

Resolution No. 441

A resolution providing notice of the City's intent to vacate an undeveloped easement for ingress, egress and utilities (10th Avenue NE) located in the NW ¼ of the NW ¼ of Sec. 10, T 28 N, R 13 W, Clallam County.

WHEREAS, The City received a request from Jeff and Linda McGinley, through their agent Dan Kousbaugh, asking that the City vacate an undeveloped easement for ingress, egress, and right of way that exists between Parcel 7 and Parcel 8 of the Nelson Survey that would be the southernmost terminus of 10th Avenue NE; and

WHEREAS, In discussions with Public Works, the undeveloped easement in question could not be developed into a through street due to the lack of an abutting easement south of the parcels and the placement of structures on the privately owned lot south of the right of way terminus;

WHEREAS, RCW 35.79 *et al.*, requires the City Council to pass a resolution giving notice of the request to vacate streets and establishing a date for a hearing on the request of the McGinley family; FURTHER, said statute requires that notice be mailed to all affected property owners at least 20 days prior to the hearing;

THEREFORE BE IT RESOLVED BY THE CITY OF FORKS THAT

1. The City hereby gives notice that it has received a petition from Dan Kousbaugh on behalf of Jeff and Linda McGinley requesting the City to vacate an undeveloped easement lying between the two parcels they own in the Nelson Survey located generally in NW ¼ of the NW¼ of Sec. 8, T 28 N, R 13 W, Clallam County;
2. The City Clerk is hereby directed to schedule a public hearing on this issue as part of the agenda for the Council's Tuesday, 26 May 2015 meeting;
3. The City Attorney is hereby directed to ensure that all owners of record of the property abutting the streets being sought to be vacated receive a copy of this resolution at least 20 days prior to the hearing on 26 May 2015; FURTHER, the City Attorney shall also ensure that a copy of this resolution is posted in three prominent places within the City of Forks, as well as on the property affected;

4. The Council also notes that if fifty percent of the abutting property owners file a written objection to the proposed vacation with the clerk, prior to the time of the hearing, the Council pursuant to RCW 35.79.020 would be prohibited from proceeding.

**PASSED BY A VOTE OF THE COUNCIL AND SIGNED THIS
27th Day of April 2015**



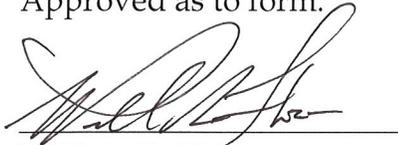
Bryon Monohon, Mayor

Attested to:



Audrey Grafstrom
Clerk/Treasurer

Approved as to form:



William R. Fleck
Attorney/Planner