

ORDINANCE NO. 547

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, VACATING PORTIONS OF MARKET PLACE WEST GENERALLY BETWEEN THE 3500 AND 3600 BLOCKS AND GENERALLY BETWEEN THE 3700 AND 3800 BLOCKS TO THE CITY UNIVERSITY PLACE**

WHEREAS, the City Council of the City of University Place has the legislative authority to vacate a public street or a portion of a public right-of way, pursuant to RCW 35.79.010; and

WHEREAS, the City Council adopted Resolution No. 615 on March 23, 2009, that initiated the process to vacate portions of Market Place West generally between the 3500 and 3600 blocks and generally between its 3700 and 3800 block and set a public hearing of this matter for April 6, 2009; and

WHEREAS, twenty days written notice of the time, place and purpose of the hearing on said roadway vacation was posted in three of the most public places in the City and like notices were posted in conspicuous places at the proposed right-of-way vacation site; and

WHEREAS, notice of the public hearings was published in the Tacoma News Tribune; and

WHEREAS, the City of University Place retains ownership of all lots, tracts or parcels of land or other property abutting upon those parts of the street sought to be vacated, as shown on the rolls of the County Treasurer; and

WHEREAS, the City Clerk did not receive any written objections from property owners abutting upon that part of the street sought to be vacated prior to the time of the public hearing; and

WHEREAS, public hearings were conducted by the City Council on April 6, 2009 and April 20, 2009, when Council Members heard testimony, deliberated on this matter, and then voted to pass this Ordinance granting the street vacation; and

WHEREAS, the City Council finds it in the public interest to vacate those portions of Market Place West generally between the 3500 and 3600 blocks and generally between its 3700 and 3800 block legally described in Section 1 below;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

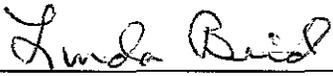
**Section 1. Vacation of Street Right-of-Way.** Portions of Market Place West generally between the 3500 and 3600 blocks and generally between its 3700 and 3800 block, University Place, Washington, and legally described in Exhibit A and Exhibit B respectively are hereby vacated.

**Section 2. Compensation for Vacation.** No compensation by the City is required because the street being vacated is being transferred to the City of University Place.

**Section 3. Authorizing the Public Works Director to Execute All Necessary Documents and Approve all Utility Easements to Effectuate the Partial Street Vacation.** The Public Works Director is authorized to execute all necessary documents to effectuate the partial street vacation. This includes, but is not limited to, preservation of easements for all utilities in a form acceptable to the Public Works Director and recording a Quit Claim Deed for the vacated right-of-way with the Pierce County Auditor.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after such publication.

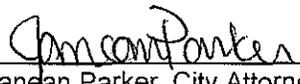
**PASSED BY THE CITY COUNCIL ON APRIL 20, 2009.**

  
\_\_\_\_\_  
Linda Bird, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Emelija Genetia, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Janean Parker, City Attorney

Published: 04/22/09  
Effective Date: 04/27/09

**LEGAL DESCRIPTION  
MARKET PLACE WEST RIGHT OF WAY VACATION  
(LOTS 5 AND 7)**

THAT PORTION OF MARKET PLACE WEST AS SHOWN ON CITY OF UNIVERSITY PLACE BINDING SITE PLAN, RECORDED UNDER AFN 200702015003, LYING SOUTH OF 37<sup>TH</sup> STREET WEST AND EAST OF BRIDGEPORT WAY WEST AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M.; THENCE SOUTH  $00^{\circ}26'36''$  WEST, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, 413.65 FEET;  
THENCE SOUTH  $89^{\circ}33'24''$  EAST 63.12 FEET TO THE POINT OF BEGINNING;  
THENCE NORTH  $00^{\circ}15'59''$  EAST 31.44 FEET TO THE NORTH MARGIN OF MARKET PLACE WEST AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 19.00 FEET AND TO WHICH POINT A RADIAL BEARS SOUTH  $02^{\circ}59'36''$  WEST; THENCE COUNTERCLOCKWISE ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTH MARGIN THROUGH A CENTRAL ANGLE OF  $01^{\circ}52'09''$  A DISTANCE OF 0.62 FEET TO A REVERSE CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 76.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH  $01^{\circ}07'27''$  EAST; THENCE CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $26^{\circ}57'32''$  A DISTANCE OF 35.76 FEET;  
THENCE SOUTH  $61^{\circ}55'01''$  EAST 76.24 FEET;  
THENCE NORTH  $89^{\circ}44'01''$  WEST 89.45 FEET;  
THENCE NORTH  $44^{\circ}44'01''$  WEST 18.28 FEET TO THE POINT OF BEGINNING.



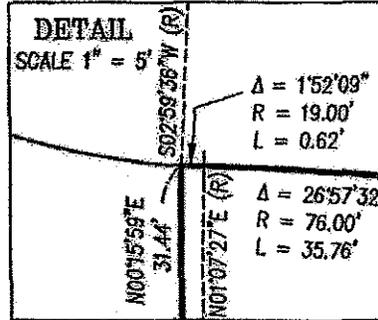
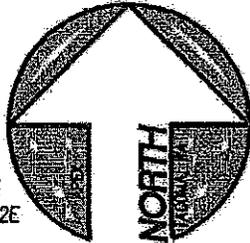
---

MELVIN F. GARLAND, P.L.S.  
WASHINGTON STATE REGISTRATION NO. 18902

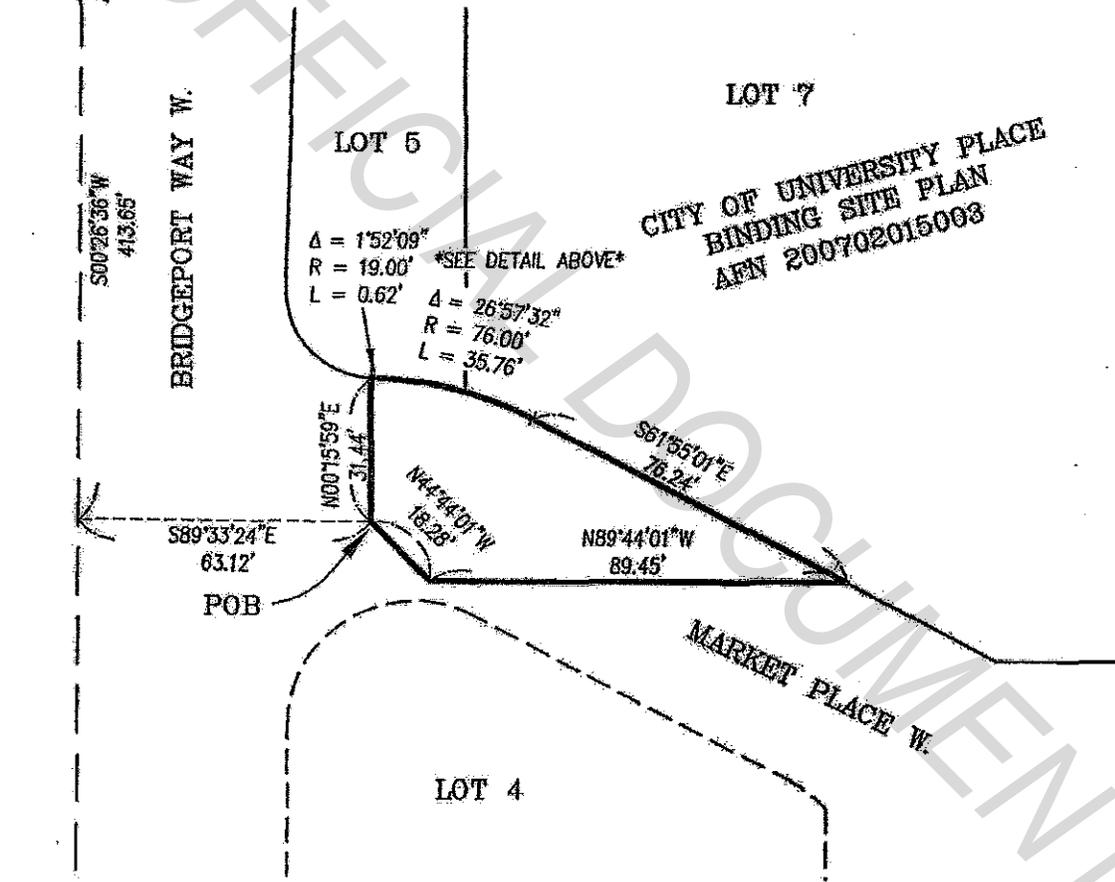
APEX ENGINEERING, PLLC  
2601 SOUTH 35TH ST. SUITE 200  
TACOMA, WASHINGTON 98409  
TELEPHONE: (253) 473-4494  
FAX: (253) 473-0599

# EXHIBIT A

A PORTION OF THE N.E. 1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CITY OF UNIVERSITY PLACE, WASHINGTON.



FOUND BRASS SURFACE DISK  
NORTH 1/4 CORNER 15-20-2E  
APRIL 2006



## MARKET PLACE WEST RIGHT OF WAY VACATION

APEX JOB NO: 31288	DATE: 3/09/2009
DRAWN BY: SLS	CHECKED BY: MFG
DWG. NO: J128-BASE-RSP REISED 3-2-09.dwg	SCALE: 1"=40'



2801 South 35th, Suite 200  
Tacoma, Washington 98409-7479  
(253) 473-4494 FAX: (253) 473-0599

**LEGAL DESCRIPTION  
MARKET PLACE WEST RIGHT OF WAY VACATION  
(LOT 1 AND LOT 13)**

THAT PORTION OF MARKET PLACE WEST AS SHOWN ON CITY OF UNIVERSITY PLACE BINDING SITE PLAN, RECORDED UNDER AFN 200702015003, LYING SOUTH OF 37<sup>TH</sup> STREET WEST AND EAST OF BRIDGEPORT WAY WEST AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M.; THENCE SOUTH 00°26'36" WEST, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, 1344.75 FEET;  
THENCE SOUTH 89°33'24" EAST 50.54 FEET TO A POINT ON THE SOUTH MARGIN OF 37<sup>TH</sup> STREET WEST, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 28.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 36°42'38" WEST; THENCE CLOCKWISE ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTH MARGIN THROUGH A CENTRAL ANGLE OF 33°08'39" A DISTANCE OF 16.20 FEET;  
THENCE NORTH 86°26'01" EAST 80.19 FEET TO THE POINT OF BEGINNING;  
THENCE NORTH 86°26'01" EAST 47.87 FEET;  
THENCE SOUTH 89°44'01" EAST 46.38 FEET TO A POINT OF CUSP WITH A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 28.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 00°15'59" EAST; THENCE COUNTERCLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°59'50" A DISTANCE OF 28.83 FEET;  
THENCE SOUTH 00°15'59" WEST 137.72 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 72.00 FEET; THENCE CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45°00'00" A DISTANCE OF 56.55 FEET;  
THENCE SOUTH 45°15'59" WEST 128.28 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 65.00 FEET; THENCE CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°32'45" A DISTANCE OF 44.86 FEET;  
THENCE SOUTH 00°26'36" WEST 6.30 FEET;  
THENCE SOUTH 89°00'51" WEST 5.87 FEET;  
THENCE NORTH 02°14'33" EAST 52.09 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 19.00 FEET AND TO WHICH POINT A RADIAL BEARS SOUTH 02°13'50" WEST; THENCE COUNTERCLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°57'51" A DISTANCE OF 15.57 FEET;  
THENCE NORTH 45°15'59" EAST 126.70 FEET;

THENCE NORTH  $00^{\circ}15'59''$  EAST 150.74 FEET TO THE BEGINNING OF A CURVE,  
CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 17.00 FEET; THENCE  
COUNTERCLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL  
ANGLE OF  $93^{\circ}49'58''$  A DISTANCE OF 27.84 FEET TO THE SOUTH MARGIN OF 37<sup>TH</sup>  
STREET WEST AND THE POINT OF BEGINNING.



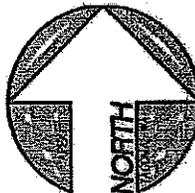
---

MELVIN F. GARLAND, P.L.S.  
WASHINGTON STATE REGISTRATION NO. 18902

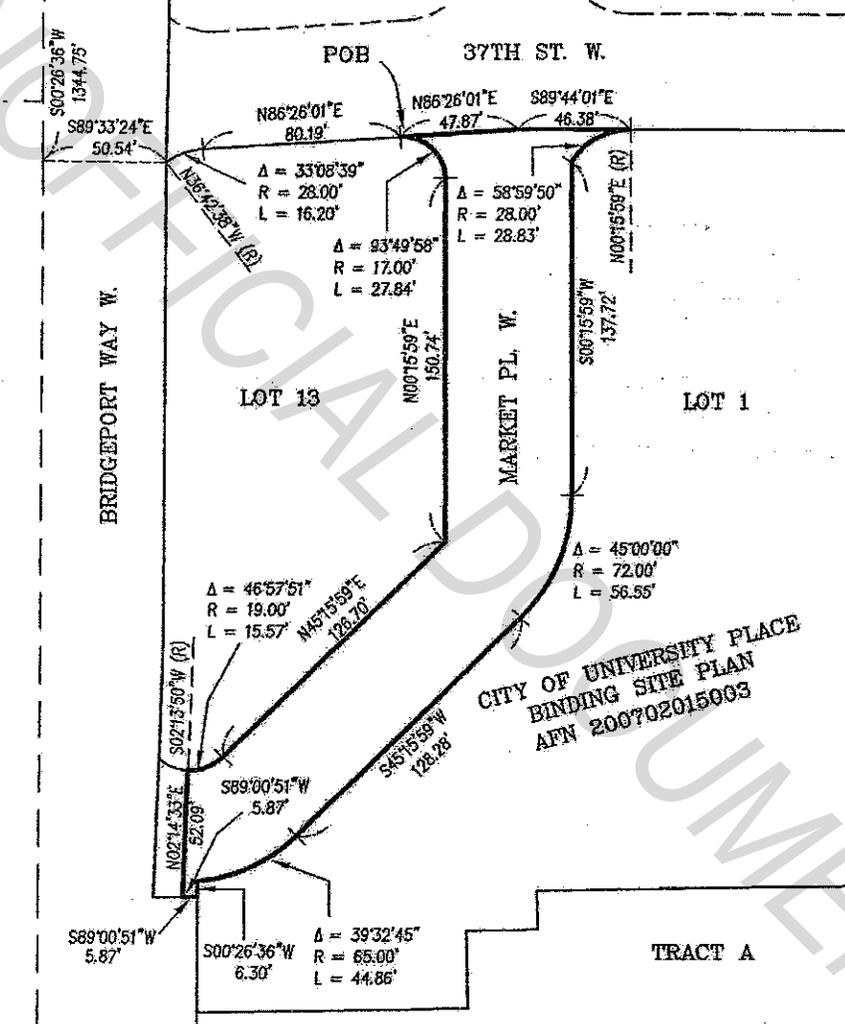
APEX ENGINEERING, P<sup>r</sup>.LC  
2601 SOUTH 35TH ST. SUITE 200  
TACOMA, WASHINGTON 98409  
TELEPHONE: (253) 473-4494  
FAX: (253) 473-0599

# EXHIBIT A

A PORTION OF THE N.E. 1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CITY OF UNIVERSITY PLACE, WASHINGTON.



FOUND BRASS SURFACE DISK  
NORTH 1/4 CORNER 15-20N-2E  
APRIL 2006



## MARKET PLACE WEST RIGHT OF WAY VACATION

APEX JOB NO: 31288

DATE: 3/03/2009

DRAWN BY: SLS

CHECKED BY: MFG

DWG. NO: 1288-BASE-6P REISED 3-2-09.dwg

SCALE: 1"=60'



# Apex

Engineering

2801 South 35th, Suite 200  
Tacoma, Washington 98409-7479  
(253) 473-4494 FAX: (253) 473-6589

3/18/09