

ORDINANCE NO. 1483

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the street vacation at South 241st Street and 24th Avenue South, more specifically identified and described in this ordinance, and amending Ordinance No. 1435 to correct the legal description and vacation area described in subsection 1 of the findings and in section 2 of Ordinance No. 1435.

WHEREAS, on June 26, 2008, the City Council adopted Resolution No. 1079, declaring its intent to consider vacation of certain portions of public right-of-way at South 241st Street and 24th Avenue South, in the City of Des Moines, and

WHEREAS, a public hearing was held before the City Council on July 24, 2008, and all persons wishing to be heard were heard, and

WHEREAS, the City Council passed Ordinance No. 1435 on August 7, 2008, vacating the property described in said ordinance, and

WHEREAS, the findings adopted by Ordinance No. 1435 contained an error in the legal description and should be amended as follows:

(R-O-W VACATION):

That portion of 24th Avenue South from the north line of Lot 18, Block 30 south to the south line of Lot 20, Block 29 as per the plat of Puget Sound Park Addition to Des Moines, recorded in Volume 4 of Plats, Page 61, records of King County, Washington which lies west of a line that is located a distance of 60' west of the eastern right-of-way line of 24th Avenue South as per the plat of Interurban Heights, recorded in Volume 15 of Plats, Page 90, records of King County, Washington; together with the entire portion of South 241st Street which lies between Blocks 29 and 30 of the plat of Puget Sound Park Addition to Des Moines, recorded in Volume 4 of Plats, Page 61, records of King County, Washington, situated in the City of Des Moines, Washington."

(REMAINING R-O-W):

That portion of 24th Avenue South abutting Blocks 1 and 12 of the plat of Interurban Heights, recorded in Volume 15 of Plats, Page 90, records of King County, Washington that is 60' in width as measured from the eastern right-of-way line of 24th Avenue South of said plat from the north line of Lot 18, Block 30 south to the south line of Lot 20, Block 29 as per the plat of Puget

Sound Park Addition to Des Moines, recorded in Volume 4 of Plats, Page 61, records of King County, Washington, situated in the City of Des Moines, Washington;

now, therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Section 2 of Ordinance No. 1435 (uncodified) is amended to read as follows:

Right-of-way vacation. Subject to the requirements set forth in this ordinance, the public right-of-way depicted in Exhibit "A" attached to this ordinance and legally described as follows:

(R-O-W VACATION):

"That portion of 24th Avenue South from the north line of Lot 18, Block 30 south to the south line of Lot 20, Block 29 as per the plat of Puget Sound Park Addition to Des Moines, recorded in Volume 4 of Plats, Page 61, records of King County, Washington which lies west of a line that is located a distance of 60' west of the eastern right-of-way line of 24th Avenue South as per the plat of Interurban Heights, recorded in Volume 15 of Plats, Page 90, records of King County, Washington; together with the entire portion of South 241st Street which lies between Blocks 29 and 30 of the plat of Puget Sound Park Addition to Des Moines, recorded in Volume 4 of Plats, Page 61, records of King County, Washington, situated in the City of Des Moines, Washington."

(REMAINING R-O-W):

That portion of 24th Avenue South abutting Blocks 1 and 12 of the plat of Interurban Heights, recorded in Volume 15 of Plats, Page 90, records of King County, Washington that is 60' in width as measured from the eastern right-of-way line of 24th Avenue South of said plat from the north line of Lot 18, Block 30 south to the south line of Lot 20, Block 29 as per the plat of Puget Sound Park Addition to Des Moines, recorded in Volume 4 of Plats, Page 61, records of King County, Washington,

situated in the City of Des Moines,
Washington.

is vacated and the property within the right-of-way so vacated shall belong to the respective abutting property owners.

Sec. 2. Savings clause. Ordinance No. 1435, which is amended by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Sec. 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 4. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

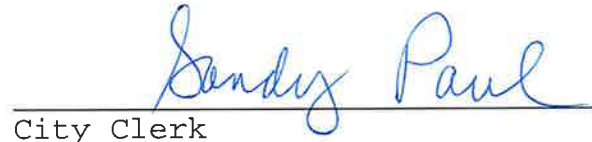
PASSED BY the City Council of the City of Des Moines this 22nd day of April, 2010 and signed in authentication thereof this 22nd day of April, 2010.


M A Y O R

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: April 28, 2010

Effective Date: May 22, 2010

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1483, Adopted April 22, 2010.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the street vacation at South 241st Street and 24th Avenue South, more specifically identified and described in this ordinance, and amends Ordinance No. 1435 to correct the legal description and vacation area described in subsection 1 of the findings and in section 2 of Ordinance No. 1435.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: April 28, 2010

Exhibit "A"

