Ordinance No. 3736
(Amending or Repealing Ordinances)

CFN=102 – Street Vacation
Passed – 3/1/2005
Street Vacation – SE 278th Street

Recorder’s # 20050425002435

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
ORDINANCE NO. 3736

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the vacation of a portion of Southeast 278th Street right-of-way, east of 145th Place, lying within the north half of the southeast quarter of the northeast quarter of Section 34, Township 22 North, Range 5 East, W.M. in King County, in the City of Kent.

RECITALS

A. A petition has been filed by Cherie Lang, to vacate the portion of Southeast 278th Street right-of-way, east of 145th Place, lying within the north half of the southeast quarter of the northeast quarter of Section 34, Township 22 North, Range 5 East, W.M., as legally described in Exhibit “A”, attached and incorporated herein by this reference.

B. The City's Planning Services Office processed this petition and, after consulting with all appropriate city departments, secured technical facts pertinent to the question of this vacation.

C. The City Council fixed a time for a public hearing on the petition and the hearing was held with proper notice on October 19, 2004, in the City Council Chambers of the Kent City Hall.
D. The Planning Services Office recommended that the City Council approve the petition subject to the conditions attached and incorporated as Exhibit “B”.

E. After the public hearing on October 19, 2004, the City Council approved the vacation with the conditions recommended by staff.

F. The City Council finds that the portion of street sought to be vacated is: (1) a dedicated street 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.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. – Recitals. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. – Vacation. That portion of Southeast 278th Street right-of-way, east of 145th Place, lying within the north half of the southeast quarter of the northeast quarter of Section 34, Township 22 North, Range 5 East, W.M, in the City of Kent as described in Exhibit “A”, is hereby vacated.

SECTION 3. – Vested Right. 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

Street Vacation-
SE 278th Street
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:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 1 day of March, 2005.

APPROVED: 1 day of March, 2005.

PUBLISHED: 5 day of March, 2005.

I hereby certify that this is a true copy of Ordinance No. 3736 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

(Seal)
EXHIBIT “A”

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH 30 FEET OF SAID NORTH HALF WITH THE EAST LINE OF SAID NORTH HALF; THENCE NORTH 89°21′30″ WEST ALONG SAID NORTH LINE 440 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°21′30″ WEST 169.90 FEET; THENCE SOUTH 00°55′38″ WEST 39.00 FEET; THENCE SOUTH 89°39′30″ EAST 12.27 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT IN A NORTHEASTERLY DIRECTION HAVING A RADIUS OF 414.43 FEET, AN ARC OF 139.20 FEET; THENCE NORTH 79°34′22″ EAST 21.68 FEET; THENCE NORTH 00°55′38″ EAST 10.90 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THE SOUTHERLY 5.00 FEET THEREOF.

RESERVING HOWEVER UNTO THE CITY THE RIGHTS TO GRANT UTILITY EASEMENTS TO ANY PRIVATE OR QUASI-PRIVATE UTILITY SUCH AS, BUT NOT LIMITED TO, POWER, GAS, TELEPHONE OR CABLE TV WHICH HAS EXISTING FACILITIES WITHIN (UNDER, UPON AND/OR OVER) THE STREET RIGHT-OF-WAY PETITIONED TO BE VACATED. THE WIDTHS AND LOCATIONS OF SAID EASEMENTS SHALL BE ESTABLISHED AT THE TIME OF GRANT. ALSO RESERVING UNTO THE CITY OF KENT AN EASEMENT FOR UTILITIES IN SAID STREET RIGHT-OF-WAY.
After a review of the comments received, the Planning Services Office recommends that the request to vacate a portion of SE 278th Street be APPROVED with the following conditions:

1) The City shall be compensated in US currency for the full appraised value of the right of way proposed to be vacated.

2) All monies received for compensation shall be deposited in the school pedestrian walkway fund (R20036) and used for said fund's purpose.

3) For any private or quasi-private utility such as power, gas, telephone or cable TV which has existing facilities within (under, upon and/or over) the right of way petitioned to be vacated, the petitioner shall grant said utility an easement for the operation and maintenance of same.

4) Should Water District #111 and/or Soos Creek Water and Sewer District have existing facilities within (under, upon and/or over) the right of way petitioned to be vacated, the petitioner shall grant said District(s) an easement for the operation and maintenance of same.

5) The legal description of the right of way to be vacated shall be as denoted in the petition less the portion of said SE 278th Street right of way which lies southerly of a line that is parallel to and 30 feet northerly and perpendicular to the pavement centerline of said street as measured between the face of curb and face of curb and as established at the petitioner's sole expense by a Washington State licensed Land Surveyor after review and approval by the City's Public Works Department.
Return Address:

Attn: City Clerk
City of Kent
220 Fourth Ave. S.
Kent, WA 98032

WASHINGTON STATE COUNTY AUDITOR/RECORDED'S COVER SHEET

Document Title: City of Kent Ordinance No. 3736, Relating to Vacation of Street

Reference Number(s): N/A

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

Grantee(s): The Public

Abbreviated Legal Description:

Ptn of N ½ of SE ¼ of NE ¼ of Sec. 34, Twn. 22N, Range 5E, W.M. King County, State of Washington

Additional legal description is on Exhibit "A" of document.

Assessor's Property Tax Parcel/Account Number(s): 342205-9171

Project Name: SE 278th Street Vacation

Said document(s) were filed for record by Pacific Northwest Title as accommodation only. It has not been examined as to proper execution or as to its affect upon title.