

CITY OF WOODLAND

ORDINANCE NO. 1252

AN ORDINANCE VACATING A PORTION OF PARK ROAD IN THE CITY OF WOODLAND, WASHINGTON AND SETTling POTENTIAL CLAIM AND AUTHORIZING A PUBLICATION BY SUMMARY

WHEREAS, the City of Woodland, pursuant to RCW 35.79.010, passed Resolution No. 617 initiating the procedure for vacating the portion of City of Woodland right-of-way described on Exhibit "A" attached hereto and incorporated herein and setting a date and time for a public hearing;

WHEREAS, after statutory public notice was published, the City Council conducted a public hearing, this hearing taking place within the statutory time period, and, after taking public comment and hearing the reports of City staff, the matter of the vacation and other relevant matters were considered;

WHEREAS, based on public comment and staff reports, the City Council deliberated and made the following findings:

- A review of the title history, review of the original City plat, review of City maintenance and review of applicable Washington law does not provide a definitive determination of competing claims to fee title ownership to that portion of Park Road currently bisecting the property owned by Benno and Klazina Dobbe;
- A judicial resolution of the competing claims would be costly and the result unknown, potentially unfavorable to both the City and Dobbe;
- A public waterway is not a boundary of Park Road and Park Road does not abut a public waterway;
- In recognition of the uncertainty and potential cost of a judicial resolution of the competing claims and to settle any dispute concerning the right of way, Dobbe has agreed to provide for the relocation and reconstruction of that portion of Park Road that bisects the Parcel as well as the relocation and reconstruction of any municipal utilities within that portion of Park Road, and that the costs incurred by Dobbe to do so are greater than one-half of the appraised/assessed value of the vacated roadway;

WHEREAS, the Woodland City Council approves the partial vacation of Park Road on the conditions set forth below and approves settlement of any legal or equitable claims to the current right of way on the terms set forth below;

AND WHEREAS, the actual vacation of Park Road shall not take effect until the conditions set forth below have been satisfied and the Clerk-Treasurer has recorded a certified copy of this ordinance with the Office of the Cowlitz County Auditor.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodland as follows:

1. **Vacation and Settlement Approved.** The real property described on the attached Exhibit "A," which is incorporated herein, is hereby vacated, provided the conditions set forth herein are satisfied, and any competing claims to the right of way are hereby settled.

2. **Conditions to Vacation.** As a condition to passing this ordinance to vacate and to satisfy the statutory requirements set forth in RCW 35.79 and, further, pursuant to their agreement to do so, Benno Dobbe and Klazina Dobbe and their heirs, successors and assigns, shall construct a right of way to replace the right of way vacated and convey that newly created right of way to the City and, further, shall relocate and reconstruct municipal utilities to said newly created right of way. The replacement roadway as well as relocated utilities shall be constructed in accordance with City of Woodland design and construction standards. This ordinance is not intended to and shall not create vested development rights in addition to or in derogation of any rights vested through the current Woodland development process.

3. **Effective Date of Settlement.** The portion of this ordinance pertaining to the settlement of the competing claims to the right of way shall become effective five [5] days after the publication of this ordinance or a summary thereof in the City's newspaper of record.

4. **Effective Date of Vacation.** The portion of this ordinance pertaining to the vacation of Park Road shall be effective five [5] days after a subsequent re-publication of this ordinance or a summary thereof in the City's newspaper of record and after the City Clerk-Treasurer has recorded a certified copy of the ordinance with the Cowlitz County Auditor.

5. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. If this ordinance is determined to contain more than one subject, the ordinance shall be bifurcated and the portion of the ordinance effecting the vacation shall be renumbered and take effect as set forth in Section 4.

6. **Publishing.** A Summary of this Ordinance shall be published.

ADOPTED IN OPEN MEETING 5th day of November, 2012.

CITY OF WOODLAND, WASHINGTON

Approved:



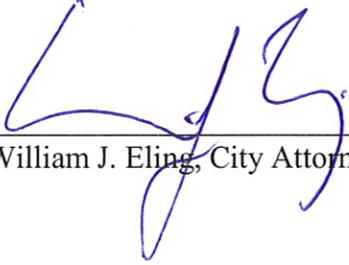
Grover B. Laseke, Mayor

Attest:



Mari E. Ripp, Clerk / Treasurer

Approved as to form:



William J. Eling, City Attorney

EXHIBIT A

IN THE COUNTY OF COWLITZ, STATE OF WASHINGTON

PARCEL 1:

All that portion of the Hans Kraft Donation Land Claim and Lots 1,2,3 and 4, Block 2, Townsite of Woodland, lying Westerly of the dike right-of-way of Diking Improvement District No. 2 of Cowlitz County, Northerly of that tract described under Auditor's File No. 321648 and Southerly of the Northerly boundary of that tract described under Auditor's File No. 336887, extended Easterly.

EXCEPTING THEREFROM any portion thereof lying in a tract of land conveyed to Ronald Orin Maxfield and Karen S. Maxfield, husband and wife, under Auditor's File No. 930630047 in Volume 1150 at Page 159.

PARCEL 2:

Beginning 105 feet East of the Southwest corner of Lot 1, Block 2 of the Original Town of Woodland, Washington, running thence North $64^{\circ} 29'$ East 230 feet;
thence East 322 feet;
thence South $64^{\circ} 29'$ West 230 feet;
thence West 322 feet to the beginning, being part of Lots 1-2-3-4 of Block 2 of the Original Town of Woodland, Washington.

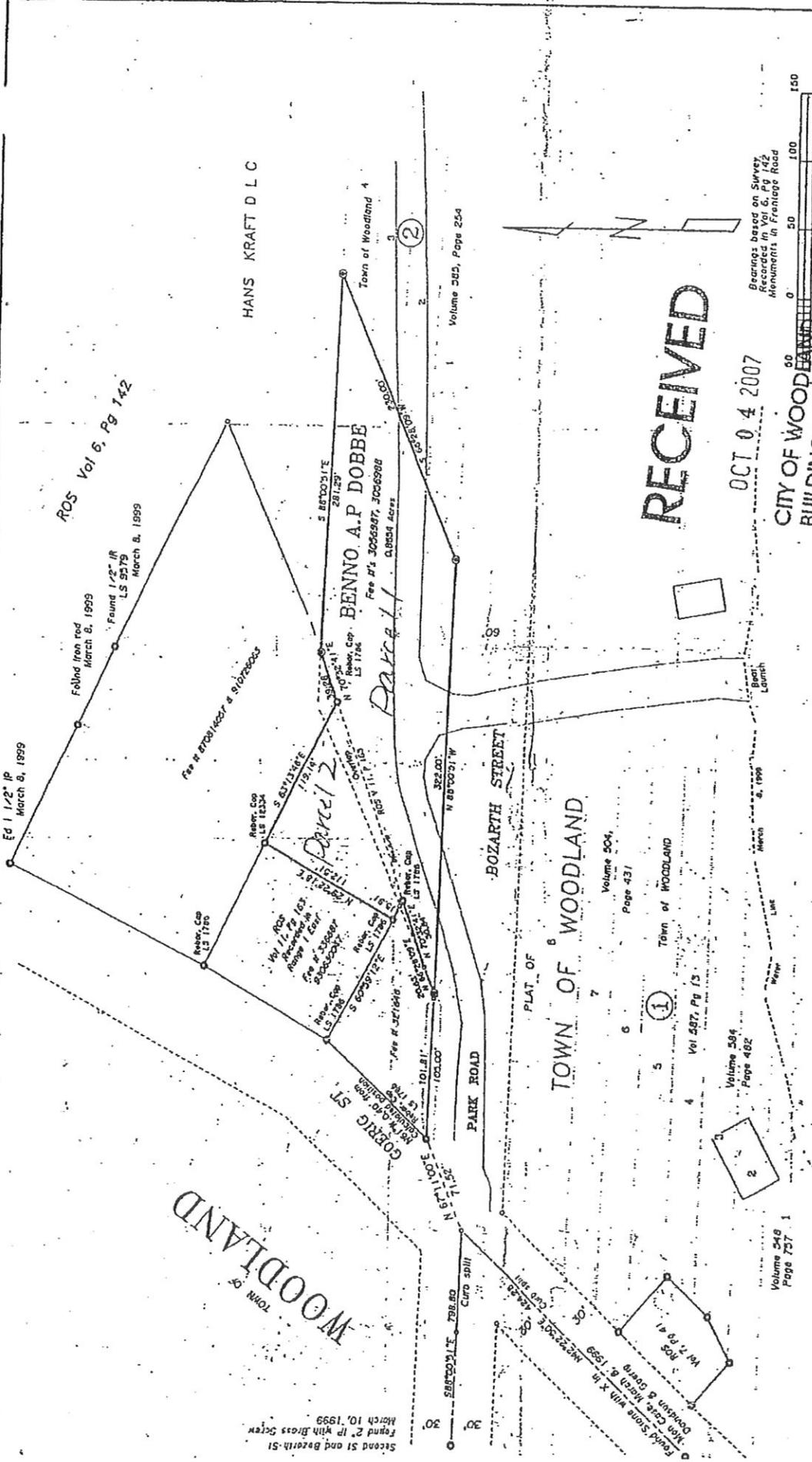
Situate in the County of Cowlitz, State of Washington.

END OF EXHIBIT A

RECEIVED

OCT 04 2007

CITY OF WOODLAND
BUILDING/PLANNING



Bearings based on Survey
 Monument found as noted
 during this survey

5/8" X 30" Rebar, Cap stamped
 LS 10997 set during this survey

○ Calculated point

Graphic Scale - Feet

0 50 100 150

SURVEY METHOD

Classed top field
 basis for 2000 Year error at
 1:50000 before been as
 1:10000 Survey before been as
 1:10000 Survey before been as
 1:10000 Survey before been as

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me
 or under my supervision in accordance with the
 requirements of the Survey Recording Act of the
 request of and exhibit in March, 1999.

Dorell A. Garmunson
 DORELL A. GARMUNSON LS 10997

AUDITOR'S CERTIFICATE

Filed for record this _____ day of _____ 19__ at
 _____ M., in Book _____ of surveys at page _____
 at the request of Dorell A. Garmunson.

COUNTY AUDITOR _____ OFFICE _____

RECEIVED

OCT 04 2007

CITY OF WOODLAND BUILDING/PLANNING

HORSESHOE LAKE



WOODLAND COMMUNITY SWIMMING POOL COMMITTEE

RECORD OF WOODLAND COMMUNITY SWIMMING POOL COMMITTEE SURVEY FOR

A PORTION OF THE SE 1/4, NE 1/4, and the NE 1/4, SE 1/4 of SECTION 24, HANS KRAFT, TOWNSHIP 5 NORTH, RANGE 1 WEST, W.M., COWLITZ COUNTY, WASHINGTON

GERMUNSON SURVEYING

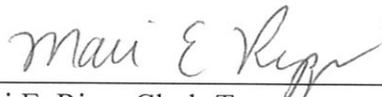
**SUMMARY OF ORDINANCE NO. 1252
OF THE CITY OF WOODLAND, WASHINGTON**

On November 5, 2012 the City Council of the City of Woodland, Washington, approved Ordinance No. 1252 the main point which may be summarized by its title as follows:

AN ORDINANCE VACATING A PORTION OF PARK ROAD IN THE CITY OF WOODLAND, WASHINGTON AND SETTLING POTENTIAL CLAIM AND AUTHORIZING A PUBLICATION BY SUMMARY

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting on this 5th day of November, 2012.



Mari E. Ripp, Clerk-Treasurer

Published: November 14, 2012
Effective: November 19, 2012