

ORDINANCE NO. 1979

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, VACATING A PORTION OF J STREET IN MUSTARD'S ADDITION TO DAYTON

WHEREAS, a petition was filed with the Dayton of Dayton pursuant to Chapter 35.79 RCW to vacate public right-of-way located in Mustard's Addition of Dayton, namely, E. J St.; and,

WHEREAS, the petition received requested vacation of a 60' X 120' portion of undeveloped right-of-way, with 100% of adjacent property owners signing said petition; and,

WHEREAS, the City Council of the City of Dayton scheduled the public hearing for April 14, 2021 at 6:00 pm or shortly thereafter via Resolution 1457, adopted on March 10, 2021; and,

WHEREAS, public notice of the hearing was provided in accordance with RCW 35.79, including: posting at three public places throughout the City and a physical posted notice on the portion of the right-of-way requesting to be vacated on March 25, 2021, 20 total days prior to the scheduled hearing; and,

WHEREAS, notice of the public hearing was advertised in the paper of record on April 8, 2021 five total days prior to the date of the scheduled hearing; and,

WHEREAS, staff has reviewed the vacation and request and in considering the existing development, potential for future development, and land use trends, support the vacation request as requested.

NOW, THEREFORE, THE CITY COUNCIL OF CITY OF DAYTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Findings. The following findings are hereby adopted in support of the vacation proposal:

1. Bryan Martin, Land Surveyor, filed the petition to vacate the presented right-of-way on February 9, 2021.
2. 100% of abutting property owners signed the petition request, including representation from 907 S. 6th St. and 1005 S. 6th St.
3. Notice of the public hearing to take testimony for or against the proposed vacation was published in the paper of record on April 8, 2021, and posted in three public places and at the location of the proposed vacation on March 25, 2021.
4. A public hearing was scheduled for by the Dayton City Council for April 14, 2021 at 6:00 pm or shortly thereafter to take testimony for or against the proposed vacation.
5. The public interest will not be prejudiced because the area vacated is not needed for street right-of-way purposes and the street right-of-way terminates at the City Cemetery and all abutting properties would continue to have legal access from S. 6th St.

Section 2: Vacation. Pursuant to RCW 35.79, the portion of the East J Street right-of-way east of South 6th street in the City of Dayton and described on Exhibit A and as identified on Exhibit B attached hereto and incorporated herein is hereby vacated.

Section 3: Easements. The City shall retain an easement and the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of existing or future public utilities and services.

Section 4: Ownership. Ownership of the vacated portion of the right-of-way shall be split evenly between the two adjacent private properties, 50% to 907 S. 6th St. (parcel 1130100070000) and 50% to 1005 S. 6th St. (parcel 1130110100000).

Section 5: Filing. The City Clerk is hereby directed to record a certified copy of this ordinance and exhibits included herein with the Columbia County Auditor.

Section 6: Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity of unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, or phase of this ordinance.

Section 7: Effective Date. This ordinance shall be in full force and effective five (5) days after its passage as required by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 14th DAY OF APRIL 2021.

City of Dayton


Zac Weatherford, Mayor

Attested/Authenticated by:


Trina Cole, City Administrator

Approved as to form:


Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1979
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON,
VACATING A PORTION OF J STREET IN MUSTARD'S ADDITION TO DAYTON

The full text of the Ordinance No. 1979, adopted the 14TH day of April 2021, is available for examination at the Dayton City Hall, 111 South 1st Street, Dayton, WA during normal business hours, 7:00 a.m. to 4:00 p.m., Monday – Friday.

By: /s/ Zac Weatherford, Mayor

Attest: /s/ Trina Cole, City Administrator

Approved as to from: /s/ Quinn Plant, City Attorney

Published: 4-22-21

The Waitsburg Times

LAND DESCRIPTION FOR THE VACATION OF A PORTION OF "J" STREET IN MUSTARD'S ADDITION TO DAYTON

ALL THAT PORTION OF "J" STREET LYING NORTHEASTERLY OF SIXTH
STREET AND BETWEEN BLOCK "B" AND BLOCK "C" OF MUSTARD'S ADDITION
TO DAYTON. SAID PORTION BEING 60 FOOT by 120 FOOT.



