

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1979

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. 7085000182 AND RESERVING ACCESS AND 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 February 27, 2018; 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 3264 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 (the "Surplus ROW") shall be vacated without further action of the City Council, subject to the reservation of access rights and easement described in Section 3, upon satisfaction of the conditions set forth in Section 4.

Section 3.

- a. The City reserves and maintains an easement and right to exercise and grant easements in respect to the Surplus ROW for the construction, repair, and maintenance of public utilities and services existing at the time of vacation.

b. The City reserves all rights of ingress and egress (including all existing, future or potential easements of access, light, view and air) to, from and between Port of Tacoma Road and the Surplus ROW and this vacation does not include any right of ingress and egress to, from and between Port of Tacoma Road and the Surplus ROW; EXCEPT the City does not reserve, and the rights appurtenant to the Surplus ROW and included in this vacation, do include rights of ingress and egress (including all existing, future or potential easement of access, light, view and air) from and between Port of Tacoma Road the Surplus Property northerly of a point opposite Highway Engineer's Station C 28+62.80 L/A on the C Line Survey (Port of Tacoma Road) of SR 5, Port of Tacoma Road Interchange Vicinity and 49.60 feet easterly therefrom. The specific details concerning all of which are to be found on Sheet 5 of 6 sheets of that certain plan entitled SR 5, Port of Tacoma Road, Interchange Vicinity, now of record and on file in the office of the State of Washington, the Secretary of Transportation at Olympia, Washington, and bearing date of approval July 15, 2015 and revised April 17, 2017.

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 Surplus Property 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 certain access rights as described in Section 3(b), and 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, 2020, 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.

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 13 day of March, 2018.

Passed by the City Council on the 27 day of March, 2018.



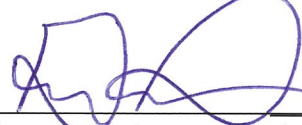
Hyun Kim, City Manager

ATTEST:



Angela Woods, City Clerk

APPROVED AS TO FORM:



Gregory F. Amann, Assistant City Attorney

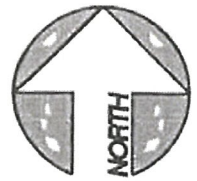
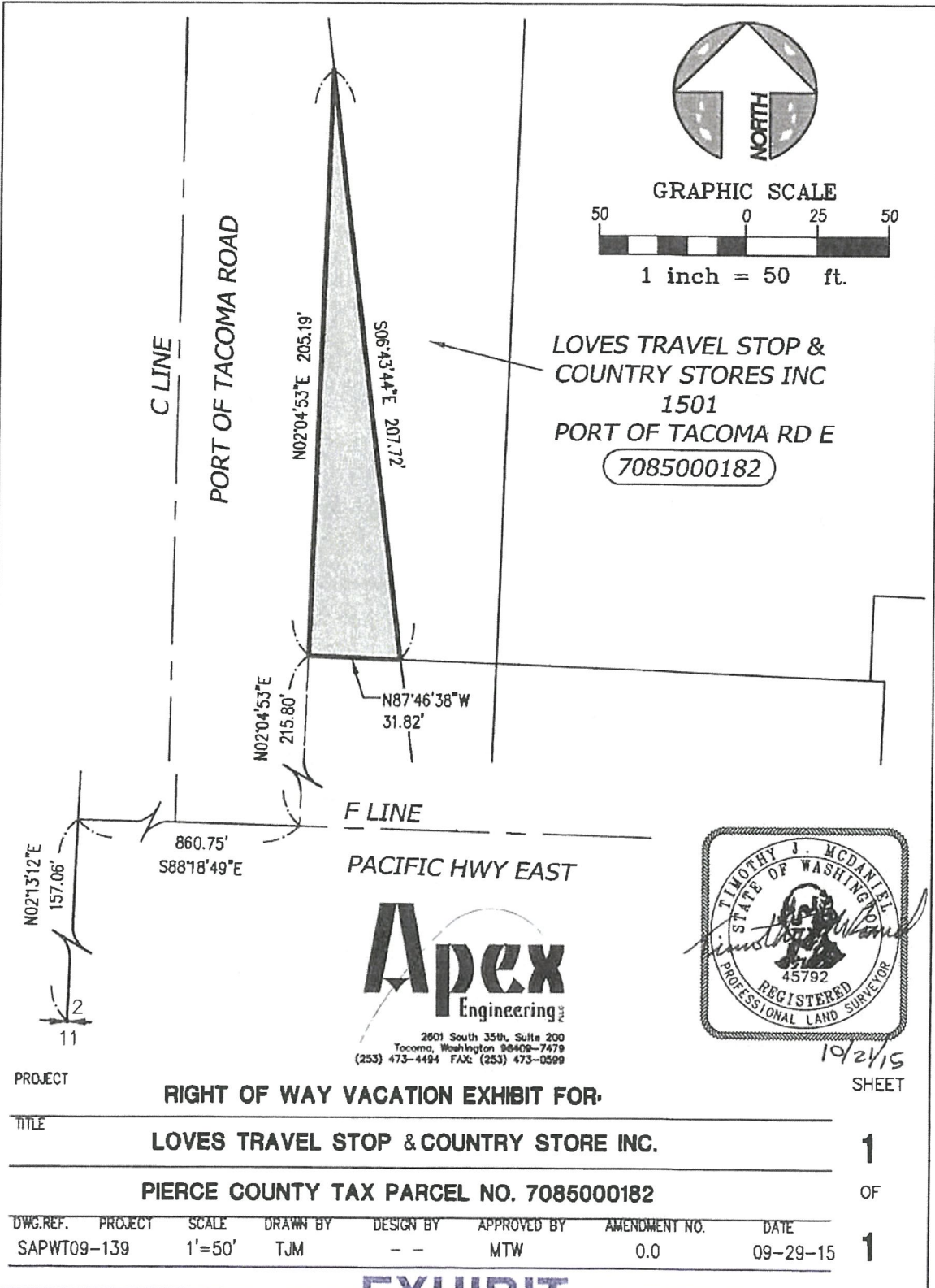
Published: 3/29/2018
Effective Date: April 3, 2018

EXHIBIT A
LEGAL DESCRIPTION

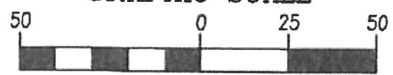
A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF 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 CENTERLINE SOUTH 88°18'49" EAST, 860.75 FEET; THENCE NORTH 02°04'53" EAST, 215.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 02°04'53" EAST, 205.19 FEET; THENCE ALONG THE CURRENT EAST RIGHT OF WAY LINE OF PORT OF TACOMA ROAD SOUTH 06°43'44" EAST, 207.72 FEET; THENCE NORTH 87°46'38" WEST, 31.82 FEET TO THE POINT OF BEGINNING.

EXCEPT ACCESS RIGHTS TO AND FROM PORT OF TACOMA ROAD AS DESCRIBED IN SECTION 3(B) OF THIS ORDINANCE AND SUBJECT TO RESERVATION OF UTILITY EASEMENTS AS DESCRIBED IN SECTION 3(A) OF THIS ORDINANCE.



GRAPHIC SCALE



1 inch = 50 ft.

LOVES TRAVEL STOP &
COUNTRY STORES INC
1501
PORT OF TACOMA RD E
7085000182



2501 South 35th, Suite 200
Tacoma, Washington 98409-7479
(253) 473-4484 FAX: (253) 473-0599



10/21/15
SHEET

PROJECT **RIGHT OF WAY VACATION EXHIBIT FOR**

TITLE **LOVES TRAVEL STOP & COUNTRY STORE INC.**

PIERCE COUNTY TAX PARCEL NO. 7085000182

DWG. REF.	PROJECT	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	AMENDMENT NO.	DATE
SAPWT09-139		1'=50'	TJM	--	MTW	0.0	09-29-15

EXHIBIT
" B "

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OF
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