

## **Ordinance No. 683**

**An ordinance vacating undeveloped easement for ingress, egress and utilities running south and to the east of the southern terminus of 5<sup>th</sup> Avenue consisting of a parcel approximately 0.33 acres in size located in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec.9, T 28 N, R 13 W, Clallam County with a Tax Id. No. of 132809330100.**

### **Section 1. Recitals**

- A. The City received a request from Shari and Richard McMenemy, James Mansfield, and George Warta dba Turk Road Holdings asking that the City vacate an undeveloped right of way that exists south of the southern parcel of the Partial Survey of the Estate of Marian R. Mansfield (Vol. 37 of Surveys at Page 24) and the terminus of 5th Avenue 8; and, being north of northern boundary of Lot 4 and north of the shared north-south boundary of Lot 3 and Lot 4 of the Mansfield Large Lot Subdivision (Vol. 2 of Plats at Page 10); and
- B. The approximately 240' long by 60' wide 0.33 acre parcel was dedicated right of way originally to Clallam County and was transferred to the City by the County; and
- C. Whereas, pursuant to RCW 35.79.010 the City Council passed Resolution No. 522 scheduling a public hearing on 27 February 2025 regarding this request due to the utilization of the phrase "right of way" to describe the designated property; and
- E. Whereas, copies of Resolution No. 499 were posted, published and mailed to neighboring property owners; and
- F. Whereas, by the meeting of the Council on 27 February 2025, the Council had not received any petition opposing the requested vacation of the undeveloped easement and no members of the public provided written comment or attended the meeting; and
- G. Whereas, this ordinance will also have a public hearing before its adoption;

### **Section 2. Findings**

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

- A. The undeveloped designated property described as right of way in the short legal description associated with the parcel number serves no public purpose and in fact is a shared driveway for a few buildings, residences and otherwise;
- B. At present, there is no current or expected near term need for this parcel by the City;

- C. The designated property 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;

### **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 and the public's interest in this parcel originally created for purposes of right of way pursuant to RCW 35.79 *et al.*

### **Section 4. Effective Date**

This ordinance shall be published in the City's journal of record and five days thereafter shall be effective upon the proper filing of the ordinance with the Clallam County Auditor pursuant to RCW 35.79 *et al.*

Passed this 10<sup>th</sup> March 2025.

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Tim Fletcher, Mayor

Attested to:

Approved as to Form:

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Caryn DePew, Clerk/Treasurer

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William R. Fleck, Attorney/Planner