

Ordinance 2007-1

AN ORDINANCE OF THE EATONVILLE TOWN COUNCIL VACATING LAND DEDICATED TO THE TOWN FOR A STREET RIGHT OF WAY ALONG RAINIER AVENUE AND A PORTION OF LARSON STREET AND REPEALING ORDINANCE 2006-3.

WHEREAS, the previous Ordinance 2006-3, was approved by the Council but was too incomplete to accomplish the intended vacation of the public right of way; and

WHEREAS, the Town has received a petition from Tim and Aleta Daniels, Jerry Nybo of DN Properties, and Shirley Daniels to vacate land dedicated to the Town for street right of way along Rainier Avenue and a portion of Larson Street all as described in section 2 and as indicated in Exhibit A, attached hereto; and

WHEREAS, One of the petitioner's homes was constructed in 1948 and was partially located within a dedicated town right of way; and

WHEREAS, the petition is legally sufficient and meets the requirements of approval under chapter 35.79 RCW and Town Ordinance 2005-7; now, therefore:

The Town Council of the Town of Eatonville adopts the following ordinance:

Section 1: Ordinance 2006-3 is hereby repealed.

Section 2: Subject to the reservation of easement rights as stated in Section 3 below, the Council grants the vacation of land request made in the petition of Tim and Aleta Daniels, Shirley Daniels, and Jerry Nybo of DN Properties and hereby relinquishes any and all public right-of-way owned by the Town of Eatonville along Rainier Avenue and a portion of Larson Street as indicated on "Exhibit A" attached hereto and in accordance with the following 5 legal descriptions:

Legal Description 1. BEGINNING AT THE INTERSECTION OF LARSON ST. AND RAINIER AVE. IN TOWN OF EATONVILLE, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 7 OF PLATS AT PAGE 41, RECORDS OF PIERCE COUNTY AUDITOR; THENCE NORTH 30' ON CENTERLINE OF RAINIER AVE.; THENCE WEST TO S.E. CORNER OF LOT 12, BLOCK 28 IN SAID PLAT; THENCE SOUTH 30' TO CENTERLINE OF LARSON ST.; THENCE EAST 30' ON SAID CENTERLINE TO THE POINT OF BEGINNING.

SITUATE IN THE TOWN OF EATONVILLE, COUNTY OF PIERCE, STATE OF WASHINGTON.

The above property listed as "legal description 1" as described shall be vacated to the legal owner of tax parcel 3605002580. (Lots 3 and 4 as shown on Exhibit A)

Legal Description 2. BEGINNING AT THE INTERSECTION OF LARSON ST. AND RAINIER AVE. IN TOWN OF EATONVILLE, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 7 OF PLATS AT PAGE 41, RECORDS OF PIERCE COUNTY AUDITOR, THENCE NORTH 30' ON CENTERLINE OF RAINIER AVE.; THENCE EAST TO S.W. CORNER OF LOT 12, BLOCK 27 IN SAID PLAT; THENCE S45°E 42.42' TO A POINT ON THE CENTERLINE OF LARSON ST. THAT IS 60' EAST OF THE POINT OF BEGINNING; THENCE WEST 60' ON SAID CENTERLINE TO THE POINT OF BEGINNING.

SITUATE IN THE TOWN OF EATONVILLE, COUNTY OF PIERCE, STATE OF WASHINGTON.

The above property listed as "legal description 2" as described shall be vacated to the legal owner of tax parcel 3605002570. (Lots 1 and 2 as shown on Exhibit A)

Legal Description 3. THAT PORTION OF THE WEST HALF OF RAINIER AVE. LYING EASTERLY OF AND ABUTTING THE FOLLOWING DESCRIBED PROPERTY: LOTS 1 THROUGH 4, BLOCK 39 OF TOWN OF EATONVILLE, AS PER PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 41, RECORDS OF PIERCE COUNTY AUDITOR.

TOGETHER WITH THE FOLLOWING:

BEGINNING AT THE INTERSECTION OF LARSON ST. AND RAINIER AVE. IN TOWN OF EATONVILLE, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 7 OF PLATS AT PAGE 41, RECORDS OF PIERCE COUNTY AUDITOR, THENCE SOUTH 30' ON CENTERLINE OF RAINIER AVE.; THENCE WEST TO N.E. CORNER OF LOT 1, BLOCK 39 IN SAID PLAT; THENCE NORTH 30' TO THE CENTERLINE OF LARSON ST.; THENCE EAST 30' ON SAID CENTERLINE TO THE POINT OF BEGINNING.

SITUATE IN THE TOWN OF EATONVILLE, COUNTY OF PIERCE, STATE OF WASHINGTON.

The above property listed as "legal description 3" as described shall be vacated to the legal owner of tax parcel 3605002580. (Lots 3 and 4 as shown on Exhibit A)

Legal Description 4. THAT PORTION OF THE EAST HALF OF RAINIER AVE. LYING WESTERLY OF AND ABUTTING THE FOLLOWING DESCRIBED PROPERTY: LOTS 1 AND 2, BLOCK 40 OF TOWN OF EATONVILLE, AS PER PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 41, RECORDS OF PIERCE COUNTY AUDITOR.

TOGETHER WITH THE FOLLOWING:

BEGINNING AT THE INTERSECTION OF LARSON ST. AND RAINIER AVE. IN TOWN OF EATONVILLE, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 7 OF PLATS AT PAGE 41, RECORDS OF PIERCE COUNTY AUDITOR; THENCE EAST 60' ON CENTERLINE OF LARSON ST.; THENCE

S45°E 42.42' TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK 40 OF SAID PLAT THAT IS 60' EAST OF THE N.W. CORNER OF SAID LOT; THENCE WEST 90' ON SAID NORTH LINE AND ITS PROJECTION THEREOF TO THE CENTERLINE OF RAINIER AVE.; THENCE NORTH 30' ON SAID CENTERLINE TO THE POINT OF BEGINNING.

SITUATE IN THE TOWN OF EATONVILLE, COUNTY OF PIERCE, STATE OF WASHINGTON.

The above property listed as "legal description 4" as described shall be vacated to the legal owner of tax parcel 3605002570. (Lots 1 and 2 as shown on Exhibit A)

Legal Description 5. THAT PORTION OF THE EAST HALF OF RAINIER AVE. LYING WESTERLY OF AND ABUTTING THE FOLLOWING DESCRIBED PROPERTY: LOTS 3 AND 4, BLOCK 40 OF TOWN OF EATONVILLE, AS PER PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 41, RECORDS OF PIERCE COUNTY AUDITOR.

SITUATE IN THE TOWN OF EATONVILLE, COUNTY OF PIERCE, STATE OF WASHINGTON.

The above property listed as "legal description 5" as described shall be vacated to the legal owner of tax parcel 3605002580. (Lots 3 and 4 as shown on Exhibit A)

Section 3: Except that the Town retains an easement running with the land and the right to exercise and grant sub-easements above, on and beneath the vacated land for the construction, repair, and maintenance of public utilities and services.

Section 4: Except that the Town shall record this ordinance only upon payment of \$0.375 per square foot of the section of right of way which is to be vacated, half of the estimated appraised value for the land as was established by the appraisal attached hereto as Exhibit B.

PASSED by the Council of the Town of Eatonville at a regular meeting held this ___ day of March, 2007.

ATTEST:



Chrystal McGlone, Town Clerk

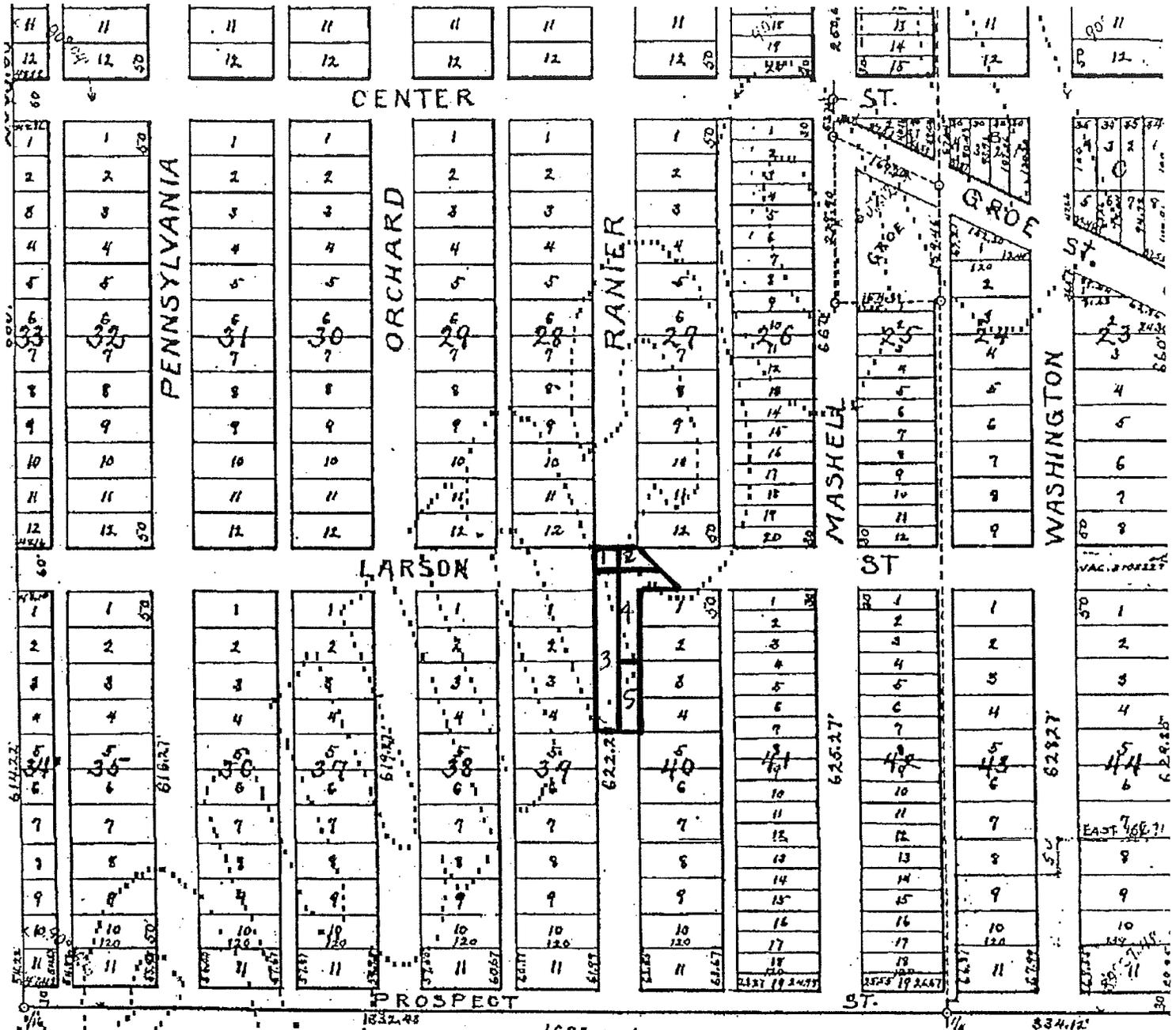


Tom Smallwood, Mayor

APPROVED AS TO FORM:



Ed Hudson, Town Attorney



1686.55

Tacoma, June 4, 1897.
 I hereby certify that all State and County taxes heretofore levied and which have become a charge on the property described within, according to the books and records of my office, have been fully paid and discharged.

Stephen Judson
 Treasurer Pierce County Wash.
 By _____ Deputy.

