ORDINANCE NO. 3549

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the vacation of streets, vacating portion of an unused alleyway generally between Temperance and West Smith Streets, lying between First and Second Avenues in the City of Kent

WHEREAS, a petition to vacate an alleyway was filed with the City of Kent by Central Puget Sound Regional Transit Authority, the owner of real property located on both sides of the alleyway generally between Temperance and West Smith Street, lying between First and Second Avenues in the City of Kent, King County, Washington, and

WHEREAS, the Kent Planning Services Division processed this petition and secured technical facts pertinent to the question of this vacation, 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 February 6, 2001, in the City Council Chambers of the Kent City Hall, and

WHEREAS, the Planning Services Division recommended that the City Council approve the petition with the following conditions (1) the petitioner shall cap/disconnect/plug/etc all City utilities that exist within the alleyway in accordance with
and as approved by the Public Works Department, and (2) the vacation shall exclude that portion of the alley right-of-way which lies within the area of additional West Smith Street right-of-way needed for improvement to the Second Avenue and West Smith Street intersection.

WHEREAS, after the public hearing on February 6, 2001, the City Council approved the vacation with the conditions recommended by staff and approved by Council, and

WHEREAS, the City Council finds that the alleyway sought to be vacated is (1) a dedicated alley that is presently unused, (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 an alleyway between Temperance and West Smith Street, lying between First and Second Avenues in the City of Kent as described in Exhibit A, which is attached and incorporated herein by this reference, which excludes that portion needed for the West Smith Street Improvement project, is hereby vacated
SECTION 3. As a condition of this vacation the Petitioner shall cap/disconnect/plug/etc. all City utilities that exist within the alleyway in accordance with and as approved by the Public Works Department

SECTION 4. No vested rights shall be affected by the provisions of this ordinance

SECTION 5. - 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 6. - 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

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. 3549 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

Alley Vacation – 1st and 2nd/Smith & Temperance
EXHIBIT A

THAT CERTAIN ALLEY RIGHT-OF-WAY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF TEMPERANCE STREET AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SMITH STREET AND ABUTTING LOTS 1-12, BLOCK 3 OF RAMSAY'S ADDITION TO THE TOWN OF KENT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 16 OF PLAT PAGES 89, IN KING COUNTY, WASHINGTON; EXCEPT THE SOUTH 22 00 FEET THEREOF
WASHINGTON STATE COUNTY AUDITOR/RECORDE R'S COVER SHEET

Document Title: City of Kent Ordinance No. 3549, Relating to Vacation of Alley

Reference Number(s): N/A

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

Grantee(s): Central Puget Sound Regional Transit Authority

Legal Description: Lots 1-12, Block 3 of Ramsay's Addition to Kent, Vol. 16 of Plats, Page 89; See Exhibit A

Assessor's Property Tax Parcel/Account Number(s): N/A; See Exhibit A