ORDINANCE NO. 3330

AN ORDINANCE of the City of Kent, Washington, relating to the vacation of streets, vacating a portion of Saar Street, an existing public street, lying east of Railroad Avenue in the City of Kent, but reserving a utility easement and other related rights within the vacated portion of Saar Street.

WHEREAS, a petition was filed with the City of Kent by various owners of property abutting the applicable portion of Saar Street, an existing public street, lying east of Railroad Avenue in the City of Kent, King County, Washington; 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 fixed a time for a public hearing on this petition and the hearing was held with proper notice on November 5, 1996, 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 petition upon the petitioner's fulfillment of the following conditions:

1. Only vacate the south 10 feet of the existing Saar Street right-of-way, plus retain that portion thereof lying on the street side of a 25 foot radius tangent to the north property line of said southerly 10 feet and
the easterly right-of-way line for Railroad Avenue and the westerly right-of-way of the alley.

2. The City shall retain utility easements over, upon and under the property to be vacated along with rights to grant such utility easements to other public and/or private utility companies.

3. The City shall be compensated in accordance with the City ordinance which states that for a Class "B" right-of-way, compensation shall be at one half the appraised value of the vacated portion of the street.

WHEREAS, after the public hearing on November 5, 1996, the City Council approved the vacation so long as the petitioner first fulfilled all the conditions recommended by staff and approved by Council; and

WHEREAS, the petitioner 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 foregoing recitals and findings are incorporated as if fully set forth herein.
SECTION 2. That portion of Saar Street lying east of Railroad Avenue in the City of Kent as described in Exhibit A, which is attached and incorporated herein by this reference, is hereby vacated subject to the retention of a utility easement over, upon and under the property described in Exhibit A and subject to retention of the City's right to grant utility easements to other public and/or private utility companies. Further, the use of the word, "utility," is intended to be expansive, not restrictive, and would, for example, include such private operations as telecommunications, cable TV, data transmission and fiber optic services, as well as electricity, electronic and natural gas utility services.

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

SECTION 4. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 5. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the ___ day of ___ , 1997.
APPROVED the ___ day of ___ , 1997.
PUBLISHED the ___ day of ___ , 1997.

I hereby certify that this is a true copy of Ordinance No. ___ , 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

BRENDA JACOBER, CITY CLERK

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That portion of Saar Street described as follows.
Beginning at the northwest corner of Lot 8 Block 1 in the Plat of Washington Central Improvement Company's 1st Addition to Kent, Volume 3 Page 97 recorded in King County Washington being the True Point of Beginning; thence on a curve to the right in a northeasterly direction with a radius of 25.00 feet concave to the southeast an arc distance of 23.18 feet plus or minus to a point which lies 10.00 feet north of the north line of said Lot 8; thence east parallel with the north line of Lot 8 in said plat for a distance of 80.00 feet to a point on a curve; thence on a curve to the right with a radius of 25.00 feet an arc distance of 23.18 feet plus or minus to the northeast corner of said Lot 8; thence west along said north line a distance of 120.00 plus or minus to the True Point of Beginning.
WASHINGTON STATE RECORDER'S COVER SHEET

Document Title:
1. Ordinance No. 3330

Grantor(s):
1. City of Kent
2.
3.

Grantee(s):
1. N/A. This document vacates a portion of a dedicated street in the City of Kent.
2.
3.

Legal Description:
1. Abbreviated form: Plat of Washington Central Improvement Company's First Addition to Kent, Volume 3, Page 97, recorded in King County.
2. Additional legal description is attached as Exhibit A of this document.

Assessor's Property Tax Parcel Account Number(s): Not yet assigned.

TOTAL NUMBER OF PAGES 6
(INCLUDING THIS COVER SHEET AND ALL EXHIBITS AND ATTACHMENTS)