

City of Dayton
111 S. 1st
Dayton, WA 99328

Document Title: Ordinance 2005

Grantor: City of Dayton

Grantee: Harvey A Fletcher III
Racheal R. Fletcher

Legal Description:
60 X 120 Unobstructed Street Right of Way, Vacated City Property, Being a Portion of
Block 68 & Block 60 of Brooklyn & Days Addition

Assessor's Property Tax Parcel/Account Number:
Parcel Number: #1-040-68-024-0000

Return Address:

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. PURCHASE OF City Vacated 2. _____
3. Property 4. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name, first name, initials)

1. CITY OF DAYTON, _____
2. _____, _____

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

1. HARVEY A. FLETCHER III, _____
2. RACHAEL R. FLETCHER, _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

60x120 UNOBSTRUCTED STREET Right of Way Vacated
CITY PROPERTY BEING A PORTION OF Block 68 + Block 60 OF
Additional legal is on page _____ of document. BROOKLYN + DAYS Addition

Assessor's Property Tax Parcel/Account Number

1-040-68-024-0000

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

ORDINANCE NO. 2005

**AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON,
VACATING A PORTION OF NORTH 2nd STREET RIGHT-OF-WAY
NORTH OF EAST DAYTON AVENUE BEING WEST OF BLOCK 68 OF
DAY'S ADDITION TO DAYTON AND EAST OF BLOCK 60 OF BROOKLYN'S
ADDITION TO DAYTON PURSUANT TO CH. 35.79 RCW AND ESTABLISHING
AN EFFECTIVE DATE OF NOVEMBER 7, 2023.**

WHEREAS, the City received a petition pursuant to Chapter 35.79 RCW requesting that public right-of-way located in Day's Addition of Dayton, namely, all of that portion of (60'X120') right-of-way remaining of North 2nd Street, be vacated; and

WHEREAS, the petition contained the signature of owners of more than two-thirds of the property abutting the portions of right-of-way 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 of the City of Dayton scheduled the public hearing for November 7, 2023, at 6:00 pm or shortly thereafter; and,

WHEREAS public notice of the hearing was provided in accordance with RCW 35.79.020, including: posting the property 20 days prior to the hearing at three public places throughout the City and on the portion of the right-of-way proposed to be vacated; and,

WHEREAS, notice of the public hearing was advertised in the paper of record on October 26, 2023; and November 2, 2023.

WHEREAS, at the public hearing on November 7, 2023, the City Council deliberated as to whether the proposed vacation would satisfy the policies and criteria set forth in Ch. 35.79 RCW, would satisfy other requirements of state and local law, and would otherwise benefit the City and residents of Dayton; 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 petition as requested, and

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

Section 1: Vacation. Pursuant to RCW 35.79, the vacation of the 60'X120' of North 2nd Street right-of-way North of Dayton Ave. between Block 60 of Brooklyn addition and Block 68 of Day's Addition to Dayton, described in Exhibit A and as identified on Exhibit B attached hereto and incorporated herein, are hereby vacated in accordance with the terms of this ordinance, provided all petitioners comply with Section 2 of this ordinance within 6 months from the date

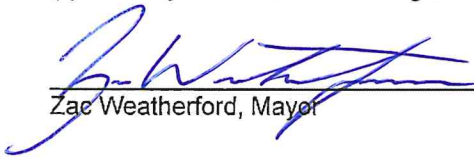
this ordinance is approved.

Section 2: Easements. 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 on a pro rata basis to the City for its fees to record this ordinance in the Office of the Columbia County Auditor. Petitioners shall further acknowledge such reservation by executing and recording a formal easement acceptable to and in favor of the City for such use. Each petitioner or adjoining owner shall be responsible for the recording of documents and fees or costs incurred to record such easements in the Office of the Columbia County Auditor.


Section 3: 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 4: Effective Date. This ordinance shall be in full force and effective five (5) days after its passage and publication as required by law. However, the vacation shall not be effective until such time as the ordinance is recorded. The City Clerk is directed to record a certified copy of this Ordinance with Columbia County, thereby making the vacation effective, only when the owners of all abutting property have executed any such formal easements and have made such payments to the City for the cost of recording this ordinance and said formal easements, as are required by the City pursuant to Section 2 of this Ordinance.

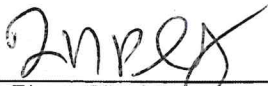
PASSED by the **CITY COUNCIL** and approved by the **MAYOR** at its regular meeting in November 7, 2023.


Zac Weatherford, Mayor

Attest:


Debra M. Hays, City Clerk Treasurer

Approved as to form:


Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION

PURPOSES ORDINANCE NO. 2005

AN ORDINANCE OF THE DAYTON CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, VACATING A PORTION OF North 2nd STREET, VACATING A PORTION OF NORTH 2nd STREET RIGHT-OF-WAY, NORTH OF EAST DAYTON AVENUE. WEST OF BLOCK 68 OF DAY'S ADDITION TO DAYTON AND EAST OF BLOCK 60 OF BROOKLYN'S ADDITION TO DAYTON.

The full text of Ordinance No. 2005, adopted the 7TH day of November 2023, 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: Zac Weatherford, Mayor

Attest: /s/ Debra M. Hays, City Clerk Treasurer

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

Published: December 21, 2023

The Waitsburg Times



City of Dayton Planning and
Community Development

111 S. 1st St., Dayton, WA 99328

Clark A. Posey

Planning & Development Manager

cposey@daytonwa.com

509 382-2361

November 14, 2023.

INVIOCE # 0012 for Land Vacation Purchase

Vacated City Right-Of-Way \$ 1.30 per Sq. Ft. and associated filing fee per Dayton Ordinance # 2005

On November 7, 2023, the Dayton City Council at an Open Public Hearing adopted Ordinance # 2005 which was an ordinance to vacate the remaining portion of North 2nd Street north of E. Dayton Ave more particularly described below,

Pursuant to Dayton Municipal Code Chapter 8-14:

Notice is hereby given that the City Council of the City of Dayton did hold a Public Hearing for City Ordinance # 2005 on November 7, 2023, for a proposed petition to vacate the remainder of City owned property located on North 2nd Street within the City of Dayton, Washington being a 60'X120' vacant unobstructed street right-of-way North of Dayton Ave between Block 60 of Brooklyn addition and Block 68 of Day's Addition to Dayton.

When an application is received for the vacation of a city street/right of way, the procedures for street vacation set forth in Chapter 35.79 RCW shall be utilized. The City Council shall conduct a public hearing required under DMC 10.01,030.

The motion to Pass Ordinance # 2005 was approved November 7, 2023, by the full council (passing 7-0) allowing council to vacate that portion of North 2nd Street described above.

This ordinance shall be in full force and effective five (5) days after its passage and publication as required by law. However, the vacation shall not be effective until such time as the ordinance is recorded.

60 X 120 = 7200 Sq. Ft. @ \$ 1.30 cents per Sq. Ft. (no alley right-of-way was vacated in this ordinance).

The fee for the purchase of the property was established when the sale of 20' X 130' (foot) of the property to the west selling, to the then owner to construct the Tri-Plex, also a portion of (North 2nd Street). The right-of-way was then 80' wide, which left the 60' you requested, be vacated.

The fee for this Vacation to the City of Dayton would be total of \$ 9,360.00 for vacated street plus the County Auditor recording fees associated with the transfer of property. Total below.

\$ 9,360.00 Vacated City Street Plus,
Columbia County Auditor filing fee of \$ 245.50 for a **Total of \$ 9,605.50**

Parcel # 1-040-68-024-0000 being your existing lot and & New Adjoining Vacated Street of 60 X 120

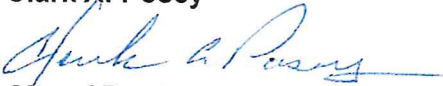
Fee must be paid prior to May 31, 2024, or the Ordinance for Vacation will become null-n-void.

If recorded after December 31, 2023. Additional Columbia County Auditor fees for recording will be added.

Please call Clark Posey Planning and Development Manager if you have any questions. 509-382-2361 Ext 5.

Sub Total	9605.50
Tax 8.4 %	.00
Total Due	\$ 9,605.50

Clark A. Posey



City of Dayton

Planning and Community Development Manager



City of Dayton Planning and Community Development

111 S. 1st St., Dayton, WA 99328

Clark A. Posey

Planning & Development Manager

cposey@daytonwa.com

509-382-2361

November 1, 2023

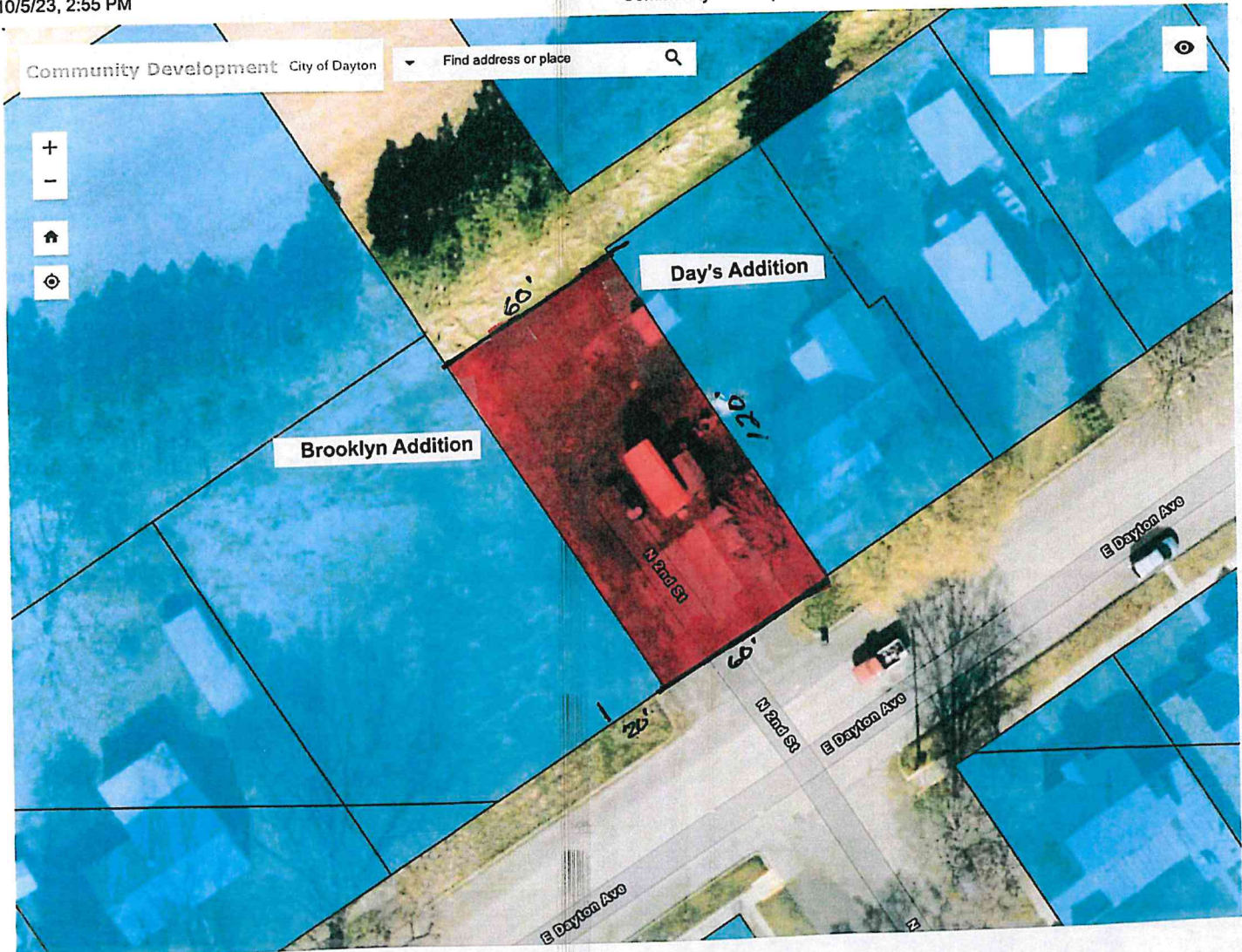
Pursuant to Dayton Municipal Code Chapter 8-14:

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Clark



VACATING CITY RIGHT-OF-WAY LOCATED IN DAY'S ADDITION OF DAYTON, NAMELY, ALL THAT PORTION OF THE (60FTX120FT) RIGHT-OF-WAY DISCRIBED AS FOLLOWS, BEING A PORTION OF THE NORTH 2nd STREET RIGHT-OF-WAY NORTH OF EAST DAYTON AVENUE LYING WEST OF BLOCK 68 OF DAY'S ADDITION TO DAYTON AND EAST OF BLOCK 60 OF BROOKLYN'S ADDITION TO DAYTON. CONTAINING 7200 SQ. FT. MORE OR LESS.

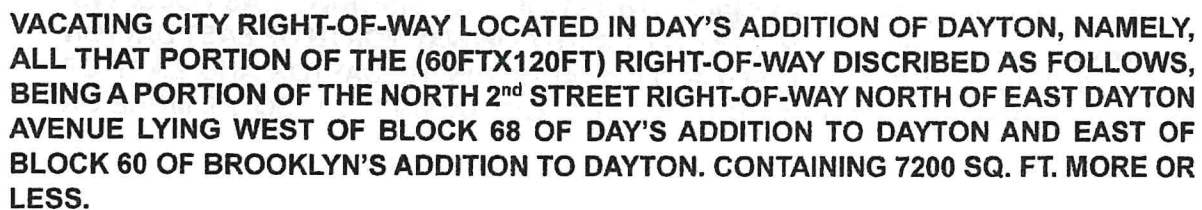
Exhibit A

-117,962 -46,324 Degrees

30ft

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**Exhibit B**