.37 foot radius, circular curve to the left, from which point, the center of said curve bears N02°03'30"E; thence easterly, along said curve, through a central angle of 16°34'17", an arc distance of 60.84 feet to the most southerly corner of aforesaid Lot 3 and the POINT OF BEGINNING of the herein described tract.

Containing approximately 18354 square feet or 0.4214 acres, more or less.
March 29, 1995

Don Wickstrom
Director of Public Works
City of Kent
220 4th Avenue South
Kent, WA 98032

Re: Russell Road Vacation #STV-95-1 Exchange

Dear Don:

I am submitting a letter as to the agreement we discussed in our meeting March 29, 1995. In lieu of Polygon Northwest purchasing the Russell Road Vacation land we hereby agree to perform the items mentioned below in exchange for said Russell Road vacation land.

1. Riverplace L.L.C. will deed a tract of land equal in size to the one vacated by the Russell Road vacation (.508 acres or 22,128 sq.ft). This tract will run along the Green River Trail from the Neely homesite approximately 415 feet West and from the Green River Trail approximately 54 feet North. This property is to be used as a recreation area with no building structures.

   This Deed will be recorded on or before April 30, 1995.

2. Polygon Northwest will construct a seven stall parking lot in the SE corner of the Neely homesite in accordance with the conceptual drawing by Weisman Design submitted on March 29, 1995; for the enhancement of the Neely Historical Homosite.

   The parking area shall be completed on or before July 31, 1995.

3. Polygon Northwest shall install a 5'-6' decorative fence and a 10' landscape buffer along the north property line. The City agrees to grant permission to Polygon Northwest for installation and maintenance of said improvements. The fence improvements shall benefit the Neely homesite and all landscaping shall be on the development side of the fence.

   These improvements will be competed by August 31, 1995.
This agreement between Polygon Northwest and The City of Kent benefits the parks department as well as the present and future residents in the Kent Valley through improvements to existing facilities and providing additional recreation area.

If there are any questions or concerns please give me a call at 822-7700.

Sincerely,

[Signature]

Eric H. G. Wells
Project Manager

EWlp