ORDINANCE NO. 3502

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the vacation of a portion of 272nd Street, a dedicated opened street lying generally west of that street's intersection with Kent-Kangley Road and 132nd Avenue S.E.

WHEREAS, on or about June 28, 1999, a petition was filed with the City of Kent by various owners of property abutting the applicable portion of 272nd Street, an existing public street, lying generally west of that street's intersection with Kent-Kangley Road and 132nd Avenue S.E., 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 September 7, 1999, at 7:00 p.m. in the City Council Chambers of the Kent City Hall; and

WHEREAS, the Planning Director recommended that the City Council approve the petition upon the petitioner's fulfillment of the conditions recommended by staff; and
WHEREAS, after the public hearing on September 7, 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 272nd Street lying generally west of that street’s intersection with Kent-Kangley Road and 132nd Ave. S.E. in the City of Kent as described in Exhibit “A” 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.** - **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 as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY
I hereby certify that this is a true copy of Ordinance No. 3562 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

PASSED: 1 day of February, 2000.
APPROVED: 4 day of February, 2000.
PUBLISHED: 1 day of February, 2000.
EXHIBIT A

Those portions of Section 28 and 33 in Township 22 North, Range 5 East, W.M. described as follows:

Beginning at a point on the West line of the East 725.00 feet and the South line of the North 30.00 feet of said Section 33 being the True Point of Beginning of property herein described; Thence North a distance of 60.00 feet; Thence East parallel with said section lines a distance of 328.35 feet more or less to a point on westerly public right-of-way line; Thence northerly along said westerly public right-of-way line a distance of 32.64 feet to a point of the southerly right-of-way line of Kent Kangley Highway; Thence South 45° 00' 00" East a distance of 125.00 feet more or less to a point on the South right-of-way line of Southeast 272nd Street; Thence West along said so right-of-way line a distance of 417.00 feet more or less to the True Point of Beginning. EXCEPT the South 20.00 feet of the west 20.00 feet thereof.
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3502, Relating to Vacation of Streets
Reference Number(s): N/A
Grantor(s): City of Kent, a Washington municipal corporation
Grantee(s): J.G. Highlands, LLC
Legal Description: Portions of Sec. 28 and 33, T22N. RSE, W.M.
Assessor's Property Tax Parcel/Account Number(s): 282205-9042-08; 282205-9170-02; 332205-9135-09; 33205-9112-06; and 332205-9124-02