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03/07/2002 08:47A
Mason Co., WA
RESOL 0.00
MASON CO COMMISSIONERS

RESOLUTION NO. 14 -02

WHEREAS, the Board of Mason County Commissioners has received a petition to vacate a public right-of-way in the Plat of Townsend Addition to Union City, as recorded in Volume 1, Page 26 of Plats and filed on the 13th day of June, 1890, records of Mason County, Washington; and

WHEREAS, the petition to vacate describes the following roads, streets and alleys:

30' on all sides of Blocks 1,2,3,8 and 9 of Huntington, Johnson, and Heckman Streets, and McArdle and Wherry Avenues, and 40' along Grand Avenue adjacent to Blocks 3 and 8, Townsend Addition to Union City; Mason County Auditor's office, Book of Plats, Volume 1, Page 26, Section 6; Township 21 North, Range 3 West W.M.

WHEREAS, the laws of the State of Washington of 1889 - 1890, Chapter XIX, Section 32, Page 603 mandated that "Any county road . . . which remains unopened for public use for the space of five years after . . . the authority (is) granted for opening the same, shall be and the same is hereby vacated . . ." and

WHEREAS, the Supreme Court of Washington has mandated in Turner v. Davisson, 47 Wn. 2d 375 (1955), that the above law shall govern the vacation of roads unopened for five (5) years prior to March 12, 1909 in any plat recorded before March 12, 1904.

WHEREAS, there is no evidence that the petitioned right-of-way was improved or opened for public use during the first five years after the filing date, nor is it evident that said right-of-way was ever open to the public;

NOW, THEREFORE BE IT RESOLVED, that the Board of Mason County Commissioners recognizes that said petitioned right-of-way was vacated by operation of law and is considered to be effective as of June 14, 1895;

BE IT FURTHER RESOLVED that this is subject to any existing utility easements of record.

DATED this 19th day of February, 2002.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Wesley E. Johnson, Chairperson


Herb Baze, Commissioner

APPROVED AS TO FORM:


Dave Meehan, Deputy Prosecutor
Chief Prosecuting Attorney


Bob Holter, Commissioner

ATTEST:


Rebecca S. Rogers, Clerk of the Board

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Assessor
Auditor
Engineer
Petitioner - Jeffrey & Karen Metzger
Vacation File No. 316