AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the vacation of streets, vacating a portion of 40th Avenue South, an existing public street, lying generally at the intersection of 37th Place South and 40th Place South in the City of Kent.

WHEREAS, a petition was filed with the City of Kent by various owners of property abutting the applicable portion of 40th Avenue South, an existing public street, lying generally at the intersection of 37th Place South and 40th Place South 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 the petition and the hearing was held with proper notice on July 6, 1999, 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 certain conditions; and
WHEREAS, after the public hearing on July 6, 1999, 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 are incorporated as if fully set forth herein.

SECTION 2. That portion of 40th Avenue South lying generally in the City of Kent as described in Exhibit A, which is attached 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. - Severability. If any one or more section, 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. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR PRO TEM

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

PASSED: 5 day of October, 1999.
APPROVED: 5 day of October, 1999.
PUBLISHED: 8 day of October, 1999.

I hereby certify that this is a true copy of Ordinance No. 3476 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
Road Vacation Description

That portion of 40th Avenue South, adjoining Tracts 3, 4, 5, 6 and a portion of Tracts 2 and 7, in the plat of Van De Vanter's Ten Acre Tracts as recorded in Volume 12 of Plats at page 84, records of King County, Washington described as follows:

BEGINNING at the northwest corner of the south half of said Tract 2; thence N89°09'58"W 15.00 feet to the centerline of said 41st Avenue South; thence S00°50'02"W along the centerline of said 41st Avenue South, 1.31 feet; thence N89°09'58"W 15.00 feet to the southeast corner of the north 329.00 feet as measured along the west line of said Tract 7; thence S00°50'02"W along the east line of said Tracts 5, 6 and 7 a distance of 1638.84 feet to the southeast corner of said Tract 5; thence N89°35'24"E 30.01 feet to the southwest corner of said Tract 4; thence N00°50'02"E along the west line of said Tracts 2, 3 and 4 a distance of 1639.50 feet to the POINT OF BEGINNING.

Contains 49,180± square feet (1.1290± acres).
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3476 Relating to Vacation of Streets

Reference Number(s): N/A

Grantor(s): City of Kent, a Washington municipal corporation

Grantee(s): Polygon Corporation, a corporation

Abbreviated Legal Description: Portion of Tracts 2 and 7, Van de Vanter's Ten Acre Tracts, Volume 12 of Plats, Page 84, in King County, Washington.

Full legal description contained in Exhibit "A" attached herein.

Assessor's Property Tax Parcel/Account Number(s): -- N/A --