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ORDINANCE NO. 547

AN ORDINANCE OF THE CITY OF GOLD BAR, WASHINGTON, VACATING A PORTION OF WHITEMAN ROAD, WHICH PROVIDES PUBLIC ACCESS TO THE WALLACE RIVER, AND ADOPTING A PLAN THAT SUBSTITUTES FOR THE LOSS OF PUBLIC ACCESS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, Whiteman Road, an undeveloped right of way, currently traverses the Wallace River at an area generally northeast of the intersection of 1<sup>st</sup> St. and May Creek Road; and

WHEREAS, a portion of this undeveloped right of way traverses a currently existing home; and

WHEREAS, the owner of the home would like to vacate the right of way that goes through the home, in order to acquire marketable title for the home; and

WHEREAS, since the right of way provides public access to the Wallace River, RCW 35.79.035 does not allow for its vacation, except under limited circumstances, such as when the vacation implements a plan that provides comparable or better access to the Wallace River, and

WHEREAS, in order to comply with RCW 35.70.035, the owner of the home is willing to dedicate access to the Wallace River that is better than the access currently provided by Whiteman Road; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GOLD BAR, WASHINGTON, DO  
ORDAIN AS FOLLOWS

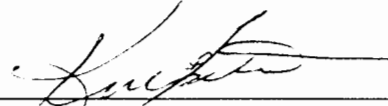
Section 1. Vacation. A portion of Whiteman Road, as generally identified in Exhibit A, attached hereto and incorporated by this reference, is hereby vacated subject to the conditions set forth herein. The vacated portion is legally described in Exhibit B, attached hereto and incorporated by this reference.

Section 2. Access Plan. Exhibit C, attached hereto and incorporated by this reference, depicts a proposed access plan to the Wallace River, The City Council finds that this access plan provides access that is superior to that presently provided by Whiteman Road, since it provides for wider access along the River and is also more accessible to the public by being located adjacent to currently developed right of way (1<sup>st</sup> Ave.). In order to implement this plan, the vacation requested for the area depicted in Exhibit A shall be contingent upon the dedication to the City of the property depicted in Exhibit C, for purposes of public access and recreation. The property subject to dedication is legally described in Exhibit D, attached hereto and incorporated by this reference as if set forth in full. Since the dedicated property exceeds the size of the property proposed to be vacated and includes more shoreline, the exchange satisfies RCW 35.70.035(3), which requires that the applicant pay the fair market value of the proposed vacation area prior to vacation.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. The City Clerk shall not publish this ordinance until the dedication legally described in

Exhibit D has been executed.

APPROVED:



MAYOR, KEN FOSTER

ATTEST/AUTHENTICATED:



CITY CLERK, HESTER IHRIG

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY  \_\_\_\_\_  
PHIL OLBRECHTS

FILED WITH THE CITY CLERK: 5/1/01  
PASSED BY THE CITY COUNCIL: 5/15/01  
PUBLISHED: June 22 2001 6/2/01  
EFFECTIVE DATE: June 22 2001 6/7/01  
ORDINANCE NO. 547

5/1/01 1<sup>st</sup> Rdy  
5/15/01 2<sup>nd</sup> Rdy