

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1941

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, VACATING A PORTION OF PORT OF TACOMA ROAD ABUTTING TAX PARCEL NO. 7085000400 AND RESERVING EASEMENT RIGHTS THEREIN**

WHEREAS, the City of Fife received a petition from the abutting owner to vacate a portion of city right of way known as Port of Tacoma Road legally described in Exhibit A and graphically depicted in Exhibit B attached hereto; and

WHEREAS, upon proper notice, a public hearing was held before the City Council on May 24, 2016; now therefore,

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON  
DO ORDAIN AS FOLLOWS:

Section 1. The City Council finds as follows:

- a. The property legally described in Exhibit A and graphically depicted in Exhibit B attached hereto, totaling approximately 6324 square feet, has been part of a dedicated public right-of-way known as Port of Tacoma Road for twenty-five years or more.
- b. No portion of the right-of-way abuts a body of water.
- c. The property legally described in Exhibit A and graphically depicted in Exhibit B attached hereto is not useful as part of the City road system and the public will be benefited by vacation of the City's interest.

Section 2. The portion of Port of Tacoma Road legally described in Exhibit A and graphically depicted in Exhibit B attached hereto shall be vacated without further action of the City Council, subject to the reservation of easement described in Section 3, upon satisfaction of the conditions set forth in Section 4.

Section 3. The City reserves and maintains an easement and right to exercise and grant easements in respect to vacated land legally described in Exhibit A and graphically depicted in Exhibit B attached hereto for the construction, repair, and maintenance of public utilities and services existing at the time of vacation.

Section 4. This vacation is subject to the following conditions and shall not be effective until all such conditions are satisfied:

a. The fair market value of the property legally described in Exhibit A and graphically depicted in Exhibit B shall be determined by an appraisal performed by the WSDOT approved appraisers who are providing appraisal services to the City for the Port of Tacoma Interchange Project. The owners of the property abutting on the right of way to be vacated shall pay the City the sum of the full value of the area to be vacated as determined by the appraisal.

b. Upon receipt of the full appraised value, the City Manager shall execute a quit claim deed to the abutting property owner, reserving unto the City an easement of sufficient width and restrictions to adequately protect the public utilities and services existing at the time of vacation.

Section 5. The net revenue received by the City as compensation for the area vacated shall be dedicated to the Port of Tacoma Interchange Project.

Section 6. The City Clerk is authorized and directed to record a certified copy of this ordinance with the Pierce County Auditor upon satisfaction of the conditions set forth in Section 4. This ordinance shall expire on January 1, 2017, if the conditions set forth in Section 4 have not been satisfied by that date.

Section 7. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

*[this space intentionally left blank]*

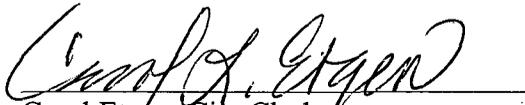
Section 8. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 14<sup>th</sup> day of ~~May~~ <sup>June</sup>, 2016.

Passed by the City Council on the 28<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
Subir Mukerjee, City Manager

ATTEST:

  
\_\_\_\_\_  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Gregory F. Amann, Assistant City Attorney

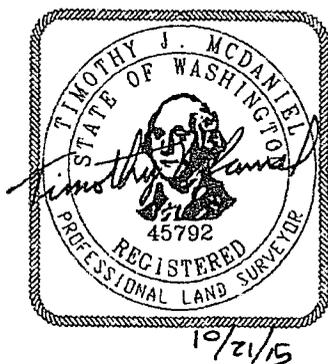
Published: June 30, 2016  
Effective Date: July 5, 2016

**RIGHT OF WAY VACATION DESCRIPTION**  
(PARCEL NO. 7085000400)

A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER SAID SECTION 2;  
THENCE ALONG THE WEST LINE OF SAID SUBDIVISION NORTH 02°13'12" EAST, 157.06 FEET TO ITS INTERSECTION WITH THE CENTER LINE OF PACIFIC HIGHWAY EAST;  
THENCE ALONG SAID CENTER LINE SOUTH 88°18'49" EAST, 916.33 FEET;  
THENCE NORTH 01°41'11" EAST, 51.50 FEET TO THE **POINT OF BEGINNING**;  
THENCE CONTINUING NORTH 01°41'11" EAST, 13.43 FEET  
THENCE ALONG THE CURRENT EAST RIGHT OF WAY LINE OF PORT OF TACOMA ROAD NORTH 06°43'44" WEST, 152.21 FEET;  
THENCE NORTH 87°46'38" WEST, 31.82 FEET;  
THENCE SOUTH 02°04'53" WEST, 95.50 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 70.00 FEET;  
THENCE COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77°48'53", AN ARC LENGTH OF 95.06 FEET TO THE **POINT OF BEGINNING**.

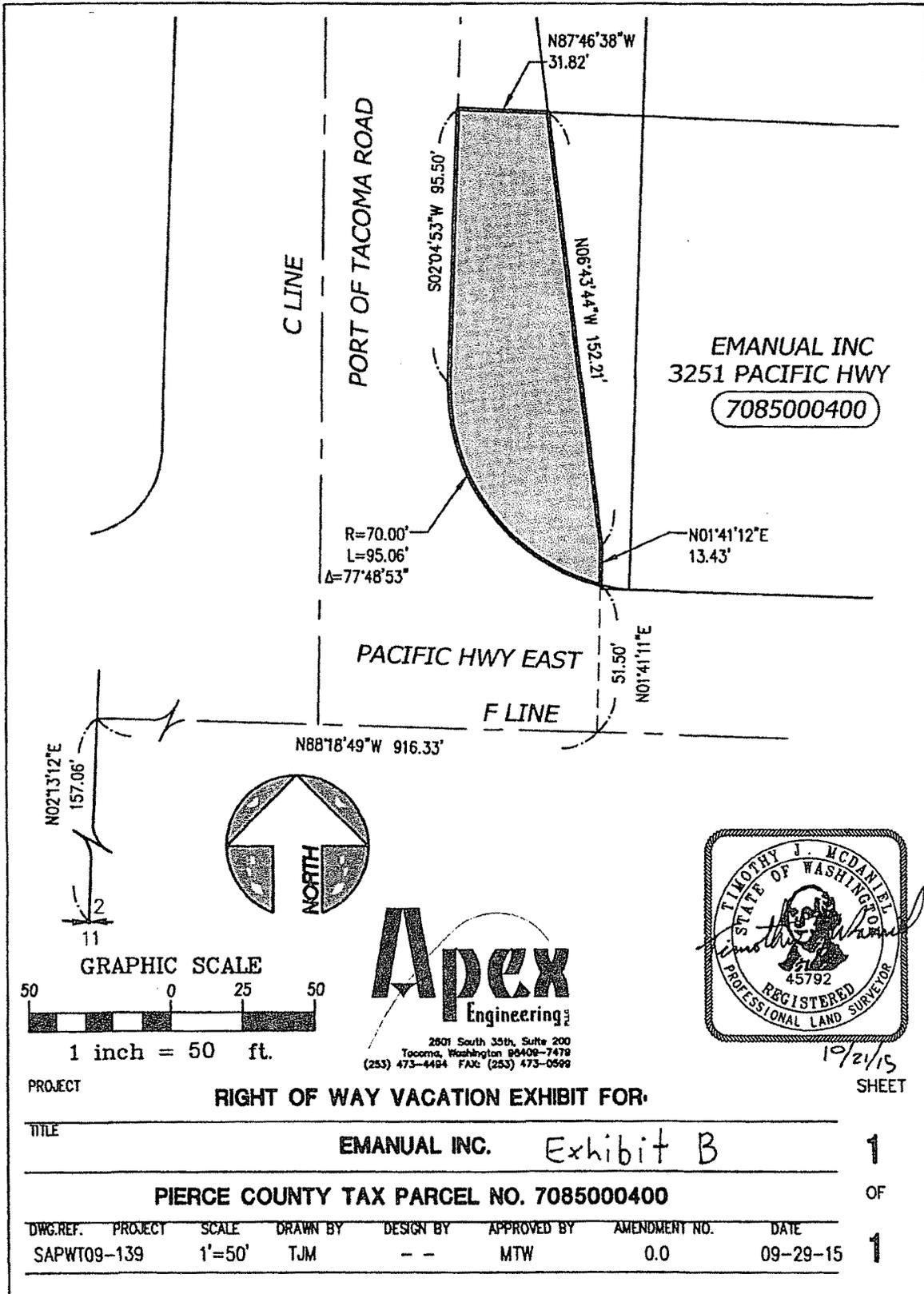
(SAID PORTION BEING 6,324 SQUARE FEET, MORE OR LESS)



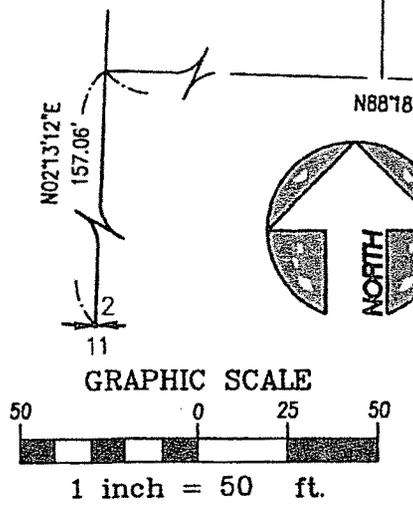
**EXHIBIT**  
" A "

2601 South 35<sup>th</sup> Street, Suite 200, Tacoma, Washington 98409  
(253) 473-4494 Fax: (253) 473-0599

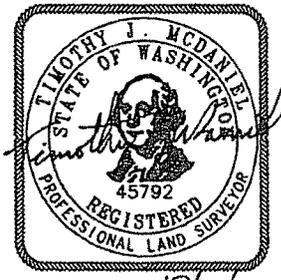




EMANUAL INC  
 3251 PACIFIC HWY  
 7085000400



**Apex**  
 Engineering  
 2501 South 35th, Suite 200  
 Tacoma, Washington 98409-7478  
 (253) 473-4484 FAX: (253) 473-0599



10/21/15

PROJECT	RIGHT OF WAY VACATION EXHIBIT FOR						SHEET
TITLE	EMANUAL INC. Exhibit B						1
	PIERCE COUNTY TAX PARCEL NO. 7085000400						OF
DWG. REF.	PROJECT	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	AMENDMENT NO.	DATE
SAPWT09-139		1' = 50'	TJM	--	MTW	0.0	09-29-15