

**ORDINANCE NO. 1980**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON,  
VACATING A PORTION OF EAST J STREET BETWEEN SOUTH 3<sup>RD</sup> STREET AND SOUTH 4<sup>TH</sup>  
STREET IN THE RAINWATER AND MUSTARD'S ADDITIONS 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 Rainwater and Mustard's Addition of Dayton, namely, E. J St.; and,

**WHEREAS**, the petition received requested vacation of a 10' X 339.26' portion of public right-of-way, whereas the described portion is partially developed and includes power poles and utility lines, and slight surface development including curbing; and,

**WHEREAS**, the City Council of the City of Dayton scheduled the public hearing for May 12, 2021 at 6:00 pm or shortly thereafter via Resolution 1465, adopted on April 14, 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 April 22, 2021, 20 total days prior to the scheduled hearing; and,

**WHEREAS**, notice of the public hearing was advertised in the paper of record on May 6, 2021; 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 March 31, 2021.
2. 100% of abutting property owners signed the petition request, including representation from 413 E. J St., 916 S. 4<sup>th</sup> St., and 915 S. 3<sup>rd</sup> St.
3. Notice of the public hearing to take testimony for or against the proposed vacation was published in the paper of record on May 6, 2021, and posted in three public places and at the location of the proposed vacation on April 22, 2021.
4. A public hearing was scheduled for by the Dayton City Council for May 12, 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. 6<sup>th</sup> St.

**Section 2: Vacation.** Pursuant to RCW 35.79, the portion of the East J Street right-of-way between South 3<sup>rd</sup> Street and South 4<sup>th</sup> Street in the City of Dayton and described on Exhibit A and as identified on Exhibit B attached hereto and incorporated herein shall be vacated in accordance with the terms of this ordinance, provided all petitioners comply with Section 3 of this ordinance within 6 months from the date this ordinance is approved.

**Section 3: 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 shall pre-pay to the City the amount of \$109.50 as reimbursement to the City for costs incurred to record such easements in the Office of the Columbia County Auditor.

**Section 4: 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 5: 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 3 of this Ordinance.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 12<sup>th</sup> DAY OF MAY 2021.**

City of Dayton



Zac Weatherford, Mayor

Attested/Authenticated by:



Trina Cole, City Administrator

Approved as to form:



Quinn Plant, City Attorney

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**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES**  
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The full text of the Ordinance No. 1980, adopted the 12<sup>TH</sup> day of May 2021, is available for examination at the Dayton City Hall, 111 South 1<sup>st</sup> 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: May 20, 2021

*The Waitsburg Times*