

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 08-16

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, VACATING A PORTION OF 112th STREET E RIGHT-OF-WAY.

WHEREAS, RCW 35.79 and RCW 35A.47.020 grants authority to the City to establish procedures, notice requirements and fees for the vacation of streets and alleys within the City; and

WHEREAS, The City Council through adoption of Resolution #16-01 initiated the vacation of a portion of 112th Street E. that is no longer in use as a public right-of-way described on Exhibit “A” attached hereto and incorporated herein; and

WHEREAS, the City of Buckley pursuant to RCW 35.79.010 and BMC 13.25.060, passed a Resolution 16-01 setting a public hearing on the vacation for February 9, 2016; and

WHEREAS, a public hearing was held on February 9, 2016 pursuant to legal notice by the Buckley City Council heretofore and the matter of the vacation was considered; and

WHEREAS, the Buckley City Council determined that as conditioned the vacation of the right-of-way complies with all of the review criteria of BMC 13.35 and would be in the public interest; and

WHEREAS, the Buckley City Council approved the vacation on the conditions set forth below,

WHEREAS, this street vacation is being approved in order to facilitate a City realignment project for SR165/SR410/RyanRd/112thStE. The realignment project also involves a purchase and sale agreement approved by the City Council on December 8, 2015 (“Purchase and Sale Agreement”). The conditions of approval for this vacation are dependent upon the actions of the other party to the Purchase and Sale Agreement, Dantzler 410 LLC,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY,
PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Vacation and Conditions. A portion of 112th Street E, as described in Exhibit “A”, attached hereto and incorporated by this reference, is hereby vacated upon satisfaction of the conditions identified below:

- A. Payment of \$46,893 to City of Buckley (“City”) by Dantzler 410 LLC. It is acknowledged that payment of this amount will be satisfied by the Dantzler 410 LLC payment of the full purchase price specified in the Purchase and Sale Agreement.
- B. As part of this vacation, the City retains utility easements for itself and PSE natural gas facilities within the vacation area. Dantzler 410 LLC shall grant utility easements to City and PSE for City and PSE natural gas facilities located within the entire vacation area legally described in Ex. A. Said easements shall grant full access to the City and PSE for maintenance, repair, expansion and replacement of utility facilities. It is recognized that Dantzler 410 LLC will only acquire ownership of the eastern half of the 112th Street E right of way via the transfer of property from the City to Dantzler 410 LLC pursuant to the Purchase and Sale Agreement. Dantzler 410 LLC may have to agree, as determined necessary by the Mayor, to an amendment to the Purchase and Sale agreement that would require the utility easement in order to satisfy this condition.
- C. Dantzler 410 LLC shall have the requisite ownership rights to execute all the documents required by this ordinance.

All of the conditions required by this vacation ordinance shall be completed by the execution of documents approved by the Mayor. The Mayor is authorized to approve and execute such documents without additional approval from the Council. This ordinance shall not be published or recorded until all conditions herein have been met or adequate assurance of completion has been provided as approved by the Mayor.

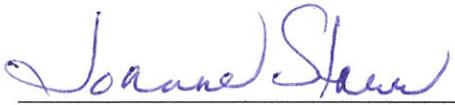
Section 2. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city once all conditions have been met, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council on the 8th day of March, 2016.



Mayor Pat Johnson

Attest:



City Clerk, Joanne Starr

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: June 8, 2016

EFFECTIVE: June 13, 2016

EXHIBIT 'A'

**Owner: City of Buckley
112th Street East
Southeasterly R/W Vacation**

THAT PORTION of the 112th Street East Right of Way lying within Sections 3 and 4, Township 19 North, Range 6 East, Willamette Meridian, described as follows:

COMMENCING at the monument common to Sections 3, 4, 9, and 10 of said Township 19 North, Range 6 East;

THENCE North 02°06'34" East a distance of 35.01 feet along the East line of said Section 4 to a line parallel with and 35.00 feet Northerly, measured at right angles from the South line of said Section 4;

THENCE North 88°49'16" West a distance of 260.02 feet along said parallel line to its intersection with the centerline of said 112th Street East Right of Way and the POINT OF BEGINNING, said point being the beginning of a 573.00 foot radius non-tangent curve to the left, the center of which bears North 18°57'02" West;

THENCE Northeasterly along the arc of said curve and said centerline a distance of 333.40 feet, through a central angle of 33°20'14";

THENCE North 37°42'44" East a distance of 252.92 feet along said centerline;

THENCE South 17°09'46" East a distance of 26.49 feet to the beginning of a 345.00 foot radius curve to the right;

THENCE Southeasterly along the arc of said curve a distance of 10.30 feet, through a central angle of 01°42'37" to the Southeasterly Right of Way line of said 112th Street East;

THENCE South 37°42'44" West a distance of 231.62 feet along said Southeasterly Right of Way line to the beginning of a 603.00 foot radius curve to the right;

THENCE Southwesterly along the arc of said curve and said Southeasterly Right of Way line a distance of 280.14 feet, through a central angle of 26°37'06" to the aforesaid line that is parallel with and 35.00 feet Northerly, measured at right angles from the South line of said Section 4;

THENCE North 88°49'16" West a distance of 75.14 feet along said parallel line to the POINT OF BEGINNING.

Contains: 16,427 Square Feet, more or less.

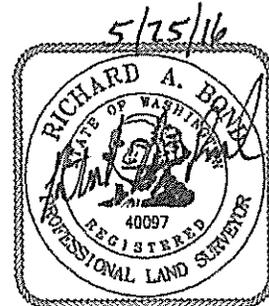
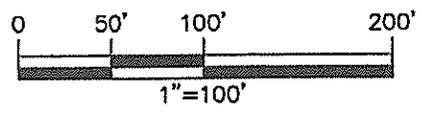
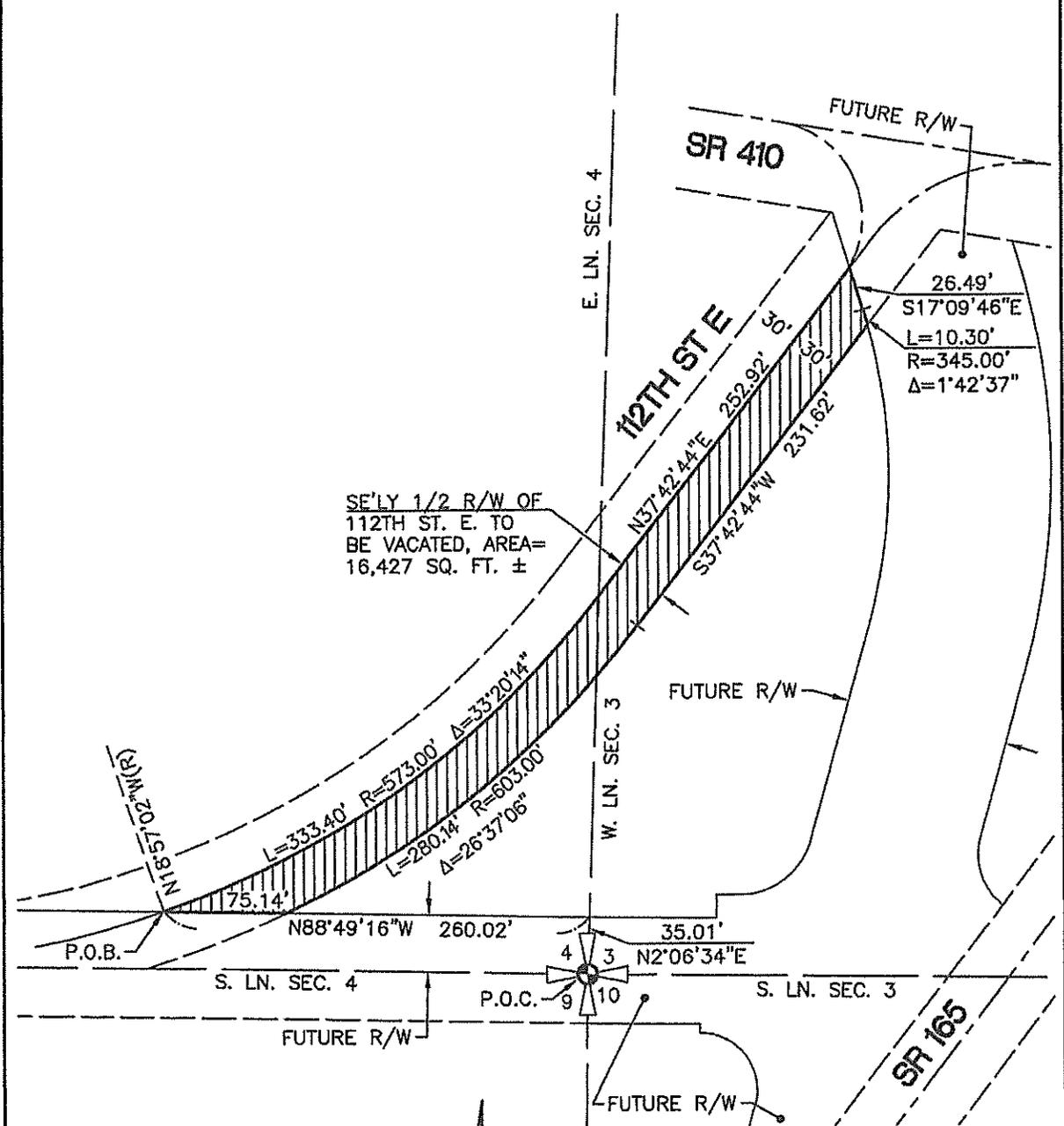


EXHIBIT 'A'



CITY OF BUCKLEY

SR 410/SR 165/RYAN RD/112TH ST.
 112TH ST. E. SE 1/2 R/W
 VACATION
 EXHIBIT 'A'

EXHIBIT 'A'

**Owner: City of Buckley
112th Street East
Northwesterly R/W Vacation**

THAT PORTION of the 112th Street East Right of Way lying within Sections 3 and 4, Township 19 North, Range 6 East, Willamette Meridian, described as follows:

COMMENCING at the monument common to Sections 3, 4, 9, and 10 of said Township 19 North, Range 6 East;

THENCE North 02°06'34" East a distance of 35.01 feet along the East line of said Section 4 to a line parallel with and 35.00 feet Northerly, measured at right angles from the South line of said Section 4;

THENCE North 88°49'16" West a distance of 260.02 feet along said parallel line to its intersection with the centerline of said 112th Street East Right of Way and the POINT OF BEGINNING, said point being the beginning of a 573.00 foot radius non-tangent curve to the left, the center of which bears North 18°57'02" West;

THENCE Northeasterly along the arc of said curve and said centerline a distance of 333.40 feet, through a central angle of 33°20'14";

THENCE North 37°42'44" East a distance of 252.92 feet along said centerline;

THENCE North 17°09'46" West a distance of 35.58 feet to the Southerly Right of Way line of State Route 410;

THENCE North 80°38'16" West a distance of 1.02 feet along said Southerly Right of Way line to its intersection with the Northwesterly Right of Way line of 112th Street East;

THENCE South 37°42'44" West a distance of 272.90 feet along said Northwesterly Right of Way line to the beginning of a 543.00 foot radius curve to the right;

THENCE Southwesterly along the arc of said curve and said Northeasterly Right of Way line a distance of 432.97 feet, through a central angle of 45°41'07" to the aforesaid line that is parallel with and 35.00 feet Northerly, measured at right angles from the South line of said Section 4;

THENCE South 88°49'16" East a distance of 123.67 feet along said parallel line to the POINT OF BEGINNING.

Contains: 19,140 Square Feet, more or less.

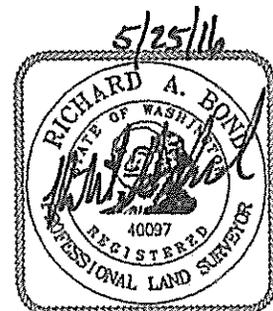
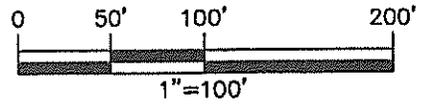
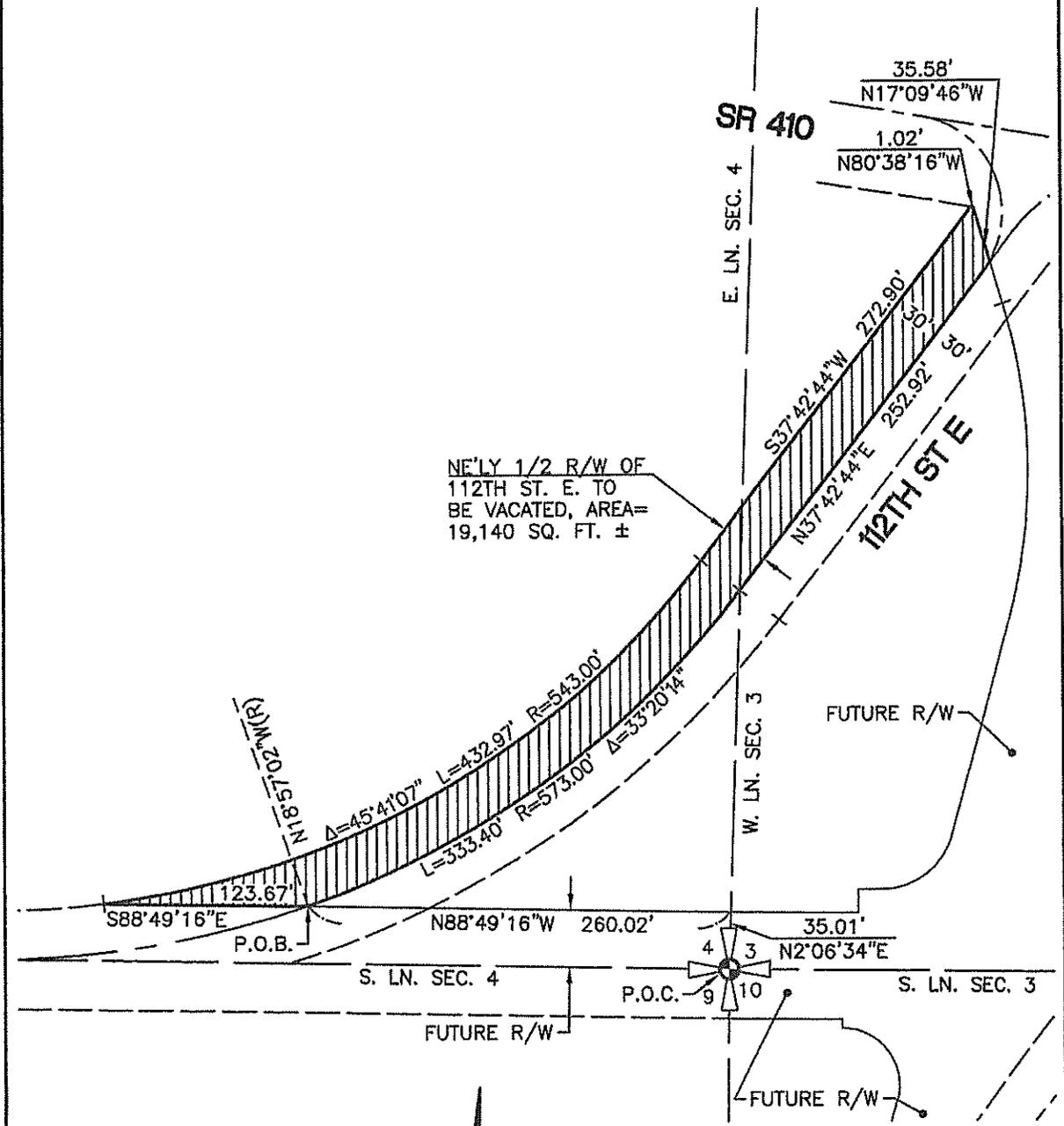


EXHIBIT 'A'



CITY OF BUCKLEY

SR 410/SR 165/RYAN RD/112TH ST.
 112TH ST. E. NW'LY 1/2 R/W
 VACATION
 EXHIBIT 'A'