

**ORDINANCE NO. 1900**

**AN ORDINANCE OF THE CITY OF DAYTON,  
WASHINGTON, TO VACATE A PORTION OF E. TREMONT  
STREET AND RESERVING AN EASEMENT**

**WHEREAS**, the City received a petition from Miles and Judy Miller, and Justin Jaech, requesting that the E. Tremont St. right-of-way between S. Fifth St. and S. Sixth St., as more particularly described on Attachment "A" hereto and incorporated by this reference, be vacated; and

**WHEREAS**, the petition contained the signature of the owner of more than two-thirds of the property abutting the portion of E. Tremont sought to be vacated; and

**WHEREAS**, the action of vacating a street or roadway is categorically exempt from environmental review under the State Environmental Policy Act, Ch. 43.21C RCW, per WAC 197-11-800(2)(i); and

**WHEREAS**, the City Council by passage of Resolution No. 1287 established October 10, 2016 at 6:00 p.m. or soon thereafter, as the date for a public hearing to consider the requested street vacation; and

**WHEREAS**, the City staff posted and published the appropriate notices of the public hearing as required by RCW 35.79.020; and

**WHEREAS**, the hearing was held as scheduled on October 10, 2016, and all persons who wished to testify were provided an opportunity to do so; and

**WHEREAS**, the City Council deliberated as to whether the proposed vacation would satisfy the policies and criteria set forth in Ch. 35.79, would satisfy other requirements of state and local law, the Comprehensive Plan and would otherwise benefit the City and residents of Dayton at a regular open public meeting of the City Council on October 10, 2016; and

**WHEREAS**, it is the desire of the City of Dayton to vacate the right-of-way of that portion of E. Tremont St. not used for public access, provided that an easement for City of Dayton utilities is reserved for the City as described in Attachment "B"; and,

**WHEREAS**, the City Council of the City of Dayton approves the petition and vacates the right-of-way along E. Tremont St. between S. Fifth St. and S. Sixth St. on the conditions set forth below.

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

**Section 1. Vacation.**

The City of Dayton hereby vacates its interest in the E. Tremont St. right-of-way between S. Fifth St. and S. Sixth St as more particularly described on Attachment "A" which is incorporated herein by reference, at the time and subject to the terms and conditions contemplated by this Ordinance.

**Section 2. Reservation of Easement.**

A public utilities and services easement is hereby reserved in favor of the City its successors and assigns under and upon the portion of E. Tremont St. as shown on Attachment "B" between S. Fifth Street and S. Sixth Street property vacated by this ordinance.

In consideration for the right-of-way vacation approved herein, the petitioners shall acknowledge and consent to such reservation and all other conditions and terms herein by making prepayment to the City for its fees to record this ordinance in the office of the Columbia County Auditor. At the request of the City, the abutting property owners shall further acknowledge such reservation by executing and recording a formal easement acceptable to and in favor of the City. Costs associated with preparing said easement shall be borne by the adjacent property owners.

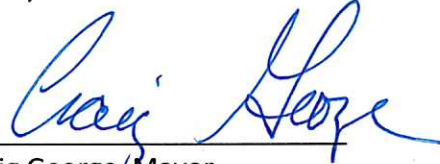
**Section 3. Conditional Effective Date.**

This Ordinance shall be in full force and effect five (5) day after its passage and publication as required by law. However, the vacation shall not be effective until this Ordinance is recorded. The City Clerk is directed to record a certified copy of Ordinance 1900 with Columbia County, thereby making the vacation effective, only when the

abutting property owners have executed any such formal easements as required by the City pursuant to Section 2 of this Ordinance.

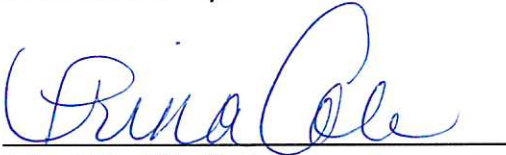
PASSED by the City Council of the City of Dayton this 10<sup>th</sup> day of October, 2016.

City of Dayton



By: Craig George, Mayor

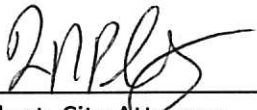
Authenticated By:



Trina Cole, City Clerk-Treasurer

Approved as to form:

Menke Jackson Beyer, LLP



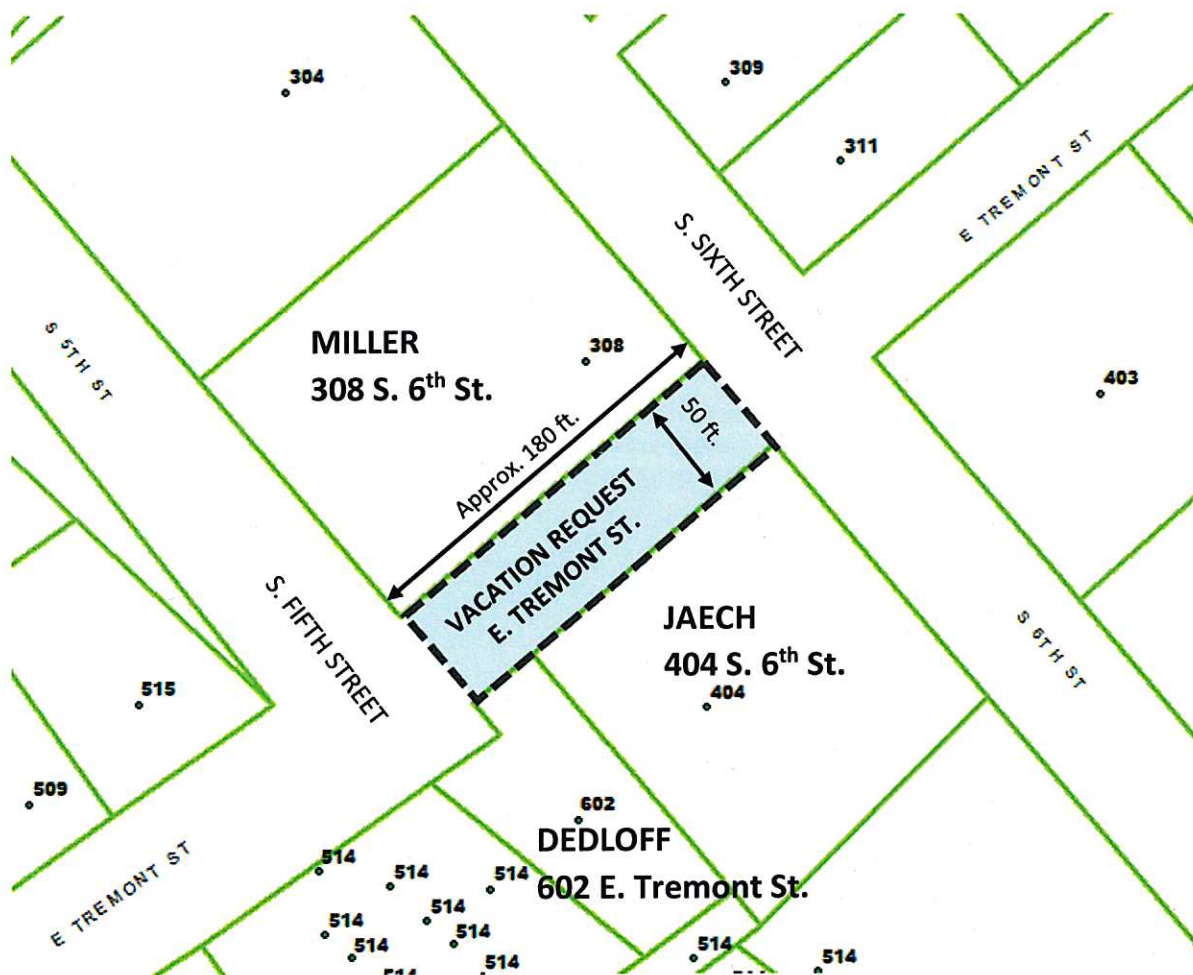
Quinn Plant, City Attorney

Attachments

## ORD. 1900 ATTACHMENT "A"

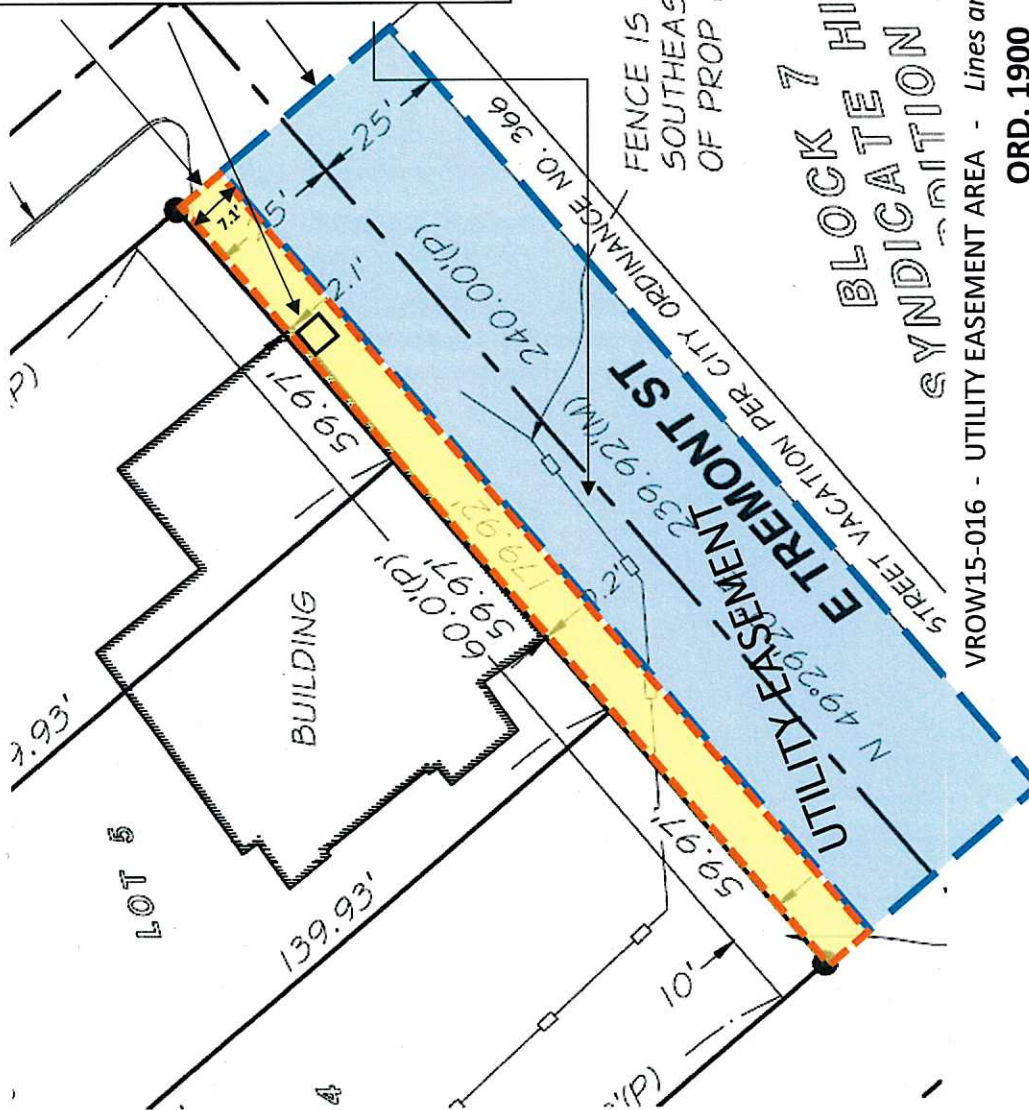
### Legal Description of Right-of-Way Vacation

All of that portion of E Tremont Street laying between S. Fifth Street and S. Sixth Street, not already vacated by the City of Dayton, Ordinance No. 366, located in the City of Dayton, County of Columbia, State of Washington, subject to a reservation of easement for the benefit of the City of Dayton for utilities as described on Attachment "B" to Ord. 1900.



General location and approximate dimensions of right-of-way vacation.

- NOTES:**
- The utility easement not to include the area measured southeasterly from the northwest r-of-w line of E Tremont, for a distance of 7.1 ft. shown in yellow and outlined by - - - - -
  - 2.1 ft. of building and 4 ft. of porch totals 6.1 ft. width, within 7.1 ft. wide area in yellow and outlined by - - - - -
  - Utility Easement includes an area approximately 42.9 ft. by 180 ft. shown in blue area & outlined by - - - - -
  - Private fence to be relocated.



VROW15-016 - UTILITY EASEMENT AREA - Lines and dimensions are approximations only.

ORD. 1900 ATTACHMENT "B"