

## RESOLUTION NO. R2016-017

**A RESOLUTION** of the City Council of the City of Tumwater, Washington establishing a date, time and place for the holding of a public hearing for the purpose of considering the vacation of a portion of the unopened City right-of-way lying south of 93<sup>rd</sup> Avenue and west of Kimmie Street, and within the boundary of real property described as Thurston County Tax Parcel No. 12721130000 in the City of Tumwater.

**WHEREAS**, the subject right-of-way was created in 1937 as part of a public real estate sale by Thurston County as recorded in County Treasurer's Deed Record No. 120, Thurston County Auditor File No. 300528; and

**WHEREAS**, a petition has been filed with the City of Tumwater requesting the vacation of the subject right-of-way within Thurston County Tax Parcel No. 12721130000; and

**WHEREAS**, said petition has been signed by owners representing more than two-thirds of the property sought to be vacated.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:**

**Section 1.** The City Council hereby establishes a public hearing date of December 6, 2016, at or about 7:00 P.M., as the date and time upon which the public hearing will be held for the purpose of considering the vacation of the following described right-of-way:

As described in Exhibit "A" and depicted in Exhibit "B" attached hereto.

The hearing shall be held in the City Council Chambers, 555 Israel Road SW, Tumwater, Washington. Said hearing date is not more than sixty (60) nor less than twenty (20) days after the passage of this Resolution.

**Section 2.** Prior to said hearing, the City Clerk is hereby directed to post notices in accordance with RCW 35.79.020.

If fifty percent (50%) of the abutting property owners file written objection to said proposed vacation with the City Clerk prior to the above hearing date, the City shall not hold said public hearing.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

**Section 4. Severability.** The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon adoption and signature as provided by law.

**RESOLVED** this first (1<sup>st</sup>) day of November, 2016.

CITY OF TUMWATER



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Pete Kmet, Mayor

ATTEST:



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Melody Valiant, City Clerk

APPROVED AS TO FORM:



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Karen Kirkpatrick, City Attorney



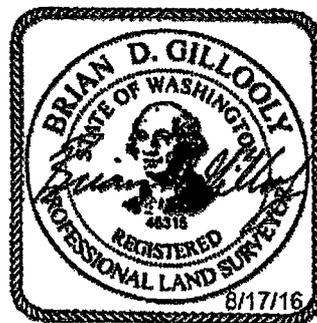
\_\_\_\_\_, 2016

PETITION

WE, THE UNDERSIGNED, DO HEREBY PETITION THE CITY OF TUMWATER FOR VACATION OF THE FOLLOWING DESCRIBED PROPERTY:

Legal Description for portion of Property to be vacated.

The East and South 60 feet of the Southwest quarter of the Northeast quarter of Section 21, Township 17 North, Range 2 West of the Willamette Meridian, lying Easterly of Primary State Highway No. 1, being a portion of Road Reservation recorded under Auditor's File No. 300528.



Said vacation containing approximately 3.42 acres, more or less.

