

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 05-22

**AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY,
WASHINGTON, VACATING A PORTION OF FELTON 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 #22-02 initiated the vacation of a portion of Felton Street that is currently unopened, unimproved and not 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 22-02 setting a public hearing on the vacation for February 22, 2022; and

WHEREAS, a public hearing was held on February 22, 2022 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 portions of right-of-way to be vacated are unopened and unimproved right-of-way. Future street plans adopted by the City Council in 2010 illustrate that there are no planned improvements for this right-of-way segment, nor is there an east/west street planned by the City at this location. In addition other portions of this undeveloped right-of-way had previously been vacated by the City; 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,

**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 Felton Street, as described in Exhibit "A", attached hereto and incorporated by this reference, is hereby vacated upon satisfaction of the conditions identified below:

A. Applicant purchasing area of vacated right-of-way shall be required to convey a utility easement to the City the construction, repair and maintenance of future utilities. The easement shall be recorded with Pierce County; and

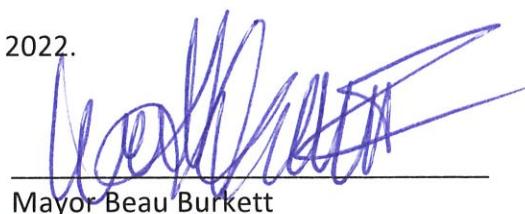
B. Payment of ~~\$8,000.00~~ \$7,000.00 for full market value of the area to be vacated must be made to the City as stipulated in BMC 13.25.140 prior to the City Council considering an Ordinance vacating the areas.

C. The Applicant shall be required to record all deeds and transfers with Pierce County and be responsible for any and all filing fees and costs.

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 12TH day of April, 2022.



Mayor Beau Burkett

Attest:



City Clerk, Treva Percival

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

Published: April 20, 2022
Effective: April 25, 2022