

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON VACATING AS A PUBLIC THOROUGHFARE A PORTION OF HILLSIDE DRIVE SE AND A PORTION OF THE PEDESTRIAN ACCESS TRAIL KNOWN AS TRACT "A" OF HENDERSON COMMERCIAL PARK BINDING SITE PLAN**

**WHEREAS**, the Olympia City Council adopted Resolution No. M-1852 on November 1, 2016, setting a public hearing date for December 6, 2016, at 7:00 p.m. to allow public comment for or against vacation of the following described public thoroughfare situated in the City of Olympia, Thurston County, State of Washington, to wit:

**PARCEL A**

*That portion of land dedicated to the City of Olympia, as recorded January 4, 1965 under recording number 813551, records of Thurston County, Washington; together with:*

*That portion of Tract 48 and Hillside Drive as shown on the plat of Wildwood Park, recorded in Volume 9 of Plats, Page 39, records of Thurston County, Washington, lying northerly of the south line of Tract 44 of said Plat, and its westerly extension, and lying southerly of the north line of the south 100 feet of said Tract 44 and its westerly extension, and lying easterly of said land dedicated to the City of Olympia, recording number 813551, and lying westerly of the following described line:*

*Commencing at the Southwest corner of said Tract 44; thence westerly along the westerly extension of said south line of Tract 44 North 88°13'59" West 31.74 feet to its intersection with said westerly margin of Hillside Drive and the **POINT OF BEGINNING** of said line; thence leaving said south line North 03°02'40" West 52.92 feet; thence North 27°20'14" East 52.39 feet to the southerly boundary of Lot 1 of Henderson Commercial Park Binding Site Plan, as recorded February 1, 2008 under recording number 3986666, and the **TERMINUS** of said line.*

**PARCEL B**

*That portion of Tract "A" of Henderson Commercial Park Binding Site Plan, as recorded February 1, 2008 under recording number 3986666, records of Thurston County, Washington, lying westerly of the following described line:*

***BEGINNING** at the Northeast corner of Lot 1 of said Binding Site Plan; thence South 63°28'16" East 0.63 feet; thence South 28°36'47" West 68.07 feet; thence South 27°20'14" West 70.82 feet to the westerly boundary of said Tract "A" and the **TERMINUS** of said line.*

*Containing 6,335 square feet or 0.15 acres, more or less.*

**WHEREAS**, the petitioner is requesting that a portion of Hillside Drive SE and a portion of the pedestrian access trail described above be vacated; and

**WHEREAS**, notice of this proposed vacation was posted physically on site, and adjoining neighbors were mailed notice of the hearing; and

**WHEREAS**, a public hearing was held by the City Council of the City of Olympia on said petition on December 6, 2016, at 7:00 p.m. or thereafter in the evening; and

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

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

**WHEREAS**, this vacation is deemed to be in the public interest and serve the public welfare;

**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 parcels, the Olympia City Council, pursuant to RCW 35.79.010, hereby vacates as a public thoroughfare the herein above described property.

**Section 2.** The vacation meets the criteria set forth in OMC 12.16.100.

**Section 3.** This Ordinance shall not become effective until the owners of the abutting property grant to the City of Olympia and construct a pedestrian access easement as shown on Exhibit "A" in lieu of payment required under OMC 12.16.030, .080, .090 and RCW 35.79.030 for the area so vacated. Failure of the abutting property owners to grant an easement within ninety (90) days of the passage of this Ordinance shall automatically void the petition and this Ordinance without it being brought back before the City Council. The City Clerk/Treasurer shall certify on the face of this Ordinance whether or not the easement is received within the time limit referred to above.

**Section 4.** I, City Clerk/Treasurer, hereby certify that payment in the form of an easement approved the City Council in Section 3 above in accordance with OMC 12.16.080 was  was not  received.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

*Darren Nienaber*

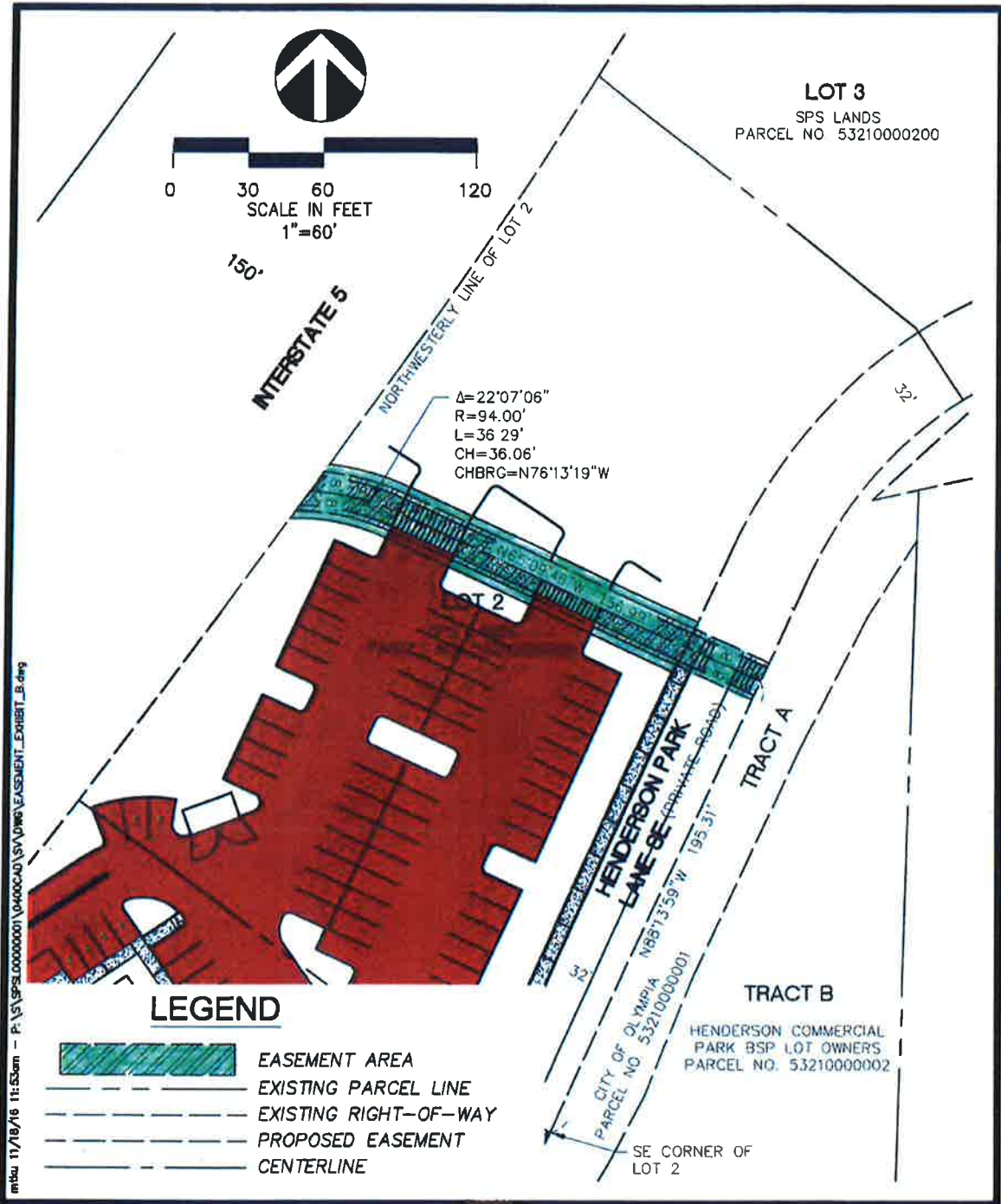
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**






**PUBLISHED:**

EXHIBIT A



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**LEGEND**

-  EASEMENT AREA
-  EXISTING PARCEL LINE
-  EXISTING RIGHT-OF-WAY
-  PROPOSED EASEMENT
-  CENTERLINE



EASEMENT AREA: 3,093 SF

OWNER: SPS LANDS  
OLYMPIA, WASHINGTON



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