

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2020-1062**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, VACATING A PORTION OF UNOPENED  
KANSAS STREET SOUTHWEST NEAR THE  
INTERSECTION OF CALISTOGA STREET WEST AND  
KANSAS STREET SOUTHWEST; ESTABLISHING THE  
CONDITIONS OF SUCH VACATION; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE**

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**WHEREAS**, pursuant to RCW Ch. 35.79, the owners of any real estate abutting upon any unopened street or alley who may desire to vacate the street or alley, or any part thereof, may petition the City to seek vacation of that street or alley; and

**WHEREAS**, the City of Orting has received a petition from Scott Corliss who owns property abutting a certain portion of unopened Kansas Street as shown on the attached Exhibit A; and

**WHEREAS**, the petition is signed by the owners of more than two-thirds of the property abutting the portion sought for vacation; and

**WHEREAS**, by Resolution No. 2020-15, the City Council set the public hearing on the street vacation petition for July 8, 2020, which is not less than twenty days after the passage of the Resolution; and

**WHEREAS**, the City Clerk provided public notice of the pending street vacation petition and public hearing in accordance with Ch. 35.79 RCW; and

**WHEREAS**, the City Council held a public hearing on the proposed street vacation on July 8, 2020;

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

**Section 1. Public Notice.** The City Council finds that at least twenty days' notice and not and not more than sixty days' notice of the pendency of the street vacation petition and the public hearing thereon, and that notice was also posted on the street or alley sought to be vacated.

**Section 2. Public Hearing.** The City Council held a duly noticed public hearing on the petition for street vacation on July 8, 2020.

**Section 3. Testimony at Public Hearing.** The following members of the public testified at the public hearing: Colleen Harris, APEX Engineering, on behalf of the Petitioner Scott Corliss.

**Section 4. Objections.** Pursuant to RCW 35.79.020, if fifty percent of the abutting property owners file written objection to the proposed vacation with the City Clerk, prior to the time of hearing, the City shall be prohibited from proceeding with the resolution. No objections were filed with the Clerk to this vacation.

**Section 5. City Council Findings.** After hearing the testimony of the public and considering the staff report and all other relevant facts, the City Council finds as follows:

A. The relevant portion of unopened Kansas Street is not adjacent to or near a water body and is not needed for public travel now or in the foreseeable future. The City is not maintaining the relevant portion of unopened Kansas Street for public travel.

B. There are no public utilities located within the relevant portion of unopened Kansas Street, and accordingly the City does not require an easement across the relevant property at the conclusion of this vacation.

C. The vacation provides a public benefit to the City of Orting.

**Section 6. City Council Conclusions.** After making the above findings regarding the proposed street vacation, the City Council concludes that the proposed vacation serves the public interest and that the street or alley sought to be vacated is not suitable for use by the City for public travel purposes. Therefore, the City Council concludes that the relevant portion of unopened Kansas Street, as more particularly described in the legal description attached hereto as Exhibit A, and as shown on the map attached hereto as Exhibit B, shall be vacated upon the following conditions:

A. **Compensation.** The Petitioners shall compensate the City for this street vacation according to the requirements of RCW 35.79.030. Based on the analysis by the City Engineer and other relevant facts, this compensation amount is \$4,377.21.

**Section 7. Recording.** Once the compensation required by Section 6 is paid to the City if any is identified herein, a certified copy of this Ordinance vacating the street or alley or portion thereof shall be recorded by the City Clerk with the Pierce County Auditor, as required by RCW 35.79.030.


**Section 8. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 9. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 10. Effective Date.** This Ordinance shall not be effective or recorded unless compensation is paid to the City if required by Section 8 above. After payment of such compensation if required, this Ordinance shall take effect and be in full force and effect five days after publication, as provided by law. If such compensation is required and is not paid on or before sixty days from adoption of this Ordinance, this Ordinance shall be null and void.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 29<sup>TH</sup> DAY OF JULY, 2020.

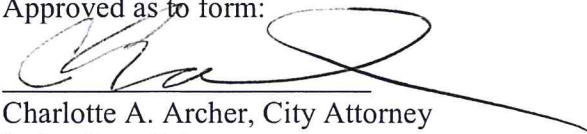
CITY OF ORTING

  
\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

  
Jane Montgomery, City Clerk, CMC

Approved as to form:

  
Charlotte A. Archer, City Attorney  
Inslee Best, PS

Filed with the City Clerk: 7.10.20  
Passed by the City Council: 7.29.20  
Compensation Paid: \$4,377.21  
Paid: 8.11.20  
Recorded: 9.18.20  
Date of Publication: 9.18.20  
Effective Date: 9.23.20

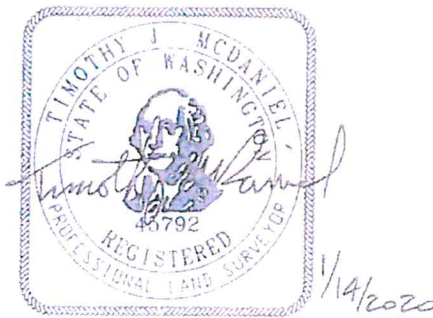
**EXHIBIT A**  
**RIGHT OF WAY VACATION LEGAL DESCRIPTION**

(BENEFITTING TPN 0519311093)

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, CITY OF ORTING, PIERCE COUNTY, WASHINGTON MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 89°40'14" WEST, ALONG THE NORTH LINE OF SAID SUBDIVISION, 519.25 FEET TO A POINT ON THE WESTERLY MARGIN OF CALISTOGA AVENUE, SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL DEEDED TO THE TOWN OF ORTING PER AUDITOR'S FILE NO. 1240716, RECORDS OF PIERCE COUNTY AUDITOR;  
THENCE CONTINUING SOUTH 89°40'14" WEST, ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION, 359.12 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 46°59'31" EAST, 21.86 FEET TO THE SOUTH LINE OF SAID PARCEL;  
THENCE SOUTH 89°40'14" WEST, ALONG SAID SOUTH LINE, 42.07 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL;  
THENCE NORTH 00°19'46" WEST, ALONG THE WEST LINE OF SAID PARCEL, 15.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE NORTH LINE OF AFORESAID SUBDIVISION;  
THENCE NORTH 89°40'14" EAST, ALONG THE NORTH LINES OF SAID PARCEL AND SAID SUBDIVISION, 26.17 FEET TO THE POINT OF BEGINNING.

(CONTAINING 512 SQ. FT., MORE OR LESS)



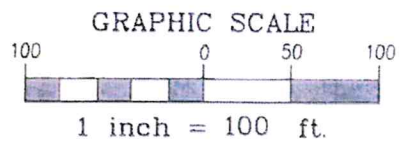
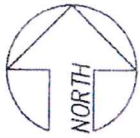
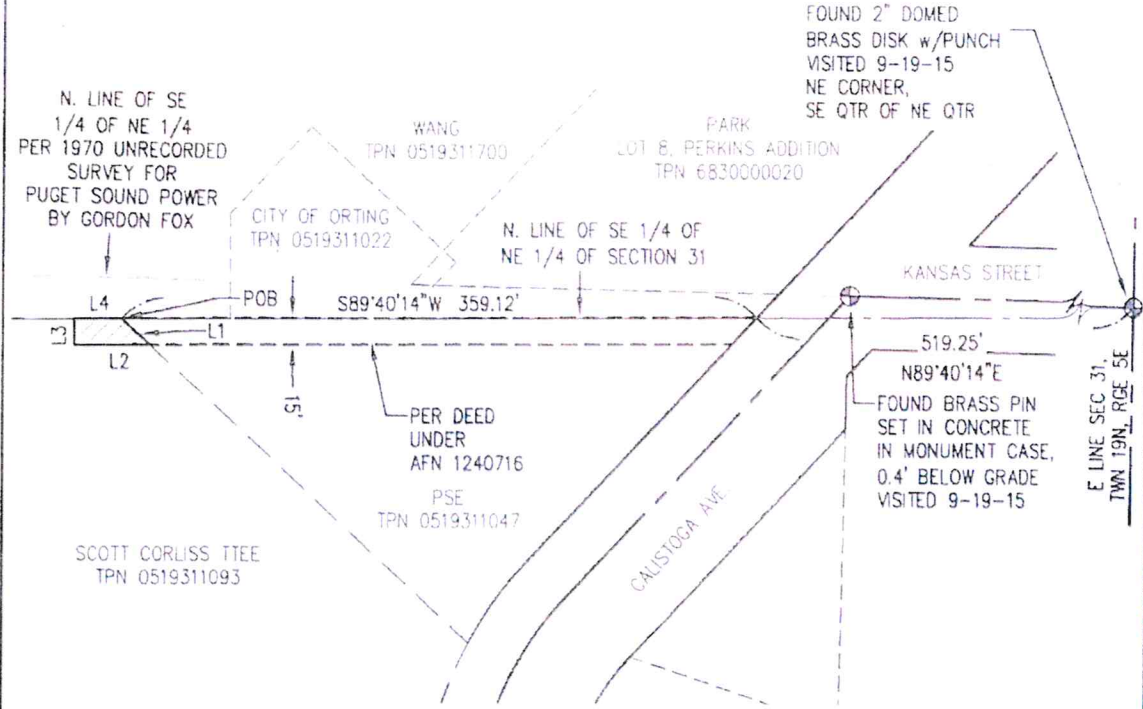
TIMOTHY J. MCDANIEL, P.L.S.  
WASHINGTON STATE REGISTRATION NO. 45792

(21)



## EXHIBIT B

A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31,  
TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M.  
CITY OF ORTING, PIERCE COUNTY, WASHINGTON



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S46°59'31"E	21.86
L2	S89°40'14"W	42.07
L3	N00°19'46"W	15.00
L4	N89°40'14"E	26.17

SHEET 1 OF 1

<p><b>ROW VACATION EXHIBIT</b> (BENEFITTING TPN 0519311093)</p>			<p style="font-size: small;">2601 South 35th, Suite 200 Tacoma, Washington 98409-7479 (253) 473-4494 FAX: (253) 473-0599 © APEX ENGINEERING LLC 2020</p>
APEX JOB NO: 33008	DATE: 01/14/2020		
DRAWN BY: SLS	CHECKED BY: TJM		
DWG. NO: 33008ROWEXH DWG	SCALE: 1"=100'		