

Ordinance No. _____

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON
VACATING AS A PUBLIC THOROUGHFARE A PORTION OF THE
UNOPENED RIGHT-OF-WAY LOCATED WITHIN THE AREA OF THE
2000 BLOCK OF EAST BAY DRIVE NE.**

WHEREAS, the Olympia City Council adopted Resolution No. M-1791 on January 15, 2013, setting a public hearing date for March 5, 2013, 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:

That portion of the West 15.00 feet of East Bay Drive lying between the North and South lines extended Easterly of Lot 15, Block 1, Sunset Beach Addition to Olympia as recorded in Volume 8, Page 79, records of Thurston County, Washington, more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 15; Thence North 11°29'00" West along the East line of said Lot 15, 82.45 feet to the Northeast corner of said Lot 15; Thence South 87°58'17" East along the North line of said Lot 15 extended Easterly, 15.42 feet; Thence South 11°29'00" East, 82.45 feet to the South line of said Lot 15 extended Easterly; Thence North 87°56'24" West along the South line of said Lot 15 extended Easterly, 15.42 feet to the **POINT OF BEGINNING**.

WHEREAS, the petitioner is requesting that a portion of the West 15.00 feet of East Bay Drive lying between the North and South lines extended Easterly of Lot 15, Block 1, Sunset Beach Addition to Olympia 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 March 5, 2013, at 7:00 p.m. or thereafter in the evening; and

WHEREAS, the City has received no comments 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 pay to the City of Olympia the amount 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 remit this amount 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 payment is received within the time limit referred to above.

Section 4. I, Jane Ragland Kirkemo, City Clerk/Treasurer, hereby certify that an amount equal to one-half of the appraised value of property above vacated was ___ was not ___ received within the time referred to above.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: