

CITY OF GRANITE FALLS, WASHINGTON

ORDINANCE NO. 828-2012

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, VACATING A PORTION OF WALLACE STREET RIGHT-OF-WAY COMMENCING APPROXIMATELY 133 FEET WEST OF PROSPECT AVENUE AT THE WESTERLY JUNCTION OF AN ALLEY AND WALLACE STREET, LOCATED IN GRANITE FALLS, WASHINGTON.

WHEREAS, the City desires to vacate a portion of Wallace Street Right-of-Way commencing approximately 133 feet west of Prospect Avenue at the westerly junction of an alley and Wallace Street, Granite Falls, Washington ("Wallace Street Vacation Area" or "Area"), and more fully described and depicted on attached and incorporated Exhibit A; and

WHEREAS, the Wallace Street Vacation Area is not necessary as part of the general public road system of Granite Falls and the public will not be inconvenienced by vacation of said Area; and

WHEREAS, on December 7, 2011, the Granite Falls City Council passed Resolution No. 2011-07 to initiate street/right-of-way vacation proceedings regarding said Wallace Street Vacation Area, and set a public hearing date of January 4, 2012; and

WHEREAS, a public hearing regarding the proposed vacation was held on January 4, 2012, before the City Council; and

WHEREAS, after consideration of the information presented during the public hearing and finding that the proposed vacation was appropriate, the City Council directed that City staff prepare an ordinance for consideration that would vacate the subject Area;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings and Conclusions. The following findings and conclusions are hereby made regarding vacation of the Wallace Street Vacation Area:

- a. The Wallace Street Vacation Area 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.
- b. No abutting property owner has filed a written objection to the proposed vacation with the City Clerk prior to or at the time of the public hearing regarding the proposed vacation.
- c. The Wallace Street Vacation Area was dedicated to the City of Granite Falls as part of the original plat of the Townsite of Granite Falls recorded with the office of the Snohomish County Auditor and said dedicated Area was part of the boundary of the Townsite plat.

- d. The City of Granite Falls owns fee title to the property to the north of and has the underlying property interest regarding the Wallace Street Vacation Area.
- e. The City of Granite Falls does not need to compensate itself for vacation of the Area.
- f. The Area to be vacated is not part of the general public road system of the City of Granite Falls and the public will not be inconvenienced by vacation of the Area.
- g. Vacation of the Area will not adversely affect existing or future public utilities.
- h. Based on zoning, current use and long range plans, vacation of the Area is compatible with existing and anticipated development in the Area.
- i. Vacation of the Area is consistent with applicable state law, including but not limited to RCW Chapter 35.79.
- j. It is in the public interest that the Area be vacated.

Section 2. Street Right-of-Way Vacated. That portion of Wallace Street Right-of-Way legally described in attached and incorporated Exhibit A is hereby vacated.

Section 3. Compensation. No compensation shall be paid to the City of Granite Falls for the vacation of the Area and is not required as the City is abutting property owner to the north of and has the underlying property interest regarding the Wallace Street Vacation Area.

Section 4. Reservation of Access Easement. The above-described property shall be vacated subject to reservation of an access easement under and through the property in a form substantially similar to attached and incorporated Exhibit B and subject to the approval of the City Attorney.

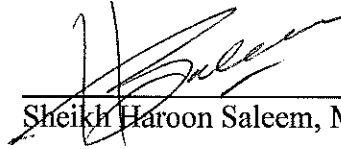
Section 5. Certified Copy of Ordinance. A certified copy of this Ordinance shall be recorded by the Granite Falls City Clerk with the office of the Snohomish County Auditor.

Section 6. 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 7. Publication and Summary. This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City.

Section 8. Effective Date. This Ordinance shall be in full force and effect five (5) days after the date of publication and recording of a certified copy of the Ordinance with the office of the Snohomish County Auditor.

Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 15th day of February, 2012, and signed in authentication of its passage the 15th day of February, 2012.



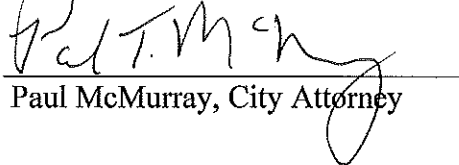
Sheikh Haroon Saleem, Mayor

ATTEST:



Darla Reese, City Clerk

APPROVED AS TO FORM:



Paul McMurray, City Attorney

Ordinance No. 828-2012

Date of First and Final Reading:

February 15, 2012

Date of Publication:

February 19, 2012

Effective Date:

February 24, 2012

EXHIBIT A - LEGAL DESCRIPTION

**Wallace Street Right-of-Way Vacation
Adjacent to Tax Lot 00459301300700**

All that portion of Wallace Street, a 25-foot wide Right-of-Way, as dedicated in the ORIGINAL TOWNSITE OF GRANITE FALLS, according to the plat thereof, recorded in Volume 2 of Plats, page 99, Record's of Snohomish County, Washington, lying east of the west line of Portage Avenue and west of the east line of Lot 7, Block 13 of said plat. All within the Northeast Quarter of the Northeast Quarter of Section 24, Township 30 North, Range 6 East, W.M.

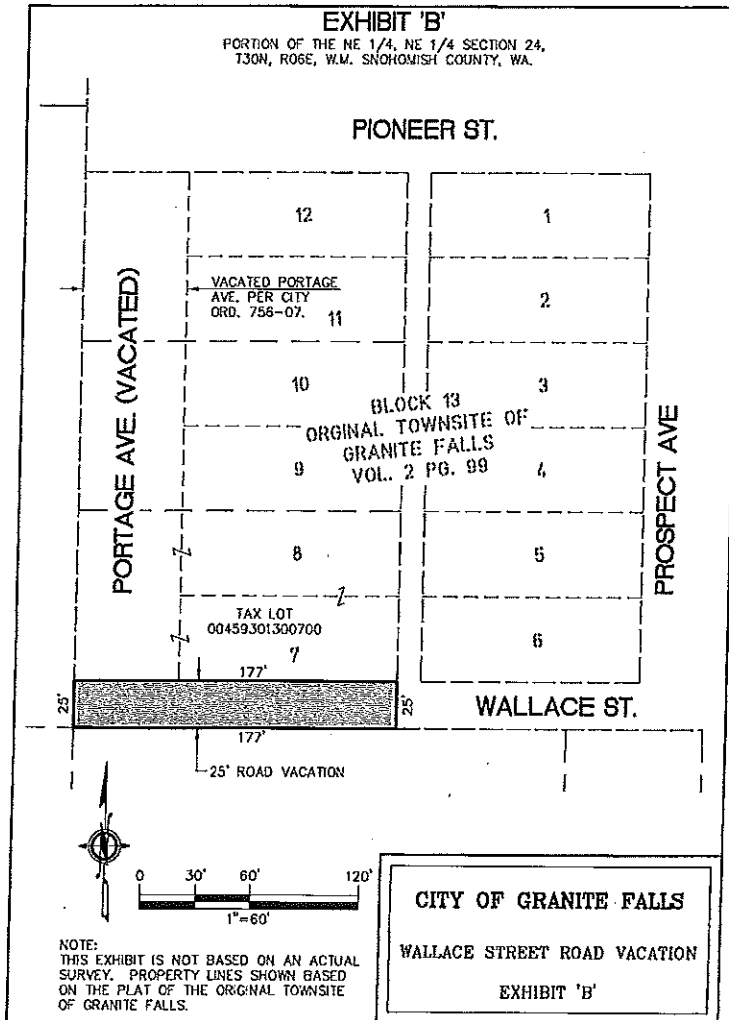


EXHIBIT B – ACCESS EASMENT

**Wallace Street Right-of-Way Vacation
Adjacent to Tax Lot 00459301300700**

After Recording Return to:

City of Granite Falls
P. O. Box 1440
Granite Falls, WA 98252

EASEMENT

Grantor: CITY OF GRANITE FALLS
Grantee: CITY OF GRANITE FALLS
THE CHRISTIAN & MISSIONARY ALLIANCE CHURCH
HUDSON, MERLE
Legal Description: Ptn N½, NE¼ 24-30-6, Snohomish County, WA Add'l on P. 2, 3 & 5
Tax Parcel: 004593-013-007-00, 300624-001-011-00, 300624-001-005-00,
300624-001-003-00, 300624-001-010-00 and 300624-001-001-00

FOR AND IN CONSIDERATION OF street vacation, and other good and valuable consideration, receipt whereof is hereby acknowledged, Grantor, CITY OF GRANITE FALLS, a municipal corporation of the State of Washington, hereby conveys and quit claims unto Grantees:

CITY OF GRANITE FALLS,
THE CHRISTIAN & MISSIONARY ALLIANCE CHURCH,
MERLE HUDSON,

their successors and assigns, a perpetual, nonexclusive easement for ingress and egress, and for utilities in place and existing at the time of execution of this Easement, over, under, through, across, in and upon the following-described property of said Grantor:

SEE EXHIBIT A ATTACHED HERETO

Being that portion of Wallace Street vacated pursuant to City of Granite Falls Ordinance No. 828-2012 passed February 15, 2012, and depicted on **EXHIBIT B**.

Said easement is appurtenant to the following-described property of the Grantees, and shall be construed as a covenant running with and for the perpetual benefit of said parcels:

Parcel 1 – City of Granite Falls – Tax Parcel 300624-001-005-00:

The South half of the North half of the Northwest quarter of the Northeast quarter and the North half of the South half of the Northwest quarter of the Northeast quarter of Section 24, Township 30 North, Range 6 East, W.M.

Situate in the County of Snohomish, State of Washington.

Parcel 2 – City of Granite Falls – Tax Parcel 300624-001-001-00:

That portion of the Northeast quarter of the Northeast quarter of Section 24, Township 30 North, Range 6 East, W.M., described as follows:

Beginning 330 feet North of the Southwest corner of the Northeast quarter of the Northeast quarter;
Thence North 265 feet;
Thence East 495 feet;
Thence South 265 feet;
Thence West 495 feet to the Point of Beginning.

Situate in the County of Snohomish, State of Washington.

Parcel 3 – City of Granite Falls – Tax Parcel 300624-001-011-00:

The East 430 feet of the following-described property:

Beginning at the Northwest corner of the Northwest quarter of the Northeast quarter; Thence South 330 feet; Thence East 1320 feet; Thence North 330 feet; Thence West to the True Point of Beginning, all located in of Section 24, Township 30 North, Range 6 East, W.M., County of Snohomish, State of Washington.

TOGETHER WITH the West half of vacated Portage Avenue lying adjacent thereto per City of Granite Falls Ordinance No. 756-07.

Parcel 4 – City of Granite Falls – Tax Parcel 004593-013-007-00:

Lots 7 and 8, Block 13, Original Townsite of Granite Falls, according to the plat thereof, recorded in Volume 2 of Plats, page 99, records of Snohomish County, Washington; TOGETHER WITH the East half of vacated Portage Avenue lying adjacent thereto per City of Granite Falls Ordinance No. 756-07.

Parcel 5 – The Christian & Missionary Alliance Church – Tax Parcel 300624-001-003-00:

That portion of the Northwest quarter of the Northeast quarter of Section 24, Township 30 North, Range 6 East, W.M., Snohomish County, Washington, described as follows:

Beginning at the Northwest corner of the Northwest quarter of the Northeast quarter of said Section 24; Thence South 330 feet; Thence East 1320 feet; Thence North 330 feet; Thence West to the Point of Beginning.

EXCEPT the East 430 feet thereof.

Parcel 6 – Merle Hudson – Tax Parcel 300624-001-010-00:

Lot 4 of Town of Granite Falls Short Plat recorded under recording Number 8411300184, being a portion of the Northeast quarter of the Northeast quarter of Section 24, Township 30 North, Range 6 East, W.M., Snohomish County, Washington.

SUBJECT TO: Such terms and conditions of usage as may be imposed by the City of Granite Falls.

IN WITNESS WHEREOF, this easement is executed this 16th day of February, 2012.

CITY OF GRANITE FALLS, Grantor

By


SHEIKH HAROON SALEEM, Mayor

EXHIBIT A

EASEMENT LEGAL DESCRIPTION

**Adjacent to Tax Lot 00459301300700
Wallace Street Right-of-Way Vacation**

All that portion of Wallace Street, a 25-foot wide Right-of-Way, as dedicated in the ORIGINAL TOWNSITE OF GRANITE FALLS, according to the plat thereof, recorded in Volume 2 of Plats, page 99, Record's of Snohomish County, Washington, lying east of the west line of Portage Avenue and west of the east line of Lot 7, Block 13 of said plat.
All within the Northeast Quarter of the Northeast Quarter of Section 24, Township 30 North, Range 6 East, W.M.

EXHIBIT 'B'

PORTION OF THE NE 1/4, NE 1/4 SECTION 24,
T30N, R06E, W.M. SNOHOMISH COUNTY, WA.

