ORDINANCE NO. 32-33

AN ORDINANCE of the City of Kent, Washington, relating to the vacation of streets, vacating that portion of 26th Place South, a dedicated but unopened street, lying west of Pacific Highway in the City of Kent, King County, Washington.

WHEREAS, application was filed with the City of Kent by Duane L. Ott, owner of property abutting the applicable portion of 26th Place South, for the vacation of a portion of a dedicated, unopened segment of 26th Place South lying west of Pacific Highway 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 1425 fixed a time when said petition would be heard and the hearing was held with proper notice on May 2, 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

RE-RECORDED to add a condition on EXHIBIT B per City Council Motion on May 2, 1995.

AFTER RECORDING RETURN TO:

City of Kent
220-4th Ave. S.
Kent, WA 98032

July 1, 1995
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 unopened, dedicated street not 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. Pursuant to the street vacation application of Duane L. Ott, which is attached as Exhibit A and incorporated by this reference, that portion of 26th Place South, which is more particularly described in Exhibit B, which Exhibit is 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 20 day of June, 1995.
APPROVED the 21 day of June, 1995.
PUBLISHED the 23 day of June, 1995.

I hereby certify that this is a true and correct copy of Ordinance No. 3233, 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#9.ORD
Dear Mayor and Kent City Council:

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

DRAFT STATEMENT WHY VACATION IS BEING SOUGHT

0) This property which we seek to vacate has never been used for its original intent, (Interurban Ave for 26th PL) it is overgrown with brush and has been used for an eclectic dump site. We wish to have it vacated so we can add additional property to our lots described below and also add the city of Kent Parks Dept in their desire to putting a walking path for all of the already established acreage.

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

<table>
<thead>
<tr>
<th>TAX LOT #</th>
<th>LOT, BLOCK &amp; PLAT/SEC. TWN. RG</th>
</tr>
</thead>
<tbody>
<tr>
<td>3601 80-0485-04</td>
<td></td>
</tr>
<tr>
<td>3601 80-0525-04</td>
<td></td>
</tr>
<tr>
<td>LOTS 21, 22, 23, 24, INTERURBAN HEIGHTS 3rd Section Volume 17 of Plats, Page 87, Records of King County, State of Washington</td>
<td></td>
</tr>
</tbody>
</table>

$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 (2 PAGES)
SURVEYOR'S CERTIFICATE

This map correctly represents a survey made under my direction in conformance with the requirements of the Survey Record Request of Arthur McLean in October 1985.

Signed and Sealed
Lic. No. 10208

SADLER/BARNARD & ASSOC.
31218 Pacific Highway South
Federal Way, Washington 98003

Dwg. No. 86-243

(206) 941-1599, 927-8884
LEGAL DESCRIPTION FOR 26TH PL SO S.T.V. 95-3

That portion of 26th Place South lying between Blocks 21 and 22 in the plat of Interurban Heights 3rd Section in Volume 17 Page 87, lying north of South 248th Street and lying south of the north line of Lot 11 in said Block 22 extended east to the west line of said Block 21. RESERVING unto the City of Kent a utility easement including ingress and egress, over upon and under the above-described property together with the City's right to grant utility easements within the vacated property to other public and/or private utility companies. "

EXHIBIT