

Filed for and return to:

Deby Cragun  
City Clerk / Treasurer  
City of Deer Park  
P. O. Box F  
Deer Park, WA 99006

The information contained in this boxed section is for recording purposes only pursuant to RCW 36.18 and RCW 65.04, and is not to be relied upon for any other purpose, and shall not affect the intent of or any warranty contained in the document itself.

**Grantor(s):** City of Deer Park, Washington

**Grantee(s):** Multiple

**Reference Number(s) of Documents Amended:** N/A

**Abbreviated Legal Description:** Portion of unimproved South Washington Avenue between East "C" Street and East "D" Street, Deer Park.

**Legal Description:** Complete legal description on Page 2.

**Assessor's Parcel Number(s):** N/A

ORDINANCE NO. 2013- 933

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, VACATING THAT PORTION OF UNIMPROVED SOUTH WASHINGTON AVENUE LOCATED BETWEEN EAST "C" STREET AND EAST "D" STREET PURSUANT TO CHAPTER 35.79 RCW AND CHAPTER 12.28 OF THE DEER PARK MUNICIPAL CODE.

**WHEREAS**, the City staff have processed a Street Vacation Petition pursuant to Chapter 35.79 RCW and Chapter 12.28 of the Deer Park Municipal Code; and

**WHEREAS**, after consideration of all the facts and circumstances surrounding the street vacation proposal, the City Council has determined that it is in the best interest of the City to vacate that portion of the right of way described in this Ordinance; and

**WHEREAS**, the City Council, pursuant to City Resolution No. 2013-11, held a public hearing pursuant to proper notice for the purpose of hearing comments for and against this right of way vacation; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** A Public Hearing to consider the vacation of right of way described in this Ordinance was duly noted and a Public Hearing was held before the City Council on Wednesday, December 4, 2013, at 7:00 p.m., before the City Council, at City Hall.

**Section 2.** The public right of way described as that portion of unimproved South Washington Avenue located between East "C" Street and East "D" Street, City of Deer Park, Spokane County, Washington is hereby vacated (hereinafter "Vacated South Washington Avenue"). The Vacated South Washington Avenue is further depicted in the map attached as Exhibit "A" to this Ordinance and made a part herein as if set forth in full.

**Section 3.** The City has determined that it is not necessary for the City to retain an easement for public utility purposes in Vacated South Washington Avenue.

**Section 4.** Pursuant to Chapter 12.28 of the Deer Park Municipal Code and specifically Section 12.28.080(D), the abutting property owners have deposited with the City Clerk/Treasurer the total sum of \$5,665.50, which amount is equal to one-half of the appraised value of the area sought to be vacated.

**Section 5.** The vacation of right of way, pursuant to this Ordinance, will result in ownership of the vacated right of way by operation of law. The City makes no commitment or warranty as to the specific subsequent ownership of portions of the vacated right of way by the abutting property owners, vacation petitioners, or others.

**Section 6.** If any section, sentence, clause, or phrase of this Ordinance shall 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, clause, or phrase of this Ordinance.

**Section 7.** This Ordinance shall take effect and be in full force five (5) days after this ordinance or a summary thereof consisting of the title is published.

*[The remainder of this page left blank intentionally]*

**Section 8.** The City Clerk Treasurer is directed to record a conformed copy of this Ordinance with the Spokane County Auditor following its passage and publication as provided for herein.

APPROVED:

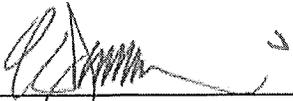
\_\_\_\_\_  
MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

BY:

  
\_\_\_\_\_  
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	<u>11/26/13</u>
FIRST READING DATE	:	<u>12/04/13</u>
SECOND READING DATE	:	_____
THIRD READING DATE	:	_____
PASSED BY THE CITY COUNCIL	:	_____
PUBLISHED	:	_____
EFFECTIVE DATE	:	_____
ORDINANCE NO.	:	<u>2013-933</u>

SUMMARY OF ORDINANCE NO. <sup>2013-933</sup>~~2010-894~~

of the City of Deer Park, Washington

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On the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the City Council of the City of Deer Park, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, VACATING THAT PORTION OF UNIMPROVED SOUTH WASHINGTON AVENUE LOCATED BETWEEN EAST "C" STREET AND EAST "D" STREET PURSUANT TO CHAPTER 35.79 RCW AND CHAPTER 12.28 OF THE DEER PARK MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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DEBY CRAGUN, CITY CLERK