Ordinance No. 3749
(Amending or Repealing Ordinances)

CFN=102 – Street Vacation
Passed – 5/3/2005
Street Vacation – McMillin Street

Recorder's # 20050520002831
ORDINANCE NO. 3749

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the vacation of a portion of the alley lying within Block 20, Washington Central Improvement Company's First Addition, and McMillin Street lying between Block 19 and Block 20 in the City of Kent.

RECITALS

A. A petition has been filed by the Kent School District to vacate a portion of the alley lying within Block 20, Washington Central Improvement Company's First Addition, and McMillin Street lying between Block 19 and Block 20 in the City of Kent; 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 regarding the proposed vacation.

C. The City Council fixed a time for a public hearing on the petition and the hearing was held with proper notice on April 5, 2005, in the City Council Chambers of the Kent City Hall.

Street Vacation-McMillin Street
D. The Planning Services Office recommended that the City Council approve the petition.

E. After the public hearing on April 5, 2005, the City Council approved the vacation recommended by staff.

F. The City Council finds that the portion of the alley/street sought to be vacated is: (1) a dedicated alley/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 the alley lying within Block 20, Washington Central Improvement Company's First Addition, and McMillin Street lying between Block 19 and Block 20 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 the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

2 Street Vacation-
McMillin Street
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 WHIFE, MAYOR

PRO TEMPORE

ATTEST:

BRENDA JACOBER
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 3 day of May, 2005.

APPROVED: 5 day of May, 2005.

PUBLISHED: 7 day of May, 2005.

I hereby certify that this is a true copy of Ordinance No. 3749 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 (SEAL)
BRENDA JACOBER, CITY CLERK

Street Vacation
McMillin Street
EXHIBIT "A"

THE ALLEY LYING WITHIN BLOCK 20, WASHINGTON CENTRAL IMPROVEMENT COMPANY'S FIRST ADDITION TO THE TOWN OF KENT, RECORDED IN VOLUME 3 OF PLATS, PAGE 97, KING COUNTY, WASHINGTON. AND ALSO MCMILLIN STREET LYING BETWEEN BLOCKS 19 AND 20 IN SAID PLAT. EXCEPT THE SOUTH 33.00 FEET OF THE WEST 133.00 FEET OF SAID MCMILLIN STREET. 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 OVER THE NORTH 40.00 FEET IN SAID STREET RIGHT-OF-WAY. AND ALSO RESERVING WITHIN SAID 40.00 FEET A 12.00 FOOT WIDE PUBLIC ACCESS EASEMENT FOR BICYCLES AND PEDESTRIANS.
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3749, 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:

Pt. of Alley Lying Within Blk 20 Washington Central Improvement Company's First Add to Town of Kent, Vol. 3 of Plats Page 97 Tgw Pt. of McMullin Street Btwn Blks 19 & 20 in said Plat

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

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

917960-2110, 917960-1945, 917960-2120, 917960-1965, 917960-2095, 917960-1955, 917960-2090, 917960-2130, & 538560-0005

Project Name: McMillin 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.