

RETURN TO MASON COUNTY
COMMISSIONERS

RESOLUTION NO. 89-02
Road Vacation File No. 317

WHEREAS, the Board of Mason County Commissioners has received a petition to vacate a public right-of-way in the Plat of Allyn, as recorded in Volume 1, Page 17 of Plats and filed on the 6th day of September, 1889, records of Mason County, Washington; and

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

The easterly 10 feet of an unnamed alley lying between Drum Street and Uhlman Street adjacent to Lots 1, 2,3 and 4 of Block 6, Plat of Allyn; Volume 1, Page 17, Book of Plats, Mason County Auditor's office. Parcel #'s 12220 50 06001 and 12220 50 06003.

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.

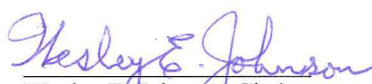
WHEREAS, there is no evidence that the petitioned right-of-way was improved or opened for public use during the first five years after the filing date, nor is it evident that said right-of-way was ever open to the public;

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 2nd day of July, 2002.

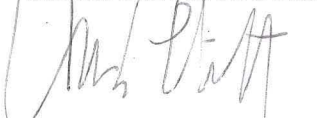
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


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