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Mason Co, WA
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RESOL
MASON COUNTY COMMISSIONERS

RESOLUTION NO. 77-02

WHEREAS, the Board of Mason County Commissioners has received a petition to vacate a public right-of-way in the Plat of Detroit #2, as recorded in Volume 1, Page 23 of Plats and filed on the 30th day of April, 1890, records of Mason County, Washington; and

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

The south 40 feet of Mecklem Avenue abutting Blocks 23 and 24 from the west side of 8th Street west to the west side of 10th Avenue; 8th Street abutting the west side of Blocks 23 and 28 and the east side of Blocks 24 and 27 beginning 60 feet south of Mecklem Avenue to the north side of Randolph Avenue; 9th Street abutting the west side of Blocks 24 and 27 and the east side of Blocks 25 and 26 between the south side of Mecklem Avenue to the north side of Randolph Avenue; 10th Street abutting the west side of Blocks 25 and 26 between the south side of Mecklem Avenue to the north side of Randolph Avenue. Woodbridge Avenue between the west side of 7th Street to the east side of 8th Street between Blocks 23 and 28; Woodbridge Avenue between the west side of 7th Street to the east side of 8th Street between Blocks 23 and 28; Woodbridge Avenue between the west side of 8th Street to the east side of 9th Street between Blocks 24 and 27; Woodbridge Avenue between the west side of 9th Street to the east side of 10th Street between Blocks 25 and 26. All located in the Plat of Detroit #2. Parcel #'s 12105 51 23001, 23006, 23016, 24001, 25001, 26001, 27001 and 28001.

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 ^{25th} ~~18th~~ day of June, 2002.

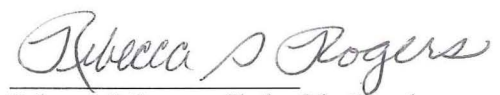
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Wesley E. Johnson, Chairperson


Herb Baze, Commissioner


Bob Holter, Commissioner

APPROVED AS TO FORM:

Chief Prosecuting Attorney

ATTEST:

Rebecca S. Rogers, Clerk of the Board

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Assessor
Auditor
Engineer
Petitioner - Jurgis Enterprises, Inc. 2020 Enetai Bch, Bremerton,
WA 98310
Vacation File No. 318