

Return Address:

Des Moines City Clerk  
21630 11<sup>th</sup> Avenue So.  
Des Moines, WA 98198-6398



**20150420000793**

DES MOINES CIT ORD 77.00  
PAGE-001 OF 006  
04/20/2015 12:25  
KING COUNTY, WA

## WASHINGTON STATE RECORDER'S COVER SHEET

Document Title(s):	Ordinance No 1619
Reference Number(s) of Documents Assigned or Released: (Add'l. Nbrs. on Page ____)	
Grantor(s): (Last, First, Initials)	City of Des Moines, WA
Grantee(s): (Last, First, Initials)	Deborah L. Millard
Legal Description: (Abbreviated) Additional Legal is on Page 1-3	Southwest ¼ of the Southwest ¼ of Section 32, Township 22 North, Range 4 East, W.M.; unopened Sound View Drive South abutting lots 1 and 2, Block 2 of the plat of Redondo Beach Division No. 1 along with that portion of unopened 5 <sup>th</sup> Place South abutting lot 22, Block 3 of the plat of Redondo Beach Division No. 1.
Assessor's Property Tax Parcel/ Account Number(s): (If Doc. Has Legal Description)	720360-0110 720360-0255 720360-0260 720545-0000

ORDINANCE NO. 1619

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** regarding the vacation of a portion of the City right-of-way generally described as a portion of public right-of-way within an area known as 5th Place South, south of South 287th Street located in the City of Des Moines, and amending Ordinance No. 1605 by extending the date the petitioner has to provide recorded copies of all utility easements as required in section 3 of Ordinance No. 1605.

**WHEREAS,** the City Council, at its meeting on September 25, 2014, passed Ordinance No. 1605 for the vacation of public right-of-way, and

**WHEREAS,** the Ordinance stated as a condition of its approval that the Petitioner obtain and record all utility easements referenced in the Ordinance within 180 days of signing, and

**WHEREAS,** the Petitioner has requested to extend the date to provide recorded copies of all utility easements due to the complexities and hardship involved with obtaining the easements, and

**WHEREAS,** the City Council recognizes the need to extend the condition and has previously approved the right of way vacation; now therefore,

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

**Sec. 1.** Section 3 of Ordinance No. 1605 (uncodified) is amended to read as follows:

**Conditions of right-of-way vacation.** The right-of-way subject to vacation under this Ordinance shall be subject to the following conditions:

(1) The abutting property owners shall not be required to pay the City of Des Moines on compensation for vacation of this Class C right-of-way, pursuant to DMMC 12.10.070(2)(c).

(2) The abutting property owners recognize that the City of Des Moines retains an easement or the right to exercise and grant easements for utility purveyors in respect to the land vacated by this Ordinance for the construction, repair, and maintenance of public utilities and services, and that the City of Des Moines will grant utility easements through the right-of-way subject to vacation under this Ordinance:

(a) To protect existing City of Des Moines Surface Water Management storm water facilities in locations and dimensions generally described as twenty (20) feet over existing facilities, and extending ten (10) feet past the end of existing facilities, within 5th Place South; and

(b) To protect existing Lakehaven Utility District facilities in locations and dimensions generally described as twenty (20) feet over existing facilities, (boundary offset 5'/15' from pipe centerline), within 5th Place South; and

(c) A non-exclusive perpetual Easement ten (10) feet in width is granted to Puget Sound Energy, Inc., its successor and assigns, together with the right to lay, construct, support, attach, connect, operate, maintain, repair, replace, improve, remove, extend, enlarge and use any and all of its facilities in, upon, over, under, along, across and through the Easement Area(s) for one or more underground electric and gas utility systems for the transmission, distribution and sale of gas and electricity; and

(d) To protect existing Century Link communication facilities in locations and dimensions generally described as ten (10) feet over existing facilities, within 5th Place South; and



**Sec. 4. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 12th day of March, 2015 and signed in authentication thereof this 12th day of March, 2015.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

I, Bonnie Wilkins, City Clerk, do hereby certify that the foregoing is a true and correct copy of the original instrument on file and of record in my office in Des Moines, Washington 98198.

BW  
3-17-15

Published: March 17, 2015

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1619, Adopted March 12, 2015.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the vacation of a portion of the City right-of-way generally described as a portion of public right-of-way within an area known as 5th Place South, south of South 287th Street located in the City of Des Moines, and amends Ordinance No. 1605 by extending the date the petitioner has to provide recorded copies of all utility easements as required in section 3 of Ordinance No. 1605.

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

Bonnie Wilkins  
City Clerk

Published: March 17, 2015