

Resolution No. 473

A resolution providing notice of the City's intent to vacate an undeveloped easement for ingress, egress and utilities across Lots 4 & 5 of the Westerlund Short Plat, filed at Pg. 9, Vol. 29 of Short Plats under Clallam Auditor's File No. 1999-1029446 located within SW 1/4 of the SW 1/4 and also in the NW 1/4 of the NW 1/4 of Section 10, T 28 N, R 13 W, Clallam, W.M. 257 Merchant Road, Forks, WA

22 April 2019

7:30 P.M.

Forks City Council Chamber

500 East Division Street, Forks WA 98331

WHEREAS, The City received a request from Robert Tulloch, Esquire on behalf of his client Lissy Andros requesting that the City vacate an undeveloped easement for ingress, egress, and right of way that exists between Lots 4 and 5 of the Westerlund Short Plat; and

WHEREAS, in the discussions within the City staff, this undeveloped easement was subsequently built over with a modular home having obtained a permit and the approval of the former building inspector; and,

WHEREAS, the undeveloped easement in question could not be developed at this point without a significant civil process involving the City and the owner and that the review of the current development pattern in that area indicated to staff that the vacation of this undeveloped easement may be the best means of resolving the matter between the parties;

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 Ms. Andros; 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 in the form of a letter from Robert Tulloch, Esq., on behalf of Lissy Andros requesting the City to vacate an

undeveloped easement lying between the two parcels she owns with the address of 257 Merchant Road in the Westerlund Shortplat located generally SW 1/4 of the SW 1/4 and also in the NW 1/4 of the NW 1/4 of Section 10, 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 Monday, 22 April 2019 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 22 April 2019; 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
25th Day of March 2019**


Tim Fletcher, Mayor

Attested to:


Audrey Grafstrom, Clerk/Treasurer

Approved as-to Form:


William R. Fleck, Attorney/Planner