

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON VACATING A PORTION OF EAST BAY DRIVE AS A PUBLIC THOROUGHFARE

WHEREAS, the Olympia City Council adopted Resolution No. M-2323 on April 25, 2022, setting a public hearing to allow public comment relating to a petition to vacate a portion of East Bay Drive as a public thoroughfare; and

WHEREAS, as required by OMC 12.16.050, written notice of the proposed vacation and public hearing was posted at Olympia City Hall, posted on site, and mailed to all property owners abutting and within 300 feet of the boundaries of the rights-of-way to be vacated; and

WHEREAS, a public hearing was held by the Olympia City Council on said petition on May 24, 2022, at the City Council's regular 7:00 p.m. business meeting; and

WHEREAS, the City has received no comments objecting to the vacation from utility providers regarding this vacation; and

WHEREAS, the Public Works Department has indicated the property has no known current or foreseeable future use to the City as a right-of-way; and

WHEREAS, the City Council determines it to be in the public interest to grant the petition to vacate a portion of East Bay Drive as a public thoroughfare, subject to the requirements of OMC 12.16.080, OMC 12.16.090, and RCW 35.79.030;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. As recommended by the City of Olympia Public Works Department and as requested by the owner of the abutting parcel(s), the Olympia City Council, pursuant to OMC 12.16.050 and RCW 35.79.010, hereby vacates as a public thoroughfare the following described public thoroughfare situated in the City of Olympia, Thurston County, State of Washington, to wit:

A portion of Lot 1, Block 6 of Galliher's Addition recorded in Volume 1, Page 73 of plats, also known as a portion of Parcel C of BLA-SS-5667 recorded under Auditor's File No. 9108130068 and amended under Auditor File No. 3189905 records of Thurston County, Washington, more particularly described as follows:

Beginning at a point on the north line of said Lot 1, said point being westerly 16.00 feet as measured perpendicular to East Bay Drive; thence along said north line N 88°00'56" W 28.79 feet; thence N11°28'48"W 20.73 feet to the north line of said Parcel C and the south line of previous vacation per Ordinance 4363; thence along said north line, S 89°20'47" E 28.51 feet to a point westerly 16.00 feet as measured perpendicular to East Bay Drive; thence S 11°28'48" E 22.08 feet to the True Point of Beginning. Also as shown on Record of Survey recorded under Auditor's File No. 4701486.

Containing 500 square feet, more or less.

Subject to public utilities, easements, reservations, restrictions, and other conditions of record.

Section 2. The vacation meets the criteria set forth in OMC 12.16.100, which is summarized as follows:

- The proposed vacation will not be materially detrimental to other properties in the vicinity, nor will it endanger public health, safety, or welfare.
- The subject right-of-way is not needed for general access, emergency services, utility facilities, or other similar public purposes, nor is it necessary as part of a long-range circulation plan, pedestrian/bicycle pathway plan or street improvement plan.
- The subject vacation is consistent with the adopted Olympia Comprehensive Plan and all other related land use and circulation regulations and policies.
- The subject vacation would not directly or indirectly result in an adverse impact on historical or cultural resources, the natural environment, or otherwise negatively affect environmentally sensitive areas.

Section 3. Effective Date. This Ordinance shall not become effective until the owners of the abutting property make payment required under OMC 12.16.080, OMC 12.16.090, and RCW 35.79.030 for the area so vacated. Failure of the abutting property owners to make payment within ninety (90) days of the final passage of this Ordinance shall automatically (without further Council action) void the petition and the vacation of right of way approved by this Ordinance. If payment is made immediately upon approval of the Ordinance, the Ordinance shall take effect five (5) days after passage and publication.

Section 4. Certification of Payment. I, Sean Krier, City Clerk, hereby certify that an amount equal to one-half of the appraised value of property above vacated was was not received within the required timeframe.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: