

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1948

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, VACATING A PORTION OF OLD 12th STREET EAST ABUTTING TAX PARCEL NOS. 0320024102, 9165400022, AND 9165400033 AND RESERVING EASEMENT RIGHTS THEREIN

WHEREAS, the City of Fife received a petition from the abutting owner, Love's Travel Stops & Country Stores, Inc. ("Love's"), to vacate a portion of city right of way known as old 12th Street legally described in Exhibit A attached hereto; and

WHEREAS, upon proper notice, a public hearing was held before the City Council on November 8, 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 attached hereto, totaling approximately 15,295 square feet, has been part of a dedicated public right-of-way known as 12th Street 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 12th Street East 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, if any, 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 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 performed by the WSDOT approved appraisers who are providing appraisal services to the City for the Port of Tacoma Interchange Project.

b. Upon receipt of the full appraised value, the City Manager shall execute a quit claim deed to the abutting property owner, and if deemed necessary by the City, 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.

c. Concurrently with the execution of the quit claim deed for the vacated right of way, Love's shall convey to the City the "Project Property" as defined in, and in accordance with, the Property Conveyance Agreement between Love's Travel Stops & Country Stores, Inc. and City of Fife, dated October 4, 2016.

Section 5. 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 March 31, 2017, if the conditions set forth in Section 4 have not been satisfied by that date.


Section 6. 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.

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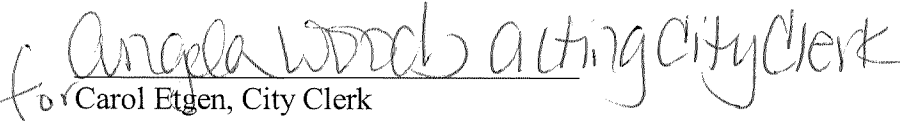
Section 7. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 8th day of November, 2016.


Passed by the City Council on the 8th day of November, 2016.


STEVEN FRIEDLE
Subir Mukerjee, City Manager
Acting City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Gregory F. Amann, Assistant City Attorney

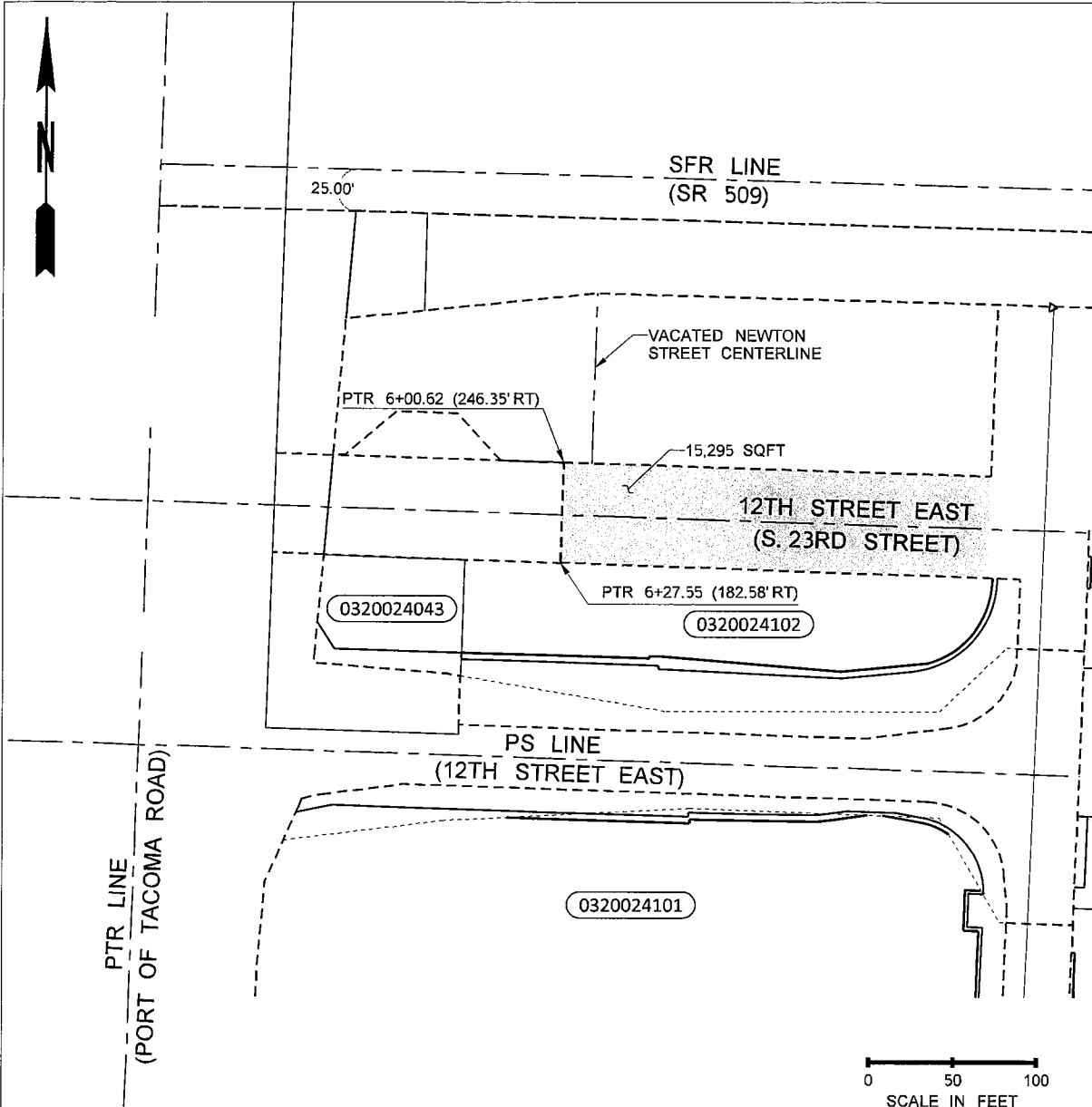
Published: November 10, 2016
Effective Date: November 18, 2016

EXHIBIT A
Legal Description
Street Vacation

(PIERCE COUNTY PARCEL NOT ASSIGNED)

That portion of the Southeast quarter of Section 2, Township 20 North, Range 3 East, W.M., City of Fife, Pierce County, Washington, and is described as follows: Beginning at a point opposite Highway Engineers Station (hereinafter referred to as HES) PTR 6+00.62 of the "PTR" survey line of SR 509, MP 1.71 to MP 2.80, Milwaukee Way to Port of Tacoma Rd. Vic. and 246.35 feet easterly therefrom; thence easterly to the westerly margin of 34th Avenue East; thence southerly along said westerly margin to the southerly margin of said 12th Street East; thence westerly along said southerly margin to a point opposite HES PTR 5+40.51 of said "PTR" survey line and 246.35 feet easterly therefrom; thence northerly to the Point of Beginning.

The lands herein described contain an area of 15,295 square feet, more or less, the specific details concerning all of which are to be found on Sheet 5 of 7 sheets of that certain plan entitled SR 509, MP 1.71 to MP 2.80, Milwaukee Way to Port of Tacoma Rd. Vic., now of record and on file in the office of the State of Washington, Secretary of Transportation at Olympia, Washington, and bearing date of approval May 7, 1998.



TITLE:

EXHIBIT FOR:

STREET VACATION

PIERCE COUNTY PARCEL NOT ASSIGNED

PROJECT:
SAPWT09-139

SCALE:
1" = 100'

DRAWN BY:
HKB

APPROVED BY:

AMENDMENT NO.
0.0

DATE:
11-02-16



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