

ORDINANCE NO. 1388

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON, RELATING TO STREET VACATIONS, AUTHORIZING THE VACATION OF APPROXIMATELY 6,600 SQUARE FEET OF UNDEVELOPED RIGHT-OF-WAY ALONG A PORTION OF IVY STREET, KALAMA COWLITZ COUNTY, WASHINGTON.

WHEREAS, the City of Kalama received a petition for the vacation of the undeveloped portion of right-of-way as shown and described in Exhibit A from Craig and Carolyn Frkovich of 531 Taylor Road, Kalama, Washington, 98625; and

WHEREAS, the City Clerk's office determined that the petition was signed by owners of more than two thirds of the property abutting the right-of-way sought to be vacated; and

WHEREAS, on August 2, 2017 the City Council passed Resolution No. 665, fixing the date for the public hearing on the petition before the Kalama Hearings Examiner; and

WHEREAS, after adoption of Resolution No. 665, the City Clerk's office gave public notice of the pendency of the petition by posting written notice as required by law, at least twenty days prior to the public hearing on the petition; and

WHEREAS, the City Clerk's office also sent written notice at least fifteen days prior to the date of the public hearing by mail to all owners of property abutting the rights-of-way of the pendency of the petition; and

WHEREAS, on August 23, 2017 the City Hearings Examiner held a public hearing on the petition; and

WHEREAS, the City staff and Hearings Examiner reviewed the petition in light of the City's Comprehensive Plan, Transportation Element of the Comprehensive Plan and the City's Six Year Road Plan, and determined that none of the right-of-way was included in any of these Plans in any existing or future street projects; and

WHEREAS, Staff and the Hearings Examiner determined that the right-of-way would be unsuitable for the future development of City streets, and that the right-of-way would not be needed for any other street purpose, but utilities may be located in this area now and in the future which will require the City retain utility easement for public utilities and services, finally recommending vacation of the right-of-way; and

WHEREAS, the City has not received any written objections from any of the abutting property owners, requesting that the petition not be heard and the vacation not take place; and:

WHEREAS, RCW 35.79 and the Kalama Municipal Code require that the City be compensated for an amount of not less than one half of the appraised value of the right-of-way unless the right-of-way has been dedicated to the City for more than 25-years, in which case not more than the full appraised value will be assessed.

Now, Therefore, THE CITY COUNCIL OF THE CITY OF KALAMA ORDAINS AS FOLLOWS:

Section 1. Vacation. The City Council hereby vacates the right-of-way as described as:

That portion of Ivy Street that lies adjacent to the south line of Lot 1, Block 41 and north of Lot 12, Block 40, all in the Plat of North Pacific Addition to the Town of Kalama, as filed in Volume 3 of Plats, Page 7, records of Cowlitz County, Washington. Said portion of Ivy Street is 66.00 feet total width, by 100.00 feet. Area is shown on survey field in Volume 27, Page 175, filed under Auditor's File No. 3309702, records of Cowlitz County, Washington. Area lies within the Southwest Quarter of Section 8, Township 6 North, Range 1 West, W.M., Cowlitz County, Washington.

and shown on the attached Exhibit A, conditioned upon compliance with this Ordinance.

Section 2. Reservation of Easements. The City hereby maintains an easement or the right to exercise and grant easements with respect to all of the right-of-way vacated in this Ordinance, for the installation, construction, repair and maintenance of public utilities and services.

Section 3. Payment to City for Right-of-Way. This Ordinance and the street vacation authorized herein shall not become effective until the owners abutting the right-of-way shall pay the amount of \$20,460 which is the calculated appraised value based on the average of the assessed valuation of the abutting properties and all other fees and costs related to the petition for vacation. The applicants may have the proposed vacated area appraised by a licensed appraiser, in which case, the city may reassess fees upon review of the report.

Section 4. Acceptance, Dedication of Funds and Recording of Ordinance.

The City Council hereby authorizes the City Clerk to accept such funds from the abutting property owners and to place one-half of such funds in a City account earmarked for the acquisition, improvement, development and related maintenance of public open space or transportation capital projects in the City (as required by RCW 35.79.030). After such funds have been received, the City Council authorizes the City Clerk to certify this Ordinance and forward it to the Cowlitz County Auditor for recording.

Section 5. Effective Date. This Ordinance is conditioned upon the abutting property owners' payment of the amount set forth in Section 3 to the City on or before November 5, 2017. If such payment is not made on or before that date, this Ordinance shall become null and void and be of no further effect. If payment is made on or before the date established herein, this Ordinance shall be published by the City Clerk and become effective five days thereafter.

Section 6. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Passed by the City Council of the City of Kalama at a regular meeting held on the 6th day of September, 2017.

Attest:

Mayor Pete Poulsen

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Published:

Effective:

Date Street Vacation Recorded:

I, CONI McMASTER DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1388.

Coni McMaster - Clerk/Treasurer

DRAFT

EXHIBIT A – LEGAL DESCRIPTION & LOCATION OF STREET VACATION

That portion of Ivy Street that lies adjacent to the south line of Lot 1, Block 41 and north of Lot 12, Block 40, all in the Plat of North Pacific Addition to the Town of Kalama, as filed in Volume 3 of Plats, Page 7, records of Cowlitz County, Washington. Said portion of Ivy Street is 66.00 feet total width, by 100.00 feet. Area is shown on survey field in Volume 27, Page 175, filed under Auditor's File No. 3309702, records of Cowlitz County, Washington. Area lies within the Southwest Quarter of Section 8, Township 6 North, Range 1 West, W.M., Cowlitz County, Washington.

