

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, WASHINGTON, APPROVING THE VACATION OF \_\_\_\_\_ LOCATED \_\_\_\_\_, WITHIN THE CITY OF \_\_\_\_\_, WASHINGTON

WHEREAS, Vacation Petition No. \_\_\_\_\_ has been filed by the owner(s) of two-thirds or more of the property abutting the portion of right of way requested to be vacated; and

WHEREAS, the vacation petition was circulated to \_\_\_\_\_ and \_\_\_\_\_ (utilities), and

WHEREAS, \_\_\_\_\_ requested an easement for \_\_\_\_\_; and

WHEREAS, the City determined the need for private utility easements across the \_\_\_\_\_ of the vacated area; and

WHEREAS, Resolution No. \_\_\_\_\_ calling for a public hearing was approved on \_\_\_\_\_; and

WHEREAS, posting requirements of \_\_\_\_\_ Municipal Code 12.48.070 have been met; and

WHEREAS, a public hearing was held before the City Council on \_\_\_\_\_, 200\_\_\_\_; and

WHEREAS, the applicant has agreed to meet certain conditions; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_

\_\_\_\_\_ WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Vacation.** That \_\_\_\_\_ (description of right-of-way to be vacated), as legally described on attached Exhibit "A", which is by this reference incorporated herein, the same is hereby vacated, and the property lying in said portion of a certain street right of way described hereinabove, shall be returned and belong to those persons entitled to receive the property in accordance with the law.

**Section 2. Reservation of Easement.** An easement is hereby reserved for the benefit of and conveyed to \_\_\_\_\_(City - utility), its successors and assigns under and upon the \_\_\_\_\_(portion) of the property to be vacated in which to construct, operate, maintain, repair, replace, improve, remove, and enlarge utility systems for purposes of transmission, distribution, and sale of (natural gas and electricity?). \_\_\_\_\_(utility) shall also have the right to access to the easement area for purposes stated above

**Section 3. Conditions of Vacation.** The vacation is contingent on the adjacent property owners (owners whose property abuts the vacated right-of-way) paying to the City not later than \_\_\_\_\_ the total amount of \_\_\_\_\_.

**Section 4. Constitutionality or Invalidity.** If any section, subsection, clause, phrase, or sentence, of this Ordinance, is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality of the remaining portions of this ordinance, as it is being hereby expressly declared that this ordinance and each section, subsections, clause, phrase, or sentence, hereof would have been prepared, proposed, adopted, and approved and ratified

irrespective of the fact that any one or more section, subsection, clause, phase, or sentence, be declared invalid or unconstitutional.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect five (5) days from and after passage, and publication as provided by law, and upon full completion of the conditions provided herein.

**Section 6. Recordation.** The City Clerk is directed to record this ordinance with the office of the \_\_\_\_\_ County Auditor.

**Section 7. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this location.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

PUBLISHED: \_\_\_\_\_