

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

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON  
VACATING AS A PUBLIC THOROUGHFARE A PORTION OF THE  
NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED AT 210 STATE  
AVENUE NW.**

**WHEREAS**, the Olympia City Council adopted Resolution No. \_\_\_\_\_ on March 21, 2017, setting a public hearing date for April 11, 2017, 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 North-South alley adjacent to Lots 5 through 8 inclusive in Block 72 of Sylvester's Plat of Olympia, as recorded in Volume 1, of Plats, Page 14, in Thurston County, Washington.*

**WHEREAS**, the petitioner is requesting that a portion of the north-south alley in Block 72, of Sylvester's Plat of 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 April 11, 2017, at 7:00 p.m. or thereafter in the evening; and

**WHEREAS**, the City has received comments from utility providers requesting the reservation of easements 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 and RESERVES an easement over, across, through, and under the above described property for public and private utilities, whether or not covered by a franchise agreement with the City of Olympia, including but not limited to, sanitary sewer, stormwater, water, solid waste collection, electrical, cable, telephone, and telecommunications.

**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 an amount equal to one-half the appraised value as required under OMC 12.16.030, .080, .090 and RCW 35.79.030 for the area so vacated and provide a copy of the executed standard City of Olympia utility easement as described in Section 1 above. Failure of the abutting property owners to remit this amount and the executed 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 payment is received within the time limit referred to above.

**Section 4.** The City Manager is authorized to acknowledge and accept the utility easement described above.

**Section 5.** I, \_\_\_\_\_, 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:**

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

**PASSED:**

**APPROVED:**

**PUBLISHED:**