

ORDINANCE NO. 4771

AN ORDINANCE VACATING A PORTION OF WATER STREET LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., LOCATED IN THE CITY OF ELLENSBURG, COUNTY OF KITTITAS, STATE OF WASHINGTON.

WHEREAS, the City Council has received a petition from Carol Cariveau requesting that a portion of Water Street in the City of Ellensburg, Kittitas County be vacated; and

WHEREAS, the petitioner is the only property owner for property immediately abutting the right-of-way which is the subject of the petition, and the petition therefore contains signatures of the owners of more than two-thirds of the abutting property owners; and

WHEREAS, the action vacating a street or roadway is categorically exempt per WAC 197-11-800(2)(i) and is therefore not subject to SEPA rules and determinations; and

WHEREAS, the City Council, by passage of Resolution 2017-24 on July 17, 2017 established August 21, 2017, as the date for a public hearing to consider the requested street vacation; and

WHEREAS, the City Clerk posted and published appropriate notices of the public hearing as required by RCW 35.79.020; and

WHEREAS, the hearing was held as scheduled on August 21, 2017, and all persons who wished to testify were provided an opportunity to do so, and following which the City Council gave first reading of the proposed ordinance; and

WHEREAS, the City Engineer presented a report at the hearing which detailed the facts concerning the vacation and the reasons for recommending that such vacation proceed forward; and

WHEREAS, second reading and adoption of the ordinance was postponed from the September 18, 2017 City Council meeting until such time as the applicant could provide a review appraisal; and

WHEREAS, on November 14, 2017, the applicant furnished staff with a revised appraisal that was verified by a licensed review appraiser.

WHEREAS, after consideration of the testimony, the City Council determined that the vacation should be approved; and

WHEREAS, the petitioner has agreed to meet certain conditions as set forth herein;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington, do hereby ordain as follows:

Section 1. Vacation. Subject to the conditions set forth in Sections 2 and 3 of this ordinance, that portion of Water Street as legally depicted as 'Parcel V' of the attached survey titled 'EXHIBIT A', containing 5,110 square feet, which are incorporated herein by this reference, is hereby vacated, and the property lying in said portion of the street right of way described in EXHIBIT A, shall belong to the petitioner who is the only adjacent property owner.

Section 2. Conditions of Vacation. This ordinance shall not be published or recorded until payment of compensation in the amount of \$25,000 is received by the City, which is the full appraised value of the vacation area. If the compensation is not paid to the City within six (6) months from adoption of this ordinance, then this ordinance shall be void, and the portion of the street to be vacated shall not be vacated.

Section 3. Reservation of Utility Easement. The City of Ellensburg retains a 10-foot-wide utility easement within and across the vacated area centered on the existing overhead power line to maintain, repair and serve electrical services. The easement shall be recorded in the records of the Kittitas County Auditor on a form acceptable to the City at the same time as the recording of the ordinance.

Section 4. This ordinance shall become effective five days after the petitioner has fulfilled the requirements stipulated in Sections 2 and 3 of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Ellensburg this 20th day of Nov., 2017.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Publish: 11-24-17

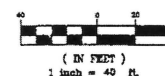
I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4771 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4771 was published as required by law.

  
\_\_\_\_\_  
COREEN M. RENO

**A PORTION OF BLOCK 7,  
TACOMA ADDITION TO THE CITY OF ELLENSBURG  
Part of the SW 1/4 of Section 35, T. 18 N., R. 18 E., W.M.**

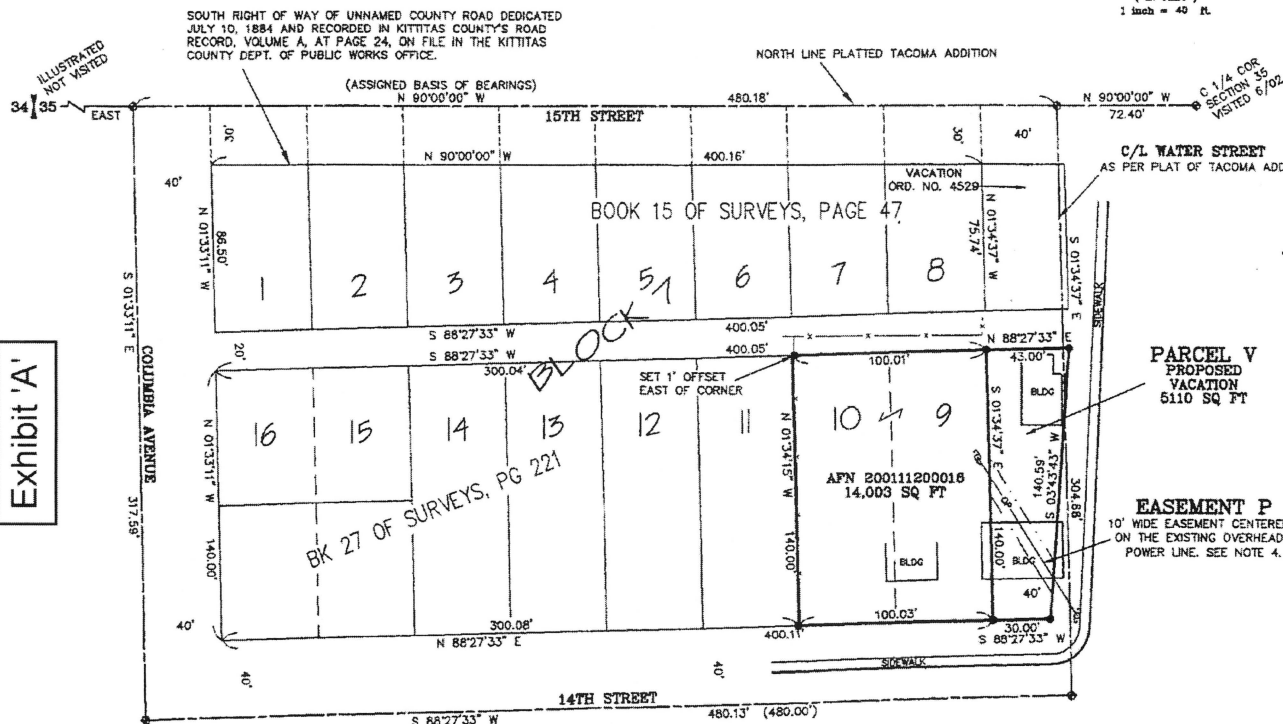


GRAPHIC SCALE



**LEGEND**

- SET 5/8" REBAR W/ CAP  
— "CRUISE 36815"
- FOUND PIN & CAP
- FOUND ENCASED MONUMENT
- x— FENCE



**Exhibit 'A'**

**NOTES:**

1. THIS SURVEY WAS PERFORMED USING A TOPCON GTS SERIES TOTAL STATION. THE CONTROLLING MONUMENTS AND PROPERTY CORNERS SHOWN HEREON WERE LOCATED, STAKED AND CHECKED FROM A CLOSED FIELD TRAVERSE IN EXCESS OF 1:10,000 LINEAR CLOSURE AFTER AZIMUTH ADJUSTMENT.
2. THIS SURVEY MAY NOT SHOW ALL EASEMENTS OR IMPROVEMENTS WHICH MAY PERTAIN TO THIS PROPERTY.
3. FOR BASIS OF BEARINGS, CORNER DOCUMENTS, AND ADDITIONAL INFORMATION SEE BOOK 27 OF SURVEYS AT PAGE 221 AND THE SURVEYS REFERENCED THEREON.
4. UTILITY EASEMENT P IS TO COVER THE EXISTING POWER SERVICE AND SHALL BE EXTINGUISHED WHEN THE SERVICE IS RELOCATED OUT OF PARCEL V.

**LEGAL DESCRIPTIONS**

**PARCEL V**

PARCEL V OF THAT CERTAIN SURVEY RECORDED SEPTEMBER 2017, IN BOOK 41 OF SURVEYS AT PAGE UNDER AUDITOR'S FILE NO. 201709 RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

**EASEMENT P**

EASEMENT P OF THAT CERTAIN SURVEY RECORDED SEPTEMBER 2017, IN BOOK 41 OF SURVEYS AT PAGE UNDER AUDITOR'S FILE NO. 201709 RECORDS OF KITTITAS COUNTY, WASHINGTON; ACROSS A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, AFFECTS PARCEL V OF THIS SURVEY.

**AUDITOR'S CERTIFICATE**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_  
2017, at \_\_\_\_\_, M., in Book 41 of Surveys at  
page(s) \_\_\_\_\_ at the request of Cruse & Associates.

JERALD V. PETTIT BY:  
KITTITAS COUNTY AUDITOR

**SURVEYOR'S CERTIFICATE**

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of MILT JOHNSTON in AUGUST of 2017.

*Christopher C. Cruse*  
CHRISTOPHER C. CRUSE  
Professional Land Surveyor  
License No. 36815  
9/11/2017



**CRUSE & ASSOCIATES**  
PROFESSIONAL LAND SURVEYORS  
217 East Fourth Street P.O. Box 959  
Ellensburg, WA 98926 (509) 962-8242  
**WATER STREET VACATION**

