

ORDINANCE NO. 776

**AN ORDINANCE OF THE UNIVERSITY PLACE CITY COUNCIL VACATING A PORTION
OF 29TH STREET WEST**

WHEREAS, the City of University Place has received a petition signed by owners of at least two-thirds (2/3) of the properties abutting a portion of 29th Street West that extends from Crystal Springs Road West easterly to Sunset Drive West, located within the City of University Place, Washington, requesting that the same be vacated; and

WHEREAS, on November 7, 2023, an application and petition for the vacation of public property was received; and

WHEREAS, in conformity with State law, the University Place adopted Resolution No. 1028 on December 4, 2023, setting a public hearing regarding this proposed vacation on January 16, 2024; and

WHEREAS, pursuant to the requirements of State law, proper notice of the public hearing was posted and mailed to all required parties; and

WHEREAS, on January 16, 2024 said public hearing was held before the University Place City Council; and

WHEREAS, pursuant to chapter 13.15 of the University Place Municipal Code, the City Council must consider certain factors prior to authorizing a vacation of public property; and

WHEREAS, it is the finding of the City Council of the City of University Place that vacation is appropriate in this instance after full consideration of the factors stated in Ch. 13.15 UPMC in that vacation will benefit the public by returning the property to the tax rolls, in the right of way is not needed for public use or access, and in the conditions are not likely to change in the future as to provide a greater use or need for the right-of-way than presently exists; and

WHEREAS, an appraisal has been conducted and it is appearing that the property was not acquired at public expense, thereby permitting vacation upon payment of a sum equal to one-half of the appraised value, placing the cost of payment at thirteen thousand dollars (\$13,000.00); and

WHEREAS, the City Council of the City of University Place, Washington, has considered all matters presented at the public hearing on the proposed vacation, hearing no objection to this vacation, and does hereby find that the vacation of said property is appropriate and that the transfer of property at issue in this matter in the manner set forth below is in the best interests of the public;

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

Section 1. Vacation of Right-of-Way. Subject to the conditions set forth in Sections 2 and 3 of this Ordinance, the City of University Place vacates that portion of property abutting unimproved land on 29th Street West extending from Crystal Springs Road West to Sunset Drive West, located within the City, legally described as shown on the document attached hereto marked as Exhibit A.

Section 2. Easement Retained. The City of University Place shall retain an easement of the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of existing public utilities and services, specifically including for sewers and stormwater.

Section 3. Vacation Effective Date. The vacation shall be effective upon payment to the City of University Place by the owner of the property or assignee adjacent thereto and to be benefited by the vacation, in the amount of thirteen thousand dollars (\$13,000.00), provided such payment occurs on or

before February 16, 2024. If the payment as stated in this Section 3 is not completed within the date specified, the approvals herein shall lapse, and this Ordinance shall be null and void. Upon payment, the City Clerk is directed to record this Ordinance with the Pierce County Auditor.

PASSED BY THE CITY COUNCIL ON JANUARY 16, 2024.

Javier H. Figueroa, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

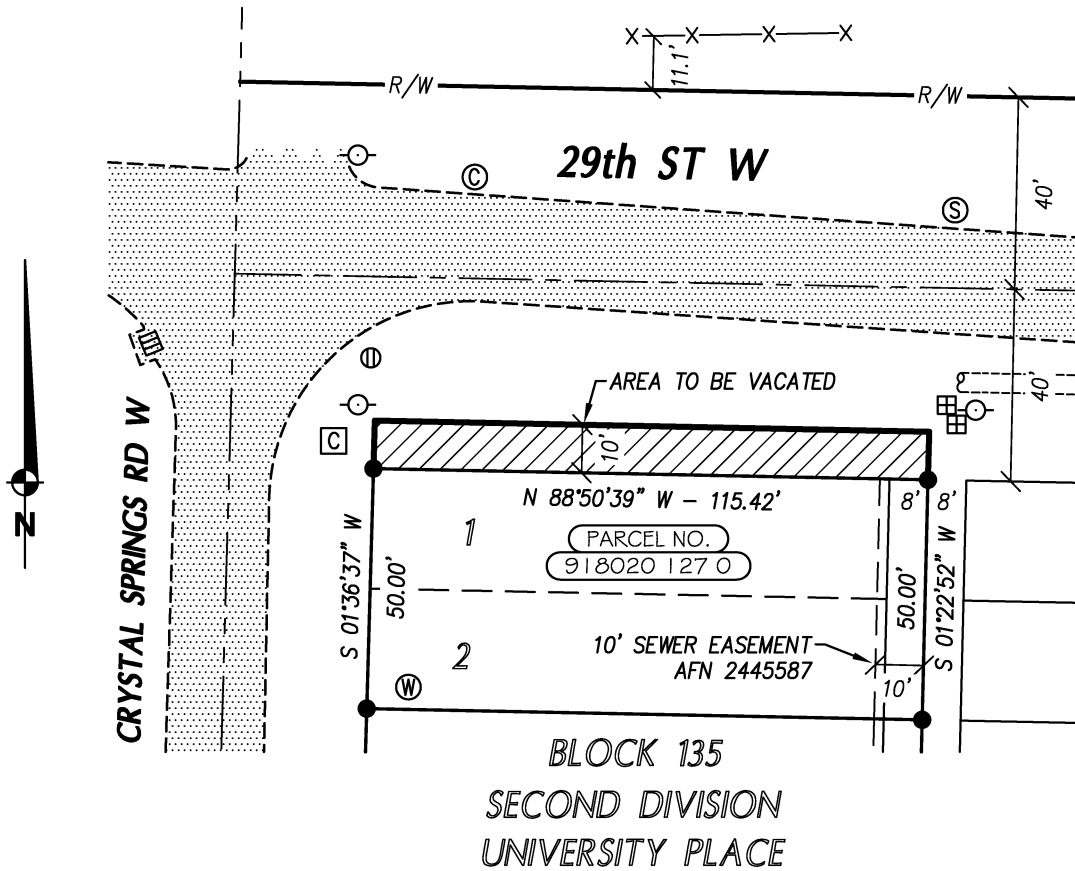
Matthew S. Kaser, City Attorney

Publication Date: 01/18/24

Effective Date: 01/23/24

EXHIBIT A

EXHIBIT MAP PIERCE COUNTY, WASHINGTON



LEGEND

- UTILITY POLE
- ⊕ YARD DRAIN
- ⊞ STORM DRAIN
- ⊞ CABLE RISER
- ⊞ CABLE MANHOLE "BELL"
- ⊞ SEWER MANHOLE
- ⊞ WATER METER
- ⊞ WATER SPIGOT
- X—X FENCE

LEGAL DESCRIPTION

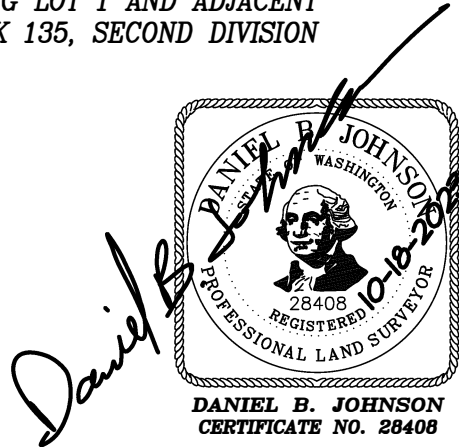
THE SOUTH 10.0 FEET THEREOF OF 129th STREET WEST ABUTTING LOT 1 AND ADJACENT VACATED ALLEY, BLOCK 135, SECOND DIVISION UNIVERSITY PLACE.



**Aspen
Land Surveying
LLC**

at The Landing in Key Center
P.O. Box 124, Vaughn, WA 98394-0124
15510 - 92nd Street NW, Gig Harbor, WA 98329
(253) 303-0270 FAX (253) 303-0273

Scale 1" = 40 ft



DRAWING NO. 7939A

DRAWN BY: PWT

DATE: 10-18-2023

NOTE: THIS IS NOT A SURVEY