

**CITY OF BUCKLEY, WASHINGTON**

**ORDINANCE NO. 13 - 15**

**AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, CORRECTING THE LEGAL DESCRIPTION AND AREA OF A BALM STREET VACATION APPROVED PURSUANT TO CITY ORDINANCE NO. 35-97.**

**WHEREAS**, the Buckley City Council approved Ordinance No. 30-97 vacating portions of Balm Street between Naches Street and North 2<sup>nd</sup> Street on June 24, 1997 after being petitioned by abutting property owners and conducting a public hearing; and

**WHEREAS**, Ordinance No. 30-97 vacated the northern 17 feet of the 66 feet of Balm Street right-of-way to James D. Carlson and Merle E. Carlson and vacated the southern 17 feet of the 66 feet of Balm Street right-of-way to Joseph Schunke and Rhoda Schunke; and

**WHEREAS**, each of these aforementioned abutting property owner's paid \$4,636.37 for the 17 feet of vacated right-of-way; and

**WHEREAS**, the City's intent was to maintain at least 32 feet of right-of-way between blocks for access, which why each abutting property owner received 17 feet of the 66 feet of public right-of-way; and

**WHEREAS**, on July 8, 1997 the Buckley City Council conducted a public hearing on a subsequent petition from Arlin L. and Leslie A. Satterthwaite to vacate the portion of Balm Street between Naches Street and North 2<sup>nd</sup> Street that abutted their property at 165 North 2<sup>nd</sup> Street; and

**WHEREAS**, it was the intent of the Council to grant a similar vacation to the property owners abutting the Balm Street right-of-way that were located on the North 2<sup>nd</sup> Street side of the block while maintain the 32 feet of public right-of-way between blocks for access; and

**WHEREAS**, Arlin L. and Leslie A. Satterthwaite paid the same a dollar amount of \$4,636.37 for the vacated property identical to the property owners to the west of their property; and

**WHEREAS**, the Ordinance No. 35-97 that was approved by the City Council granting the vacation of Balm Street right-of-way to the Satterthwaites incorrectly listed the vacated area as 33 feet wide instead of the 17 feet that was intended; and

**WHEREAS**, this was clearly in error because the purchase price for the vacated area was paid by the Satterthwaites after the Ordinance was approved and was the exact same amount that the adjoining property owners to the west paid the City for 17 feet of vacated right-of-way; and

**WHEREAS**, this error was brought to the City's attention by Mr. Satterthwaite in March, 2015 along with a request to correct the error in the legal description so that there were no ambiguities in the property descriptions owned by him; and

**WHEREAS**, after investigating the issue City staff, along with the City Engineer and City Attorney, agreed that an error had been made and recommend that the City Council reissue the Ordinance vacating the portion of Balm Street with corrections to reflect a 17 feet wide vacation instead of 33 feet as Ordinance No. 35-97 indicated; and

**WHEREAS**, due to the error and the fact that the Satterthwaites received 33 feet of property instead of the 17 feet that was intended, the 16 feet of difference between the two must be deeded back to the City in order to complete the action. The City and the Satterthwaites have agreed to value of \$2,000 for the 16 feet of property that will be quit claimed back to the City as part of this action; and

**WHEREAS**, the City conducted a public hearing on May 12, 2015 to accept public comment on the proposed change to the vacation; and

**WHEREAS**, the Buckley City Council concurs with the City staff recommendations and desires to correct the legal description of the Balm Street vacation to Arlin L. and Leslie A. Satterthwaite as set forth below,

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

**Section 1.** The City does hereby replace the legal description of the vacated right-of-way identified in Section 2 of Ordinance No. 35-97 with the following:

The 17' of Balm Street adjacent to Lot 4 and 5 of Block 9 of Cedarwild Addition to Buckley; W.T. according to Plat recorded in Book 7 of Plats at Page 16 in Buckley, Pierce County, State of Washington, Tax Parcel #295000-037-0.

**Section 2.** All conditions for the street vacation of Ordinance No. 35-97, as corrected by this ordinance, are deemed satisfied and no further action except for the recording of this ordinance is necessary to effectuate the vacation.

**Section 3.** This ordinance shall be in full force and effect five (5) days after proper posting and publication. A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.



**Section 4.** If any provision of this ordinance, or ordinance modified by it is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Passed by the City Council on the 9<sup>th</sup> day of June, 2015.

  
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Mayor Pat Johnson

Attest:

  
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Joanne Starr, City Clerk

APPROVED AS TO FORM:

  
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Phil Olbrechts, City Attorney

PUBLISHED: June 17, 2015

EFFECTIVE: June 22, 2015