

ORDINANCE NO. 756-07

CITY OF GRANITE FALLS

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON,  
VACATING THE 60-FOOT WIDE UNDEVELOPED RIGHT-OF-WAY PORTION  
OF PORTAGE AVENUE LYING SOUTH OF PIONEER STREET AND NORTH  
OF WALLACE STREET LOCATED IN GRANITE FALLS, WASHINGTON**

**WHEREAS**, the City of Granite Falls holds fee title to the parcel abutting the undeveloped right-of-way of Portage Avenue to the west; and

**WHEREAS**, the City of Granite Falls holds fee title to Lots 7, 8, 9, 10, 11, and 12, abutting Portage Avenue to the east; and,

**WHEREAS**, the undeveloped portion of Portage Avenue does not currently extend north of Pioneer Street, and

**WHEREAS**, Portage Avenue is not being considered by the Granite Falls City Council to be open as a through street; and

**WHEREAS**, pursuant to Chapter 35.79 RCW, the City Council passed Resolution No. 07-05, initiating the procedure for vacation of the 60-foot wide undeveloped right-of-way portion of Portage Avenue and set a hearing date of November 7, 2007; and

**WHEREAS**, after the required public notice have been published and posted, the Granite Falls City Council conducted a public hearing on the matter of the street vacation on October 17, 2007, and at the conclusion of such hearing determined that the aforementioned 60-foot wide undeveloped right-of-way portion of Portage Avenue should be vacated;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1: Findings and Conclusions.** The Granite Falls City Council makes the following findings and conclusions regarding vacating the 60-foot wide undeveloped right-of-way portion of Portage Avenue lying south of Pioneer Street and north of Wallace Street:

1. The aforementioned 60-foot wide undeveloped right-of-way portion of Portage Avenue does not abut a body of fresh or salt water and the limitations on vacations of streets abutting bodies of water as set forth in RCW 35.79.035 are not applicable.

2. Abutting property owners have not filed a written objection to the proposed vacation with the City Clerk prior to the time of the public hearing and the City of Granite Falls is not prohibited by RCW 35.79.020 from proceeding with the Resolution to Vacate.
3. The City of Granite Falls owns fee title to the property to the east and to the west that abuts the 60-foot wide undeveloped right-of-way portion of Portage Avenue.
4. Vacation of the 60-foot wide undeveloped right-of-way portion of Portage Avenue will result in that property belonging to the abutting property owners, one-half to each, in accordance with RCW 35.79.040.
5. The City of Granite Falls, as abutting property owner to the east and to the west, does not have the need to retain an easement or exercise its right and grant easements in respect to the aforementioned 60-foot wide undeveloped right-of-way portion of Portage Avenue.
6. The City of Granite Falls, as abutting property owner to the east and to the west, does not need to compensate the City of Granite Falls in an amount that does not exceed the full appraised value of the 60-foot wide undeveloped right-of-way portion of Portage Avenue to be vacated.
7. The City of Granite Falls has no future need for the 60-foot wide undeveloped right-of-way portion of Portage Avenue and the 60-foot wide undeveloped right-of-way portion of Portage Avenue is not needed for public vehicular travel.
8. Vacation of the 60-foot wide undeveloped right-of-way portion of Portage Avenue will not result in any property or parcel being denied direct access from a public way.
9. It is in the public interest that the 60-foot wide undeveloped right-of-way portion of Portage Avenue be vacated.

**Section 2: Street/Right-of-Way Vacated.** After making the above Findings regarding the proposed Street/Right-of-Way Vacation, the City Council of the City of Granite Falls declares that the 60-foot wide undeveloped right-of-way portion of Portage Avenue, as the area is more particularly described as follows:

## LEGAL DESCRIPTION FOR PORTAGE AVENUE VACATION

That portion of Portage Avenue, a 60-foot wide undeveloped right-of-way, lying south of Pioneer Street and north of Wallace Street and within the Northeast ¼ of Section 24, Township 30 North, Range 6 East, W.M.

and as shown on Exhibit "A" attached hereto and incorporated by reference shall be, and is hereby, vacated.

**Section 3: Compensation.** No compensation shall be paid to the City of Granite Falls for the vacation and is not required since the abutting property owner to the east and to the west of the 60-foot wide undeveloped right-of-way portion of Portage Avenue is the City of Granite Falls.

**Section 4: Reservation of Easements.** No reservations of easements are required for the vacation since the abutting property owner to the east and to the west of the 60-foot wide undeveloped right-of-way portion of Portage Avenue is the City of Granite Falls.

**Section 5: Certified Copy of Ordinance.** A certified copy of this Ordinance shall be recorded by the Granite Falls City Clerk and the City Clerk is directed to record a certified copy of this Ordinance with the office of the Snohomish County Auditor.

**Section 6: Repealer.** All ordinances or parts of ordinances of the City of Granite Falls in conflict herewith, be and the same, are hereby repealed.

**Section 7: Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 8: Publication and Summary.** This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9: Effective Date.** After recording a certified copy of this Ordinance with the office of the Snohomish County Auditor, this Ordinance shall be in full force and effect five (5) days' after publication of the summary consisting of the title.

Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 7 day of NOVEMBER, 2007, and signed in authentication of its passage this 7 day of NOVEMBER, 2007.

  
LYLE ROMACK, Mayor

**Attest:**

  
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Lotta Hines, City Clerk

**Approved as to form:**

  
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H. James Lecher, City Attorney

**DATE OF FIRST AND FINAL READING:**

NOV. 7 - 2007

**DATE OF PUBLICATION:**

SEP 28 - 2007

**EFFECTIVE DATE:**

NOV 12 - 2007

