MEMORANDUM

To: Mayor McCarthy, City Council
From: Stan Berryman Public Works Director
Date: July 6, 2015
Re: Ordinance Conditionally Vacating a Portion of an Alley Abutting the Star Store In Exchange For the Acquisition Of Alternative Right-Of-Way

This Ordinance will complete the property transfer between the City and the Star Store to enable the Star Store to remodel the entrance on Second Street. The Council needs to convene a Public Hearing and then act on the attached Ordinance. As the vacation will result in a significant improvement of the Star Store with no loss of public right-of-way (actually 77 square feet additional), Staff recommends approval of The Ordinance.
CITY OF LANGLEY
ORDINANCE NUMBER ______

AN ORDINANCE OF THE CITY OF LANGLEY, CONDITIONALLY VACATING A PORTION OF AN ALLEY ABUTTING THE STAR STORE BETWEEN FIRST STREET AND SECOND STREET IN BLOCK 12 OF THE PLAT OF LANGLEY IN EXCHANGE FOR THE ACQUISITION OF ALTERNATIVE RIGHT-OF-WAY

WHEREAS, RCW 35.79.010 authorizes the city council to initiate a street vacation process by passage of a resolution; and

WHEREAS, the existing Star Store improvements are partially located on a publicly dedicated alley between First Street and Second Street in Block 12 of the Plat of Langley; and

WHEREAS, this encroachment into the public right-of-way should be resolved prior to any remodeling of the Star Store improvements; and

WHEREAS, the owners of the Star Store property are interested in providing replacement right-of-way in exchange for the city’s vacation of the portion of the alley under the Star Store improvements, essentially shifting the alley right-of-way to the south around the existing improvements; and

WHEREAS, RCW 35.79.010 requires the city council to fix a time by resolution for public hearing on any proposed street vacation; and

WHEREAS, a public hearing on the proposed street vacation was held on July 6, 2015 at ______ p.m. before the Langley City Council; and

WHEREAS, the city clerk provide noticed of the public hearing as required pursuant to RCW 35.79.020; and

WHEREAS, the city clerk has not received written objections to the proposed vacation, prior to the time of the hearing, from fifty percent of the abutting property owners; and

WHEREAS, the subject alley has been part of the public right-of-way for at least 25 years, which entitles the city to condition the vacation on the receipt of full fair market value for the vacated property; and

NOW THEREFORE, be it obtained by the City Council of the City of Langley, Washington as Follows:

Section 1. Conditional Vacation. The public right-of-way consisting of the 468.9 square feet legally described and depicted in Exhibit A, which exhibit is attached hereto and incorporated herein by this reference as if set forth in full, and commonly known as the portion of McLeod Alley abutting the Star Store, shall be vacated subject to and upon completion of the following conditions:
A. The city hereby retains an easement in respect to the vacated land for the construction, repair, and maintenance of public utilities and services that are currently existing within the vacated land.

B. The city receives a statutory warranty deed or deed of dedication in a form acceptable to the city attorney for the 545.9 square feet legally described and depicted in Exhibit B hereto, which exhibit is attached hereto and incorporated herein by this reference as if set forth in full.

C. The city receives a title report dated contemporaneously with the deed referenced above indicated that title to the property described in Exhibit B is vested in the grantor executing the deed.

D. The city receives a performance bond in a form acceptable to the city attorney and in an amount sufficient to guarantee completion of alley improvements to replace any improvements that might become no long usable by the public as a result of the vacation.

E. The above conditions shall be completed no later than __________ 2015.

F. Upon completion of the above conditions, the city clerk shall record a notice of completion of street vacation conditions in the office of the Island County auditor to indicate that the vacation has become effective.

Section 2. Recording. A certified copy of this ordinance shall be recorded by the city clerk in the office of the Island County auditor.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

_________________________
MAYOR FRED MCCARTHY

ATTEST/AUTHENTICATED:

_________________________
CITY CLERK, DEBBIE L. MAHLER
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

______________________
JEFF TARADAY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _
SUMMARY OF ORDINANCE NO. ____________

of the City of Langley, Washington

On the _____ day of ________________, 2015, the City Council of the City of Langley, passed Ordinance No. ________________. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LANGLEY, CONDITIONALLY VACATING A PORTION OF AN ALLEY ABUTTING THE STAR STORE BETWEEN FIRST STREET AND SECOND STREET IN BLOCK 12 OF THE PLAT OF LANGLEY IN EXCHANGE FOR THE ACQUISITION OF ALTERNATIVE RIGHT-OF-WAY.

The full text of this Ordinance will be mailed upon request.
DATED this _____ day of ____________________, 2015.

______________________________
CITY CLERK, DEBBIE L. MAHLER
RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT FOR GENE FELTON
CITY OF LANGLEY, WASHINGTON

FIRST STREET
587°44'30"E 69.17'

ALLEY
587°44'30"E 3.00'

PROPOSED LEGAL DESCRIPTION

PARCEL A:
The west half of lot 11 and all of lot 10, block 12, plat of Langley, according to the plat recorded in volume 2 of plats, page 15; and as replated and recorded in volume 6 of plats, page 33.

EXCEPT THAT PORTION AS DESCRIBED AS FOLLOWS:
COMMENCING at the northwest corner of said lot 10, block 12, thence south 87°54'15" east, 4.00 feet to the point of beginning, and being the beginning of a curve to the right with a radius of 16.00 feet; thence along said curve through a central angle of 38°34'07", an arc distance of 11.00 feet to the beginning of the curve to the left with a radius of 32.00 feet; thence along said curve through a central angle of 38°34'07", an arc distance of 23.10 feet; thence south 87°54'15" east, 12.00 feet to the beginning of the curve to the left with a radius of 32.00 feet; thence along said curve through a central angle of 40°48'24", an arc distance of 3.58 feet; thence south 87°54'15" east, 19.27 feet; thence north 01°32'00" east, 2.00 feet; thence north 87°54'15" west, 86.00 feet to the point of beginning.

PARCEL B:
Lots 18, 19, 20, and 21, except the west 3 feet of the north 48 feet of said lot 21; and together with the east 3 feet of the south 51 feet of lot 22; all in block 12, plat of Langley, according to the plat recorded in volume 2 of plats, page 15; and as replated and recorded in volume 6 of plats, page 33.

TOGETHER WITH A PORTION OF A 16 FOOT ALLEY, ACCORDING TO SAID PLAT OF LANGLEY AS DESCRIBED AS FOLLOWS:
COMMENCING at the southwest corner of said lot 21, block 12, thence south 87°54'15" east, 34.23 feet to the point of beginning and being the beginning of a curve to the right with a radius of 32.00 feet; thence along said curve through a central angle of 38°34'07", an arc distance of 22.10 feet to the beginning of a curve to the left with a radius of 16.00 feet; thence along said curve through a central angle of 40°48'24", an arc distance of 23.79 feet to the beginning of a curve to the right with a radius of 3.00 feet; thence along said curve through a central angle of 40°48'24", an arc distance of 3.58 feet; thence south 87°54'15" east, 19.27 feet; thence north 01°32'00" east, 2.00 feet; thence north 87°54'15" west, 85.46 feet to the point of beginning.

SECOND STREET
586°33'30"E 90.00'

<table>
<thead>
<tr>
<th>NUM</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>S87°46'30&quot;E</td>
<td>12.00'</td>
</tr>
<tr>
<td>2</td>
<td>S87°46'30&quot;E</td>
<td>15.00'</td>
</tr>
<tr>
<td>3</td>
<td>S87°46'30&quot;E</td>
<td>12.00'</td>
</tr>
<tr>
<td>4</td>
<td>S87°46'30&quot;E</td>
<td>12.00'</td>
</tr>
<tr>
<td>5</td>
<td>S87°46'30&quot;E</td>
<td>12.00'</td>
</tr>
<tr>
<td>6</td>
<td>S87°46'30&quot;E</td>
<td>12.00'</td>
</tr>
<tr>
<td>7</td>
<td>W01°27'50&quot;E</td>
<td>2.00'</td>
</tr>
</tbody>
</table>

BOUNDARY LINE ADJUSTMENT OF A PORTION of the SW 1/4 of the SE 1/4 of SEC. 34, TWP. 30N., R. 3E., W.M.

TMI Land Surveying
5371 Lotus Avenue, Suite B
Frederick, Maryland 21702
301-331-7187 Fax 301-331-7194

TMI Land Surveying
5371 Lotus Avenue, Suite B
Frederick, Maryland 21702
301-331-7187 Fax 301-331-7194