

## **Ordinance No. 641**

An ordinance vacating 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

### **Section 1. Recitals**

- A. Whereas, Lissy Andros, via a letter from her attorney Robert Tulloch, requested that the above described undeveloped easement for ingress, egress and utilities that runs underneath her modular home at 275 Merchant Road be vacated; and
- B. Whereas, pursuant to RCW 35.79.010 the City Council passed Resolution No. 473 scheduling a public hearing on 22 April 2019 regarding the Andros request; and
- E. Whereas, copies of Resolution No. 473 were posted on the property, in three places within the City of Forks and mailed to neighboring property owners; and
- F. Whereas, the Council held a public hearing on the Andros request, and did not receive any petition opposing the requested vacation of the undeveloped easement;

### **Section 2. Findings**

Based upon the above information, and the information before the City Council, the following findings are made:

- A. The undeveloped easement would require both significant legal and financial expenditures to develop into public access at the present;
- B. At present, there is no current or expected near term need for this easement due to the undeveloped nature of the large agriculture parcel to the east, and if that parcel were to be developed, the City and developer may approach access needs in a different manner;
- C. The easement in question does not border a body of salt or fresh water and therefore would not serve as a means of providing public access to such types of water;
- D. The easement was created in the platting process with no cost to the City for the acquisition of the easement;

**Section 3. Vacation of right of way**

Finding no public need or purpose for the easement created for the purpose of ingress, egress and utilities, the City Council hereby vacates the City's interest in this easement pursuant to RCW 35.79 *et al.*

**Section 4. Effective Date**

Upon proper filing of the ordinance with the Clallam County Auditor, this ordinance shall become effective pursuant to RCW 35.79 *et al.*

Passed this 22 April 2019.

  
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Tim Fletcher, Mayor

Attested to:

  
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Audrey Grafstrom, Clerk/Treasurer

Approved as to Form:

  
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William R. Fleck, Attorney/Planner