Ordinance No. 3785

(Amending or Repealing Ordinances)

CFN=102 – Street Vacation
Passed – 2/7/2006
Street Vacation – 132\(^{nd}\) Avenue SE

Recorder's # 20060303001819

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.
AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the vacation of portion of 132nd Avenue Southeast, located in the City of Kent, Washington.

RECITALS

A. A petition has been filed to vacate a portion of 132nd Avenue Southeast, in the City of Kent, as legally described in Exhibit "A" and as shown in Exhibit "B," both of which are 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 December 13, 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 December 13, 2005, the city council approved the vacation with the conditions recommended by staff. Those conditions have since been satisfied.
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. A portion of 132nd Avenue Southeast, in the city of Kent, as legally described in Exhibit “A” and as shown in Exhibit “B,” both of which are 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.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED:  7 day of February, 2006.
APPROVED: 7 day of February, 2006.
PUBLISHED: 11 day of February, 2006.

I hereby certify that this is a true copy of Ordinance No. 3785 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
132nd Avenue SE
EXHIBIT “A”

THE EAST 6.00 FEET OF THE WEST 50.00 FEET OF THE FOLLOWING DESCRIBED LANDS:


RESERVING UNTO THE CITY OF KENT UTILITY EASEMENTS WITHIN, UNDER, UPON AND/OR OVER VACATED AREA INCLUDING INGRESS AND EGRESS FOR CONSTRUCTION, EXTENDING AND MAINTENANCE OF SAID UTILITIES.

ALSO RESERVING UTILITY EASEMENTS TO ANY PRIVATE, QUASI-PRIVATE, AND/OR PUBLIC UTILITY SERVER SUCH AS BUT NOT LIMITED TO POWER, GAS, TELEPHONE, CABLE TV, WATER AND/OR SEWER DISTRICTS WHICH HAVE ANY EXISTING FACILITIES WITHIN, UNDER, UPON AND/OR OVER VACATED AREA. RESERVATION FOR SAID SERVERS SHALL INCLUDE INGRESS AND EGRESS FOR MAINTENANCE.

CITY OF KENT EASEMENT RESERVATION RIGHTS SHALL AT ALL TIME REMAIN PARAMOUNT OVER ANY OTHER RIGHTS RESERVED HEREIN.
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3785, Relating to Vacation of a Street

Reference Number(s): N/A

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

Grantee(s): The Public

Abbreviated Legal Description: Ptn. of SW¼ of STR 22-22-05 - City of Kent, W.M., King County

Additional legal description is on Exhibit “A” of document.

Assessor’s Property Tax Parcel/Account Number(s): 222205-9068

Project Name: 132nd Avenue Southeast 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.