

ORDINANCE NO. 1492

AN ORDINANCE providing for vacation of a portion of N.E. Twelfth Avenue lying South of Block 15, Cowan's Addition to Camas.

THE CITY COUNCIL OF THE CITY OF CAMAS DOES ORDAIN AS FOLLOWS:

Section I

By Resolution No. 527 adopted August 22, 1983, the City Council declared its intent to vacate a portion of N.E. Twelve Avenue as hereinafter described. That by said Resolution the Council set Monday, the 26th day of September, 1983, at 7:45 o'clock p.m. in the Council Chambers in the City Hall of Camas, Washington, as the time and place for a public hearing on said Resolution. Pursuant to said Resolution, City Clerk caused notices to be posted and mailed in accordance with the requirements of the law. At the time and place set for said hearing, no person appeared and objected to said vacation.

Section II

The following described portion of N.E. Twelfth Avenue of the City of Camas be, and the same is hereby vacated, subject to the reserved easements for sanitary sewer purposes as hereinafter described:

County of Clark, State of Washington:

Beginning at the Southwest corner of Lot 1, Block 15, Plat of Cowan's Addition to Camas, Washington, according to the plat thereof recorded in Book "D" of Plats, Page 60, records of Clark County, Washington; thence North 89°46' East 60 feet to a point in the North right-of-way line of Columbia Street; thence North 49°12' East 184.37 feet to a point in North right-of-way line of Columbia Street and in the West right-of-way line of N.E. Dallas Street; thence South 0°12' East 84.53 feet along an extension of the West right-of-way line of N.E. Dallas Street to a point in the South right-of-way line of Columbia Street; thence South 49°55' West 260.64 feet to a point in the West right-of-way of N.E. Birch Street extended; thence North 0°12' West 131.65 feet along said extension to the point of beginning.

Section III

Said vacation is made subject to the City of Camas, its successors or assigns, retaining and reserving an easement over, along, under, and across the following described portion of said street right-of-way to be vacated:

County of Clark, State of Washington:

The South 30 feet of the following described tract:

Beginning at the Southwest corner of Lot 1, Block 15, Plat of Cowan's Addition to Camas, Washington, according to the plat thereof recorded in Book "D" of Plats, Page 60, records of Clark County, Washington; thence North 89°46' East 60 feet to a point in the North right-of-way line of Columbia Street; thence North 49°12' East 184.37 feet to a point in North right-of-way line of Columbia Street and in the West right-of-way line of N.E. Dallas Street; thence South 0°12' East 84.53 feet along an extension of the West right-of-way line of N.E. Dallas Street to a point in the South right-of-way line of Columbia Street; thence South 49°55' West 260.64 feet to a point in the West right-of-way line of N.E. Birch Street extended; thence North 0°12' West 131.65 feet along said extension to the point of beginning.

Said easement shall be for the operation, maintenance, repair and replacement of sewer pipelines, and/or any other line of pipe necessary for and in the operation of the City's services and utilities, together with the right of the officers, employees, agents or assigns, of the City of Camas to enter in or upon said right-of-way at any reasonable time to inspect, repair, construct or reconstruct said line of pipes or other service facilities.

#### Section IV

Said vacation is made subject to the following terms and conditions:

A. The abutting property owners shall not construct any improvements upon or in those vacated portions of N.E. Twelfth Avenue which will injure or damage the utilities of the City of Camas located therein, and said abutting property owners shall be liable to the City of Camas for any and all damage to said such utility facilities resulting from the construction, maintenance, or in the use of any improvement placed thereon. In the event the construction and maintenance of improvements thereon shall cause additional cost or expense to the City of Camas in the construction, operation, maintenance, repair, or replacement of any utility located within the reserved right-of-way, the abutting property owner maintaining and using said improvement shall be liable to the City of Camas for such additional cost and expense whenever the same is incurred; it being agreed that said additional costs and expenses are defined as those costs and expenses in excess of those which would have been incurred had the abutting property owner not constructed structures or other facilities on the reserved area.

B. In the event the abutting property owner shall change the elevation or surface of the area reserved by use for the City of Camas,

the additional expense of exposing said lines of sewer pipe when excavation is necessary, shall be borne by the abutting property owner together with the expense of clearing such area as is necessary to expose said ground.

C. The abutting property owner agrees that so long as the City of Camas shall operate and maintain a sewer line in the reserved easement heretofore described, the City of Camas, its officials, employees, agents, and licensees shall have the right to enter and go on and over the abutting real property for the purpose of operating, maintaining, repairing, or replacing said sewer lines of pipe; provided however, the City of Camas shall save the abutting property owner free and harmless from any liability resulting in injury to any person or damage to any property while maintaining or repairing said sewer line.

Section V

The abutting property owners shall pay to the City of Camas the expense of publishing this Ordinance and the fees for recording a certified copy thereof.

Section VI

The construction of improvements upon or in the vacated streets as described in Section II hereof shall be deemed acceptance by the abutting property owner, its successors, or assigns, of the terms and conditions of this Ordinance.

Section VII

This Ordinance shall take effect and be in force five (5) days from and after its publication according to law. Prior to publishing this Ordinance, the Clerk shall have received in his office sufficient sums to pay the expenses of publishing this Ordinance and the fees for recording a certified copy.

PASSED by the Council and APPROVED by the Mayor this 26 day of September, 1983.

SIGNED: *Donald C. Anderson*  
Mayor

ATTEST: *Paul E. Vashney*  
Clerk

APPROVED as to form:  
*Stephen J. Meyer*  
City Attorney



ACCURACY. CLARK COUNTY EXPRESSLY DISCLAIMS ANY LIABILITY FOR ANY INACCURACIES WHICH MAY BE PRESENT IN THIS MAP. USERS OF THIS MAP SHOULD THEMSELVES CHECK A REPUTABLE SOURCE FOR ACCURACY BEFORE RELYING THEREON.

CLARK COUNTY  
WASHINGTON

SECTION 11 T. 1 N. R. 2 E. W. 1 M.

SD-117, FD-CITY, CD-1, PD-CAMAS

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Section II

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Section III

Said vacation is made subject to the City of Camas, its successors or assigns, retaining and reserving an easement over, along, under, and across the following described portion of said street right-of-way to be vacated:

County of Clark, State of Washington:

The South 30 feet of the following described tract:

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Said easement shall be for the operation, maintenance, repair and replacement of sewer pipelines, and/or any other line of pipe necessary for and in the operation of the City's services and utilities, together with the right of the officers, employees, agents or assigns, of the City of Camas to enter in or upon said right-of-way at any reasonable time to inspect, repair, construct or reconstruct said line of pipes or other service facilities.

#### Section IV

Said vacation is made subject to the following terms and conditions:

A. The abutting property owners shall not construct any improvements upon or in those vacated portions of N.E. Twelfth Avenue which will injure or damage the utilities of the City of Camas located therein, and said abutting property owners shall be liable to the City of Camas for any and all damage to said such utility facilities resulting from the construction, maintenance, or in the use of any improvement placed thereon. In the event the construction and maintenance of improvements thereon shall cause additional cost or expense to the City of Camas in the construction, operation, maintenance, repair, or replacement of any utility located within the reserved right-of-way, the abutting property owner maintaining and using said improvement shall be liable to the City of Camas for such additional cost and expense whenever the same is incurred; it being agreed that said additional costs and expenses are defined as those costs and expenses in excess of those which would have been incurred had the abutting property owner not constructed structures or other facilities on the reserved area.

B. In the event the abutting property owner shall change the elevation or surface of the area reserved by use for the City of Camas,

the additional expense of exposing said lines of sewer pipe when excavation is necessary, shall be borne by the abutting property owner together with the expense of clearing such area as is necessary to expose said ground.

C. The abutting property owner agrees that so long as the City of Camas shall operate and maintain a sewer line in the reserved easement heretofore described, the City of Camas, its officials, employees, agents, and licensees shall have the right to enter and go on and over the abutting real property for the purpose of operating, maintaining, repairing, or replacing said sewer lines of pipe; provided however, the City of Camas shall save the abutting property owner free and harmless from any liability resulting in injury to any person or damage to any property while maintaining or repairing said sewer line.

Section V

The abutting property owners shall pay to the City of Camas the expense of publishing this Ordinance and the fees for recording a certified copy thereof.

Section VI

The construction of improvements upon or in the vacated streets as described in Section II hereof shall be deemed acceptance by the abutting property owner, its successors, or assigns, of the terms and conditions of this Ordinance.

Section VII

This Ordinance shall take effect and be in force five (5) days from and after its publication according to law. Prior to publishing this Ordinance, the Clerk shall have received in his office sufficient sums to pay the expenses of publishing this Ordinance and the fees for recording a certified copy.

PASSED by the Council and APPROVED by the Mayor this 26 day of September, 1983.

SIGNED: *Donald Gustafson*  
Mayor

ATTEST: *Dale E. Vabry*  
Clerk

APPROVED as to form:

*Gregory Thompson*  
City Attorney

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SIGNED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

Clerk

APPROVED as to form:

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City Attorney