

**LANGLEY CITY COUNCIL  
ORDINANCE NUMBER 1021**

**AN ORDINANCE OF THE LANGLEY CITY COUNCIL TO VACATE A PORTION OF ANTHER AVENUE.**

**WHEREAS**, the existing porch on the west side of the building at 230 First Street is located on a portion of the city owned right-of-way that constitutes Anthes Avenue; and

**WHEREAS**, the owners of the property at 230 First Street, otherwise known as the Doghouse, have requested the city vacate the portion of the Anthes Avenue right-of-way beneath the existing porch and an equivalent two to three foot strip of land extended from the northerly terminus of the existing building along the west property line to the northerly terminus of the property; and

**WHEREAS**, that portion of Anthes Avenue proposed to be vacated is not presently being used and is unavailable for use as a street or alley; and

**WHEREAS**, the acquisition of property adjacent to the vacated portion of Anthes Avenue is sought to enable the City to implement Goal 3 of the Parks, Open Space, and Trails Element of the City’s Comprehensive Plan By improving waterfront access while assisting a local business to expand a business opportunity; and

**WHEREAS**, the parcel of land to be acquired by the City in exchange for that portion of Anthes Avenue to be vacated will improve the use of Seawall Park for water viewing and recreational purposes, and will enhance visual and physical access by the public to the Saratoga Passage waterfront; and

**WHEREAS**, the acquisition of property adjacent to the vacated portion of Anthes Avenue is sought to enable the City to implement Shoreline Master Program that call for improved access to the waterfront; specifically, to “expand and enhance the development of safe, convenient, and diversified public access to the shorelines and public tidelands in the City of Langley”; and

**WHEREAS**, the vacation of the requested portion of Anthes Avenue is necessary to assist in the preservation of the only building in Langley that is listed on the National Register of Historic Places; and

**WHEREAS**, the vacation of the requested portion of Anthes Avenue, the payment for which is an exchange for waterfront property of equal value, is in the public interest; and

**WHEREAS**, the vacation of the requested portion of Anthes Avenue meets the requirements of RCW35.79.035(1)(c) by enabling the City to implement portions of its Comprehensive Plan and Shoreline Master Program; and

**WHEREAS**, the Langley City Council has held a Public Hearing pursuant to Resolution Number 774, adopted on August 17, 2015, to consider testimony on the proposed partial street vacation on September 8, 2015; and

**WHEREAS**, the notice of Public Hearing held on September 8, 2015 was posted and advertised as required, not less than twenty (20) days prior to convening the Public Hearing;

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

**Section 1.** The City Council hereby agrees to vacate and convey to Charles and Janice Kleiner, by quitclaim deed, that portion of Anthes Avenue as set forth in Exhibit A, "Langley to Kleiner."

**Section 2.** The City Council hereby agrees to accept as full payment for the premises identified in Section 1, the premises described in Exhibit B, Kleiner to Langley, subject to receipt of a Warranty Deed from Charles and Janice Kleiner for said property.

**PASSED** by the City Council of the City of Langley and **APPROVED** by the Mayor this 21<sup>st</sup> day of September, 2015.

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Fred McCarthy, Mayor

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Debbie L. Mahler, Director of Finance/Clerk

APPROVED AS TO FORM:

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Jeff Taraday, City Attorney

# EXHIBIT A

## LANGLEY TO KLEINER

The Easternmost portion of Anthes Avenue Right of Way (ROW) North of First Street in the Plat of Langley, as recorded in Volume 2 of Plats, page 15, Records of Island County, Washington, described as follows:

Commencing at the Southwest corner of Lot 1, Block 13, of said Plat of Langley;

THENCE North 01° 16' 30" East, a distance of 2.69 Feet;

THENCE South 87° 44' 30" West, a distance of 2.97 Feet to the POINT OF BEGINNING;

THENCE continue westerly along said line, a distance of 10.02 Feet;

THENCE North 01° 16' 30" East, a distance of 50.00 Feet;

THENCE North 87° 44' 30" East, a distance of 10.02 Feet;

THENCE South 01° 16' 30" West, a distance of 50.00 Feet to the POINT OF BEGINNING.

Containing 500 square Feet, more or less.

TOGETHER with the Easternmost portion of said Anthes Avenue, described as follows:

Commencing at the Southwest corner of Lot 1, Block 13, of said Plat of Langley;

THENCE North 01° 16' 30" East, a distance of 83.04 Feet to the POINT OF BEGINNING;

THENCE South 87° 44' 30" West, a distance of 2.97 Feet;

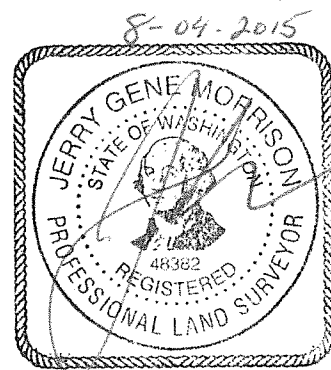
THENCE North 01° 16' 30" East, a distance of 41.07 Feet;

THENCE North 89° 55' 24" East, a distance of 2.97 Feet;

THENCE South 01° 16' 30" West, a distance of 40.96 Feet to the POINT OF BEGINNING.

Containing 122 square feet, more or less.

Situate in the County of Island, State of Washington.



# EXHIBIT B

## KLEINER TO LANGLEY

That portion of Lot 1, Block 13, Plat of Langley, as recorded in Volume 2 of Plats, page 15, Records of Island County, Washington, described as follows:

Commencing at the Southwest corner of said Lot 1;

THENCE North  $01^{\circ} 16' 30''$  East, a distance of 124.00 Feet to the POINT OF BEGINNING;

THENCE continue Northerly along said line, a distance of 10.00 Feet;

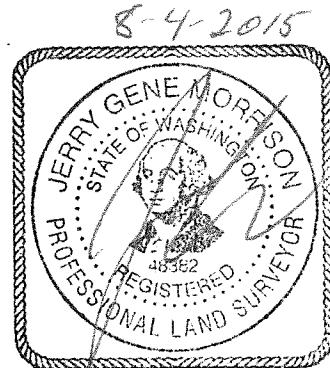
THENCE South  $76^{\circ} 52' 40''$  East, a distance of 30.65 Feet;

THENCE South  $01^{\circ} 16' 30''$  West, a distance of 3.00 Feet;

THENCE South  $89^{\circ} 55' 24''$  West, a distance of 30.00 Feet to the POINT OF BEGINNING.

Containing 195 square Feet, more or less.

Situate in the County of Island, State of Washington.



# EXHIBIT C




# BOUNDARY EXHIBIT MAP

A PORTION OF BLOCK 13, PLAT OF LANGLEY  
SEC. 34, TWP. 30N., R. 3E., W.M.

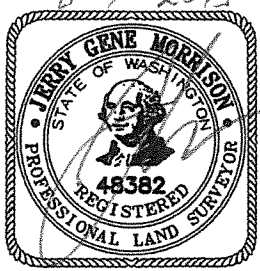
## LINE TABLE


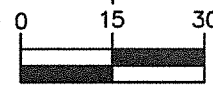
LINE	BEARING	LENGTH
L1	N 01°16'30" E	2.69'
L2	S 87°44'30" W	2.97'
L3	S 87°44'30" W	10.02'
L4	N 87°44'30" E	10.02'
L5	S 87°44'30" W	2.97'
L6	N 89°55'24" E	2.97'
L7	N 01°16'30" E	10.00'
L8	S 01°16'30" W	3.00'

## LEGEND

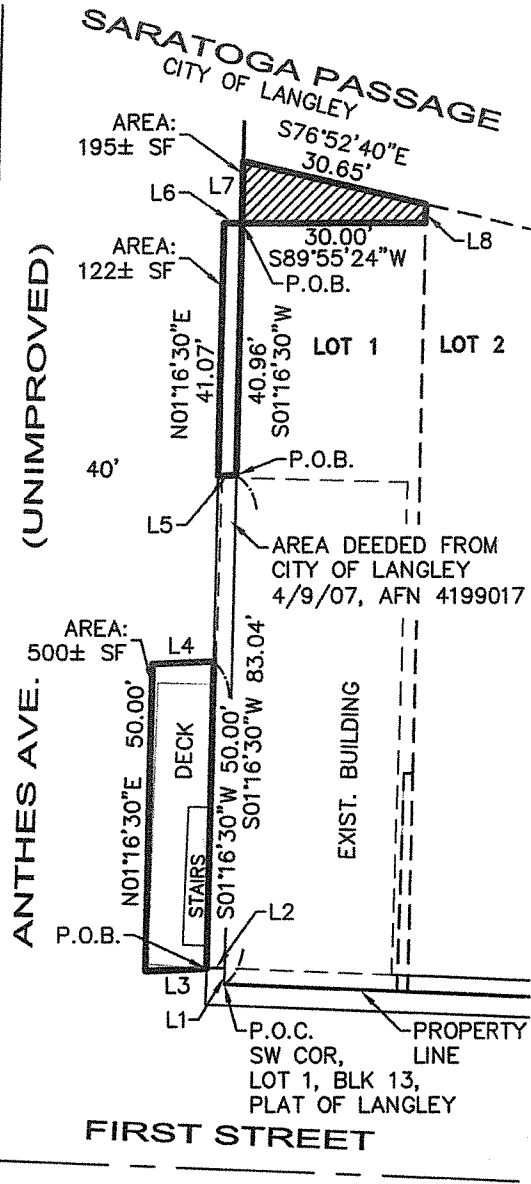
-  MONUMENT IN CASE
-  LAND TO CITY OF LANGLEY
-  LAND TO LOT 1  
TAX PARCEL S7345-00-13001-0

8-4-2015



**GRAPHIC SCALE**  
( IN FEET )  
1 inch = 30 ft.



N:\TMI\DATA\Land Projects\18800-8899\18868 Kleiner\dwg\18868 Kleiner - MS.dwg, 8/4/2015 12:04:03 PM

FILE No. 8868
SCALE: 1 IN = 30 FT
APPROVED BY: JGM
DRAWN BY: TS
DATE: AUGUST 4, 2015



## TMI Land Surveying

P.O. Box 1011  
5571 Lotto Avenue  
Freeland, Washington 98249  
360-331-7393 [www.surveywhidbey.com](http://www.surveywhidbey.com)