

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1980

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, VACATING A PORTION OF 76TH AVENUE ABUTTING TAX PARCEL NOS. 0420082071, 0420082097, 0420082098 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 76<sup>th</sup> Avenue East 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 March 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 5366 square feet, has been part of a dedicated public right-of-way known as 76<sup>th</sup> Avenue East 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 has never been opened 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 76<sup>th</sup> Avenue East 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 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 the Surplus ROW for the repair, replacement, and maintenance of public utilities, if any, existing within the Surplus ROW 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 Surplus Property shall be determined by an appraisal performed by a WSDOT approved appraiser, or other suitable market analysis.

b. 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, or other suitable market analysis.

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 January 1, 2020, 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.

*[This space intentionally left blank]*

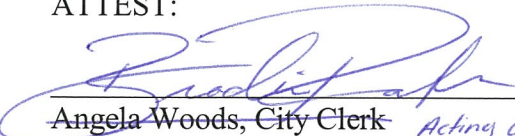
Section 7. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 24<sup>th</sup> day of April, 2018.

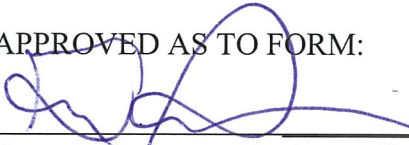
Passed by the City Council on the 24<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
Hyun Kim, City Manager

ATTEST:

  
\_\_\_\_\_  
~~Angela Woods, City Clerk~~ *Acting City Clerk*

APPROVED AS TO FORM:

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

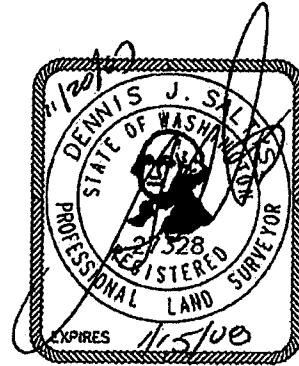
Published: 4/26/2018  
Effective Date: May 1, 2018

LEGAL DESCRIPTION

RIGHT-OF-WAY VACATION OF 76<sup>TH</sup> AVENUE EAST

That portion of 76<sup>th</sup> Avenue East being the West 16.50 feet of the Northeast quarter of the Southeast quarter of Northwest quarter of Section 8, Township 20 North, Range 4 East, Willamette Meridian, Pierce County, Washington, described as follows:

COMMENCING at Southwest corner of said Northeast quarter;  
THENCE North 02° 11' 22" East, 327.00 feet along the West line of said Northeast quarter to the Northeasterly margin of proposed right-of-way of State Route 167 and the TRUE POINT OF BEGINNING;  
THENCE CONTINUING North 02° 11' 22" East, 325.21 feet to the South margin of 20th Street East;  
THENCE South 88° 58' 53" East, 16.50 feet along said South margin;  
THENCE South 02° 11' 22" West, 342.05 feet parallel with said West line to said Northeasterly margin to the beginning of a non-tangent curve, the radius of which bears South 47° 25' 10" West;  
THENCE Northwesterly along said Northeasterly margin and along the arc of a curve concave to the Southwest, having a radius of 2,938.07 feet, through a central angle of 00° 27' 18", and an arc length of 23.34 feet to said West line and the TRUE POINT OF BEGINNING.



**EXHIBIT**  
" A "

Project Name: Benaroya  
November 19, 2007

Page 1 of 1

TSL/jss  
12770L.001.doc  
Exhibit: 12770EXH01-VAC.dwg

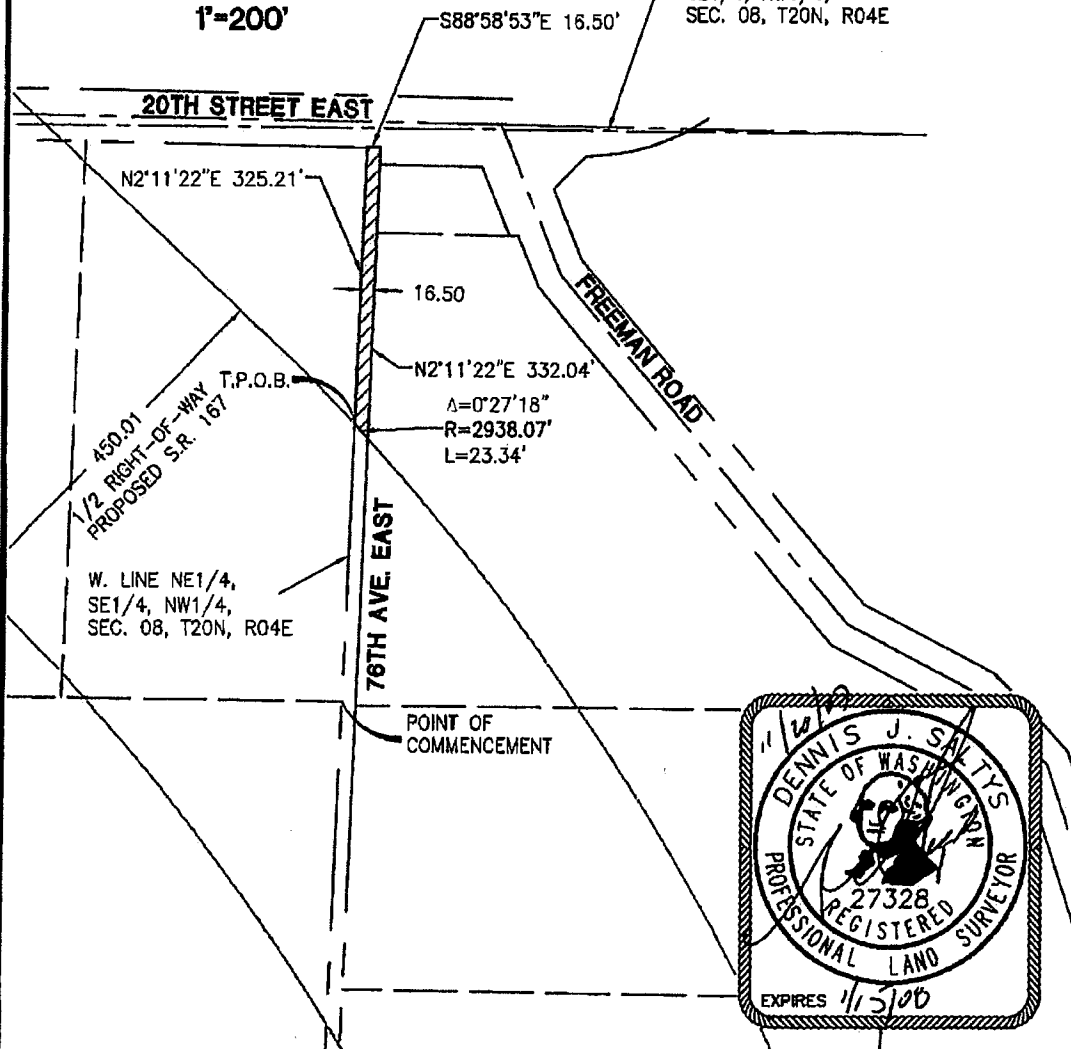
# EXHIBIT


" B "



1"=200'

N. LINE NE1/4,  
SE1/4, NW1/4,  
SEC. 08, T20N, R04E



Scale: Horizontal 1"=200' Vertical		For: <b>BENAROYA, LLC.</b> <b>SEATTLE, WA</b>	Job Number <b>12770</b>
 18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX  CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES	Title: <b>76TH AVENUE          RIGHT-OF-WAY          VACATION</b>		Sheet  <b>1 of 1</b>
	Designed _____	Drawn <u>YSL</u>	Checked <u>DJS</u>
Date <u>11-19-07</u>			