Ordinance No. 3765
(Amending or Repealing Ordinances)

CFN=102 – Street Vacation  
Passed – 10/18/2005  
Street Vacation – 1st Avenue North

Recorder’s # 20051101001578

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. 3765

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the vacation of 100 square feet of 1st Avenue North, located in the City of Kent, Washington.

RECITALS

A. A petition has been filed to vacate 100 square feet of 1st Avenue North in the City of Kent, as legally described in Exhibit “A,” attached and incorporated 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 August 16, 2005, in the city council chambers of Kent City Hall.

D. The city’s Planning Services Office recommended that the city council approve the petition, with conditions.
E. After the public hearing on August 16, 2005, the city council approved the vacation with the conditions recommended by staff. Those conditions have since been met.

F. The city council finds that the portion of the avenue/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. 100 square feet of 1st Avenue North in the city of Kent, as legally described in Exhibit “A,” which is attached and incorporated, 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.
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
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 18th day of October, 2005.

APPROVED: 18th day of October, 2005.

PUBLISHED: 22nd day of October, 2005.

I hereby certify that this is a true copy of Ordinance No. 3765 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)

Street Vacation - 1st Avenue North
EXHIBIT A

THAT PORTION OF FIRST AVENUE NORTH CONVEYED TO THE CITY OF KENT FOR ROADWAY AND UTILITY PURPOSES BY QUIT CLAIM DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 20030220000365 AND ADJOINING LOT 3, CITY OF KENT BOUNDARY LINE ADJUSTMENT LL-2004-16, RECORDED UNDER KING COUNTY RECORDING NO. 20040625900004 BEGINNING AT A POINT ON THE WEST MARGIN OF FIRST AVENUE NORTH FROM WHICH THE SOUTHEAST CORNER OF SAID LOT 3 BEARS SOUTH 01°38'30" WEST 181.49 FEET DISTANT; THENCE NORTH 88°21'30" WEST 10.00 FEET; THENCE NORTH 01°38'30" EAST 10.00 FEET; THENCE SOUTH 88°21'30" EAST 10.00 FEET TO THE WEST MARGIN OF FIRST AVENUE NORTH; THENCE SOUTH 01°38'30" WEST ALONG SAID MARGIN 10.00 FEET TO THE POINT OF BEGINNING. 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 EASEMENTS FOR UTILITIES.
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3765, 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 NW ¼ NE ¼ STR 24-22-04 - City of Kent Lot 3 of BLA #LL-2004-16

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

Assessor's Property Tax Parcel/Account Number(s): 242204-9193

Project Name: 1st Avenue North Street Vacation