

CITY OF MORTON, WASHINGTON

ORDINANCE NO. 2021- 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORTON, WASHINGTON, VACATING A PORTION OF A RIGHT-OF-WAY ON STATE ROUTE 7 (2nd AVE).

RECITALS:

WHEREAS, the City of Morton, Washington (the "City") is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City's local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, pursuant to Chapter 35.79 RCW, the City may vacate a right-of-way upon certain requirements being met; and

WHEREAS, the City of Morton, Washington, initiated a road vacation for a right-of-way on State Route 7 (2nd Ave), located within the City of Morton, Washington, requesting that the same be vacated; and

WHEREAS, pursuant to RCW 35.79.010, the Morton City Council passed Resolution No. 517 on February 2, 2021, setting a public hearing regarding this proposed vacation on April 8, 2021; and

WHEREAS, pursuant to RCW 35.79.020 proper notice of the public hearing was posted and mailed to all required parties; and

WHEREAS, on March 22, 2021 said public hearing was held before the Morton City Council having only 1 public speaker(s) and no objections to the proposed vacation; and

WHEREAS, it is the finding of the City Council of the City of Morton that vacation is appropriate in this instance in that vacation will benefit the public by returning the property to the tax rolls, in that the right of way is not needed for public use or access, and in that conditions are not likely to change in the future as to provide a greater use or need for the right-of-way than presently exists; and

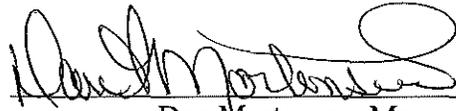
WHEREAS, the City Council of the City of Morton, Washington, has considered all matters presented at the public hearing on the proposed vacation, hearing no objection to this vacation, and

does hereby find that the vacation of said property is appropriate and that the transfer of property at issue in this matter in the manner set forth below is in best interests of the public.

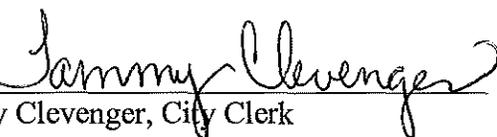
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORTON, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

- Section 1.** The City vacates that portion of unopened right-of-way on State Route 7 (2nd Ave), located within the City of Morton, Washington, legally described as shown in the exhibit attached hereto, marked "Exhibit A" and incorporated herein by this reference, subject to the conditions set forth in Sections 2 through 4 of this Ordinance.
- Section 2.** The City shall retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.
- Section 3.** The vacation shall be effective upon payment to the City of Morton, within 120 days of the date hereof, by the owner of property or assignee adjacent thereto and to be benefited by the vacation, in the amount of \$16,800.00, which represents full appraised value of the net amount (8,400 square feet) of right-of-way to be vacated.
- Section 4.** This Ordinance shall be in full force and effect thirty (30) days after publication as required by law. If the condition of transfer as stated in Section 3 is not completed within one hundred twenty (120) days of the effective date of this Ordinance, this Ordinance shall be null and void.
- Section 5.** The City Clerk is directed to record a certified copy of this ordinance in the office of the Lewis County Auditor.

ADOPTED by the City Council of the City of Morton, Washington, and **APPROVED** by its Mayor on this 22nd day of March, 2021.



Dan Mortensen, Mayor

Attest: 

Tammy Clevenger, City Clerk

Approved as to form:



Eric J. Lanza, WSBA # 50042
City Attorney

EXHIBIT A

2nd AVENUE – STATE ROUTE 7
RIGHT-OF-WAY VACATION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2,
TOWNSHIP 12 NORTH, RANGE 4 EAST, W.M., LEWIS COUNTY, WASHINGTON MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL A OF CITY OF MORTON BOUNDARY LINE
ADJUSTMENT, AS RECORDED IN BOOK 4 OF BLAM, PAGE 64, RECORDED MAY 13, 2020, UNDER
AUDITOR'S FILE NO. 3523333, RECORDS OF LEWIS COUNTY, WASHINGTON;
THENCE ALONG THE WEST LINE OF SAID PARCEL A AND THE WEST LINE OF PARCEL B OF SAID
BOUNDARY LINE ADJUSTMENT, SAID WEST LINE BEING 75.00 FEET EASTERLY OF THE
CENTERLINE OF STATE ROUTE 7 (2ND AVENUE), SOUTH 00°16'07" EAST, 216.00 FEET TO THE
SOUTHWEST CORNER OF SAID PARCEL B;
THENCE PARALLEL WITH THE SOUTH LINE OF SAID PARCEL B, SOUTH 89°41'46" WEST, 40.70
FEET;
THENCE PARALLEL WITH THE CENTERLINE OF STATE ROUTE 7, NORTH 00°16'07" WEST, 192.06
FEET;
THENCE NORTH 45°48'11" EAST, 25.10 FEET;
THENCE NORTH 73°34'29" EAST, 23.55 TO THE **BEGINNING**;

CONTAINING 8,441 SQUARE FEET, MORE OR LESS;

SITUATE IN THE CITY OF MORTON, LEWIS COUNTY, WASHINGTON.

Prepared by: Blair E. Prigge, PLS
MTN2COAST, LLC
Feb. 21, 2021

