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04/11/2014 1:39pm \$76.00
SNOHOMISH COUNTY, WASHINGTON

RETURN NAME & ADDRESS

City of Granite Falls
PO Box 1440
Granite Falls, WA 98252

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SNOHOMISH COUNTY, WASHINGTON

**re-record to correct legal description*

Please print neatly or type information
Document Title(s)

Ordinance 841-2013

Reference Number(s) of related documents:

Additional Reference #'s on page ____

Grantor(s) (Last, First, and Middle Initial)

City of Granite Falls

Additional Grantors on page ____

Grantee(s) (Last, First, and Middle Initial)

Snohomish County Fire District #17

Additional Grantees on page ____

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

Ptn. of SW 1/4 of the SW 1/4 of Sec. 18, Twp 30N, R 7E, W.M.

Complete legal on page ____

Assessor's Property Tax Parcel/Account Number

Additional parcel #'s on page ____

The Auditor/Recorder will rely on the information provided on this form. The responsibility for the accuracy of the indexing information is that of the document preparer.

*I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

CITY OF GRANITE FALLS, WASHINGTON

ORDINANCE NO. 841-2013

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, VACATING THE EASTERLY HALF OF THE KENTON AVENUE RIGHT-OF-WAY COMMENCING AT THE JUNCTION OF KENTON AVENUE AND GALENA STREET EXTENDING SOUTH APPROXIMATELY 360 FEET TO THE JUNCTION OF KENTON AVENUE AND UNION STREET, GRANITE FALLS, WASHINGTON.

WHEREAS, the City desires to vacate a portion of Kenton Avenue Right-of-Way commencing at the junction of Kenton Avenue and Galena Street extending south approximately 360 feet to the junction of Kenton Avenue and Union Street, Granite Falls, Washington (“Kenton Avenue Vacation Area” or “Area”), and more fully described and depicted on attached and incorporated Exhibit A; and

WHEREAS, the Kenton Avenue 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 April 3, 2013, the Granite Falls City Council passed Resolution No. 2013-05 to initiate street right-of-way vacation proceedings regarding said Kenton Avenue Vacation Area, and set a public hearing date of May 1, 2013; and

WHEREAS, a public hearing regarding the proposed vacation was held on May 1, 2013, 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 ORDAIN AS FOLLOWS:

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

- a. The Kenton Avenue 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 Kenton Avenue Vacation Area was dedicated to the City of Granite Falls as part of the plat of the Martha E. Turner’s Acre Tract of Granite Falls recorded

with the office of the Snohomish County Auditor and said dedicated Area was part of said plat.

- d. The purpose of the street vacation is to accommodate the construction of a new fire station and fire district headquarters on property abutting the proposed vacation area,
- e. Unimproved Kenton Avenue is a public right-of way that has no future use as an improved road to the city due to its proximity to wetlands and adjacent properties have access to an existing improved street.
- f. The vacation of one-half of the right-of-way leaves a non-standard right-of-way (30' instead of a standard 60' width) for two properties abutting the subject right-of-way to the west, but said properties have frontage and access to an improved public right-of-way, Galena Street.
- g. The west half of the right-of-way will allow the city access to the sewer line and manhole located at the intersection of unimproved Kenton Avenue and unimproved Union Street.
- h. The proposed public parking to be located within a portion of the vacated right-of-way will be a benefit to the public for community events held at the new Fire District facility and will also accommodate additional parking that is often needed for the nearby Sno-Isle Library.
- i. The existing significant trees located within the westerly 10 feet of the proposed vacation area will be retained pursuant to UDC 19.6.020.D.2.
- j. Under RCW 35.79.030, the authority to require compensation for vacating a portion of public right-of-way is permissive, not mandatory.
- k. A public benefit would be derived from the proposed vacation in the form of a new fire station to serve the Granite Falls community.
- l. 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.
- m. Vacation of the Area will not adversely affect existing or future public utilities.
- n. Based on zoning, current use and long range plans, vacation of the Area is compatible with existing and anticipated development in the Area.
- o. Vacation of the Area is consistent with applicable state law, including but not limited to RCW Chapter 35.79.
- p. It is in the public interest that the Area be vacated.

Section 2. Street Right-of-Way Vacated. That portion of Kenton Avenue 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 as compensation is not required to the City because a public benefit would be derived from the proposed vacation in the form of a new fire station to serve the Granite Falls community.

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 after payment of costs as provided in this Section 5. The Fire District shall be responsible for the cost of recording this Ordinance. The street vacation shall become effective upon recording of a certified copy of this Ordinance.

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. The street vacation shall become effective after this ordinance is in full force and effect and the requirements of Section 5 have been satisfied.

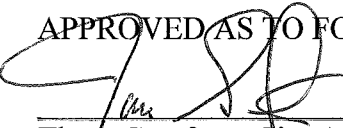
Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 15th day of May, 2013, and signed in authentication of its passage the 15th day of May, 2013.


Sheikh Haroon Saleem, Mayor

ATTEST:


Darla Reese, City Clerk

APPROVED AS TO FORM:


Thom Graafstra, City Attorney

Ordinance No. 841-2013

Date of First and Final Reading:

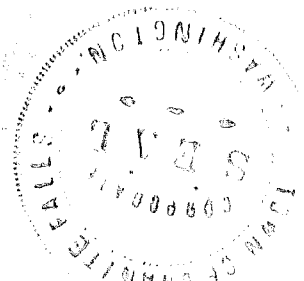
Date of Publication:

Effective Date:

May 15, 2013

May 19, 2013

May 24, 2013



RECEIVED

KENTON AVENUE VACATION

MAR 18 2013

EXHIBIT A – LEGAL DESCRIPTION

G F WA

The East Half of that portion of KENTON AVENUE as dedicated in Martha & Turner's Acre Tracts, according to the plat recorded in Volume 8 of Plats, Page 58, records of Snohomish County, Washington, lying westerly of and contiguous with the west line of Lot 11, said Plat.

Area of Vacation = 10,801 S.F.

Being a portion of the Southeast Quarter of the Southwest Quarter of Section 18, Township 30 North, Range 7 East, W.M.

Located in the City of Granite Falls, Washington.



MARCH 9, 2013