

ORDINANCE 1479

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF HALL STREET OF THE ARTENA PLAT ADDITION TO GIG HARBOR CITY.

WHEREAS, Ryan and Karen White petitioned the City to vacate a portion of Hall Street, which abuts their property at 3613 Artena Ln., Gig Harbor, Washington, under the nonuser statute, RCW 36.87.090 and GHMC Section 12.14.018(C); and

WHEREAS, the portion of this street subject to the vacation petition was platted in the Artena Plat Addition to Gig Harbor City, recorded in the records of Pierce County on August 23, 1890; and

WHEREAS, in 1890, this street was in unincorporated Pierce County; and

WHEREAS, the portion of Hall Street subject to the vacation petition was not included in any street that was opened or improved within five years after the original platting in 1890; and

WHEREAS, under RCW 36.87.090, any county road which remained unopened for public use for five years after platting was vacated by lapse of time; and

WHEREAS, the City's street vacation procedures for streets subject to the nonuser statute merely eliminates the cloud on the title created by the plat, because the street has already vacated by lapse of time and operation of law; and

WHEREAS, Staff recommends vacating all but a small triangular portion of the north easterly edge of the right of way for operation and maintenance of the existing hammer head turn around located at the south end of northerly segment of Milton Avenue and the Owners support Staff's recommendation and the proposed survey reflects Staff's recommendation; and

WHEREAS, after receipt of the street vacation petition, the City Council passed Resolution No. 1217 initiating the procedure for the vacation of the referenced street and setting a hearing date; and

WHEREAS, after the required public notice had been given, the City Council conducted a public hearing on the matter on December 13, 2021, and at the conclusion of such hearing determined that the aforementioned Right-of-Way vacated by operation of law and lapse of time;

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. The City Council finds that the unopened portion of the platted Hall Street Right-of-Way described in the White street vacation petition has vacated by lapse of time and operation of law under RCW 36.87.090. The vacated portion of Hall Street, of the Artna Plat Addition to Gig Harbor City, Parcel Number 2260000388, are legally described in Exhibit A attached hereto and incorporated by this reference, and shown on the map attached hereto as Exhibit B.


Section 2. The City has the authority to adopt a vacation ordinance to formally remove the cloud on the title of the referenced Right-of-Way area. This street vacation ordinance does not affect any existing rights, including any the public may have acquired in the Right-of-Way since the street was vacated by operation of law.

Section 3. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor.

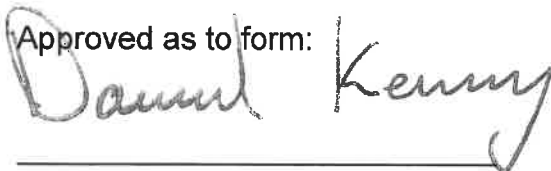
Section 5. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, sections/subsection numbers and any references thereto.

Section 4. This ordinance shall take effect five days after passage and publication as required by law.


ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 13th day of December, 2021.



Kit Kuhn
Mayor

Approved as to form:


Daniel Kenny
City Attorney

Attest:


Josh Stecker
Interim City Clerk

PUBLICATION DATE: 12/16/2021
EFFECTIVE DATE: 12/21/2021

**EXHIBIT A
LEGAL DESCRIPTION**

Source: Thornton Land Surveying Inc., October 14, 2021

RIGHT-OF-WAY THAT WILL ATTACH BY OPERATION OF LAW TO RYAN & KAREN WHITE FOLLOWING VACATION OF A PORTION OF HALL STREET, GIG HARBOR, WASHINGTON.

A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN THE CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTH HALF OF HALL STREET (FORMERLY ASH STREET) AS DEPICTED ON THE PLAT OF THE TOWN OF ARTENA, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 68, RECORDS OF PIERCE COUNTY, WASHINGTON, LYING BETWEEN THE NORTHERLY PRODUCTION OF THE EAST LINE OF THE WEST 5 FEET OF LOT 28, BLOCK 10 OF SAID PLAT AND THE NORTHERLY PRODUCTION OF THE EAST LINE OF LOT 28 OF SAID BLOCK 10; EXCEPT THE FOLLOWING DESCRIBED TRIANGULAR PORTION THEREOF: BEGINNING AT THE NORTHEAST CORNER OF LOT 28 OF SAID BLOCK 10; THENCE ALONG THE NORTHERLY EXTENSION OF OF THE EAST LINE OF SAID LOT 28, 30 FEET TO THE NORTH LINE OF THE SOUTH HALF OF AFORESAID HALL STREET; THENCE WESTERLY ALONG SAID NORTH LINE 30 FEET; THENCE LEAVING SAID NORTH LINE SOUTHEASTERLY 44.24 FEET TO THE POINT OF BEGINNING.

EXHIBIT B SURVEY MAP

