

ORDINANCE NO. 1421

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON, RELATING TO STREET VACATIONS, REPEALING ORDINANCE NO. 1417 AUTHORIZING THE VACATION OF APPROXIMATELY 24,920 SQUARE FEET OF DEVELOPED EIGHTH STREET RIGHT-OF-WAY BETWEEN S. DATE AND CEDAR STREETS LOCATED IN THE COURTHOUSE AND STONES ADDITIONS OF KALAMA, COWLITZ COUNTY, WASHINGTON.

WHEREAS, the City of Kalama received two petitions for the vacation of four segments of right-of-way in the Courthouse and Stones Additions of Kalama;

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

WHEREAS, on December 20, 2018 the City Council passed Resolution No. 677 fixing the date of January 17, 2019 for the public hearing on the petition before the Kalama Hearings Examiner; and

WHEREAS, after adoption of Resolution No. 677, public notice of the pendency of the petition was made by posting written notice as required by law, at least twenty days prior to the public hearing on the petition; and

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

WHEREAS, on January 17, 2019 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 City's Comprehensive Plan, Transportation Element of the Comprehensive Plan and the City's Six Year Road Street, 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, the Hearings Examiner determined that the portions of right-of-way offer little benefit to the public if retained, while the vacation will permit the Kalama School District to improve and expand the public school campus for recent and future growth; and transportation needs of the area will be served and improved by the proposed mitigation plan included in the proposal, finally recommending vacation of the right-of-way; and

WHEREAS, the Hearings Examiner included in the recommendations for

approval of the street vacation the City of Kalama should retain a utility easement over any services as well as the right to exercise and grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services;

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;

WHEREAS, on February 7, 2019 the City Council passed Ordinance No. 1417 approving the street vacations as one transaction;

WHEREAS, the Kalama School District has requested the street vacation be split between the small segments of street and alleyway and the large portion of 8th:

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

Section 1. The City Council hereby repeals Ordinance No. 1417 in its entirety.

Section 2. **Vacation.** The City Council vacates the right-of-way as described in Exhibits A

Section 3. **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 4. **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 following amount to the City, which is the full appraised value of the right-of-way \$49,000.

Section 5. **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 all 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), (Fund 102). 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 6. **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

April 9, 2019. 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 7. 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 18th Day of April, 2019.

Mayor Mike Reuter

Attest:

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. 1417

Coni McMaster - Clerk/Treasurer

Exhibit "A"
8th Street Right-of-Way Vacation
Legal Description

All of 8th Street (formerly known as Seattle Street on the Plat "Court House Addition to Kalama" as recorded in Volume 3, Page 53, Cowlitz County Plat Records), lying between the Northerly right-of-way line of Cedar Street (formerly known as Main Street on said Plat of "Court House Addition to Kalama") and the Southerly right-of-way line of Date Street (formerly known as Church Street on said Plat of "Court House Addition to Kalama"), located in the Southwest One-Quarter of the Northeast One-Quarter of Section 17, Township 6 North, Range 1 West, Willamette Meridian, City of Kalama, Cowlitz County, Washington.

